

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Joint Application of)
Great Plains Energy Incorporated, Kansas)
City Power & Light Company and Westar) Docket No.: 16-KCPE-593-ACQ
Energy, Inc. for Approval of the Acquisition)
of Westar Energy, Inc. by Great Plains Energy)
Incorporated.)

KANSAS POWER POOLS ("KPP") RESPONSIVE BRIEF
TO THE JOINT APPLICANTS' REPLY BRIEF

COMES NOW The Kansas Power Pool ("KPP"), a municipal energy agency, and files its Brief in support of its positions taken in the above-captioned docket and in opposition to particular portions of the Joint Applicants' Reply Brief.

Counsel specifically adopts and affirms the previous Brief filed in this matter on the 13th day of March, 2017, at approximately 3:32 p.m. and requests the Commission consider this Brief as well and accept the same despite the Procedural Schedule in this matter.

Counsel alleges and states as follows:

1. The record in this proceeding is quite clear. On the 16th day of December, 2016, KPP filed its Direct Pre-Filed Testimony and Exhibits for Larry W. Holloway, its witness.

2. Mr. Holloway's Testimony and Exhibits reflected twelve (12) particular points which KPP wished to stress to the Commission and which KPP felt were essential to a fair and acceptable resolution of individual issues which KPP possessed as a customer of Westar and, in particular, as a transmission customer.

3. The record as reflected in the original Brief of KPP reflects that Mr. Holloway's Testimony was admitted into the record without cross-examination or Motion to Strike.

4. As was thoroughly explained and argued before this Commission in these hearings, the Commission has wide latitude to make examinations and findings in merger and/or acquisition cases particularly in the area of public interest. The Commission should be particularly careful in its review of this matter when it comes to "public interest".

5. Rather than explaining through Testimony with the ability to cross-examine witnesses regarding these issues, Joint Applicants wait until Briefing to contend that most of the issues raised by KPP are not jurisdictional or jurisdictional only to FERC.

6. KPP submits that the "public interest" will be best served by a full and complete examination of the twelve (12) issues which went unopposed until Joint Applicants' final brief.

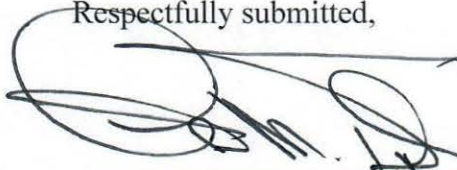
7. Of primary importance is point number 1, attached for easy reference to the Brief filed by KPP on the 13th day of March, 2017. That point regarding our purchase of power from the Jeffrey Energy Center was, "1. Westar meets its obligations under the creditworthiness provisions of the KPP/Westar Jeffrey Energy Center Participation Agreement". KPP would point out that this is not only a commitment in a Power Purchase Contract regulated by FERC but a contract executed and signed in the state of Kansas affecting two public utilities that are jurisdictional to the KCC and a facility which is also located in Kansas. Certainly, the Commission has the authority under the public interest standard to review whether provisions of this Contract are being

performed or not performed and the authority to condition approval of this acquisition upon acceptance of a condition that this provision will be honored.

8. The Commission's decision in this docket is critical to the state of Kansas, its citizens, Westar's rate payers, and parties who do business with them.

We respectfully request that the Commission fully consider the twelve points raised by KPP as set out in Appendix "A".

Respectfully submitted,

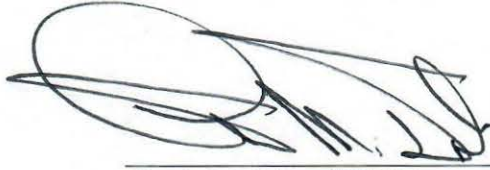


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CERTIFICATE OF SERVICE

I, Curtis M. Irby, hereby certify that on the SA day of April, 2017, a true and correct copy of the above and foregoing the Kansas Power Pool's ("KPP") Responsive Brief to the Joint Applicant's Reply Brief has been served electronically upon all the parties on the Commission's electronic service list, a copy of which is attached hereto.

Respectfully submitted,



Curtis M. Irby, #07274
Attorney for the Kansas Power Pool

APPENDIX "A"

KPP's summarized conditions to approval of the GPE acquisition points 1-12 of Mr. Holloway's Testimony filed in this docket:

1. Westar meets its obligations under the creditworthiness provisions of the KPP/Westar Jeffrey Energy Center participation agreement;
2. Westar continue classification of its 34.5 kV facilities as transmission facilities under the SPP OATT;
3. Require Joint Applicants to meet with transmission dependent utilities on Westar's system, specifically municipal electric utilities and cooperatives, and develop a 10-year plan for improvements on Westar's 34.5 and 69 kV system;
4. GPE (or Westar) to continue Westar's efforts to remove the import limits from KPP's NITSA;
5. Require GPE and its affiliates to meet their 06-202 commitments regarding Kansas municipal's ownership of transmission;
6. Wholesale Distribution Service for Westar transmission customers following the Acquisition will have lower or equal carrying charges in the future and that the same method should be used to allocate wholesale distribution costs;
7. Require the acquired Westar to continue to work with municipal electric utilities that desire to purchase the local Westar distribution substations serving those communities;
8. Require that Westar (or GPE) continue to work with Kansas communities involved in the transfer of retail service or franchise agreements;
9. Require Westar (or GPE) to continue Westar's current MAA service without charge;
10. Require Westar (or GPE) to continue Westar transmission annual joint planning meetings;
11. Require Westar (or GPE) to maintain its ability to provide services under the Dogwood EMA; and
12. Westar (or GPE) should not abandon Westar's 777 West Central, Wichita, Kansas data facility.

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Last modified Mar 13, 2017

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