

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

MAY 22 2009

In the Matter of Westar Energy, Inc. and )  
Kansas Gas and Electric Company (KGE) )  
d/b/a Westar Energy Seeking Commission )  
Approval to Revise its Environmental Cost )  
Recovery (ECRR) Tariff. )

Docket No. 09-WSEE-737-TAR

 Docket  
Room

**Response of Westar Energy, Inc. and Kansas Gas and Electric Company to  
Comments of the Citizens' Utility Ratepayer Board**

COME NOW Westar Energy, Inc. and Kansas Gas and Electric Company, (collectively, Westar), and file their response to the Comments of the Citizens' Utility Ratepayer Board (CURB) filed in this matter on May 18, 2009. Westar respectfully states as follows:

1. On May 18, 2009, CURB filed its Comments in this matter. CURB's Comments were filed four days earlier than required by the Commission's Order granting it an extension to file until May 22, 2009. Westar appreciates CURB's diligence and expedition in making its filing earlier than required.

2. In its Comments, CURB did not recommend any adjustment to the ECRR surcharges quantified in Staff's Report and Recommendation. CURB Comments, at 3-4. Westar also agrees that the surcharges recommended by Staff are proper. The Commission should therefore issue its order approving the ECRR surcharges as recommended by Staff.

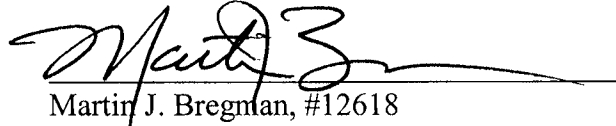
3. Although CURB did not contest Staff's quantification of the ECRR surcharges, it did propose changes to the ECRR process. Generally, CURB's recommendations were meant to provide additional notice to Westar's customers concerning proposed environmental projects and to provide CURB and other interested parties greater and earlier access to information concerning proposed projects.

4. Although there are practical considerations that must be addressed in connection with making changes in the ECRR process, Westar has no objection to the concepts behind CURB's notice proposals. In fact, a central purpose of the ECRR is to provide notice to the Commission and Westar's customers concerning proposed environmental projects and their associated costs. Westar is certainly open to changes to the process to provide additional notice and transparency concerning its environmental programs and expenditures. Accordingly, Westar suggests that such changes be developed through a collaborative process among the interested parties to develop a joint recommendation to the Commission. Westar, therefore, proposes that the Commission defer CURB's suggestions and direct Staff, CURB, Westar and any other interested parties to meet and provide a proposal no later than 60 days after the issuance of the order in this docket.

5. As indicated above, Westar supports a collaborative process to review the notice issues raised by CURB in its comments. Overall, however, the ECRR process established by the Commission has been effective. Each year since the implementation of Westar's ECRR, Staff has conducted a thorough and extensive review of Westar's ECRR filing and made recommendations regarding the adjustments it believed were necessary, enabling the Commission to issue an order approving the ECRR and ensure that the resulting rates were just and reasonable.

WHEREFORE, Westar requests that the Commission accept the Staff's Report, approve the ECRR surcharges as recommended by Staff, direct Staff, CURB and Westar to meet and provide a proposal for modifications to the ECRR process within 60 days of the order in this proceeding and grant other relief as may be appropriate.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Martin J. Bregman", with a long horizontal flourish extending to the right.


Martin J. Bregman, #12618  
Executive Director, Law  
Cathryn J. Dinges, #20848  
Corporate Counsel  
WESTAR ENERGY, INC.  
818 Kansas Avenue  
Topeka, Kansas 66612  
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(785) 575-8136; Fax

ATTORNEYS FOR  
WESTAR ENERGY, INC. AND  
KANSAS GAS AND ELECTRIC COMPANY

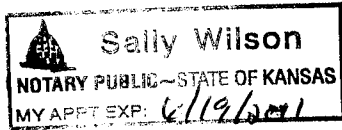
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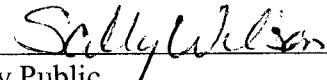
STATE OF KANSAS )  
 )  
COUNTY OF SHAWNEE ) ss:

Martin J. Bregman, being duly sworn upon his oath deposes and says that he is one of the attorneys for Westar Energy, Inc. and Kansas Gas and Electric Company; that he is familiar with the **Response of Westar Energy, Inc. and Kansas Gas and Electric Company to Comments of the Citizens' Utility Ratepayer Board** and that the statements therein are true and correct to the best of his knowledge and belief.

  
\_\_\_\_\_  
Martin J. Bregman

SUBSCRIBED AND SWORN to before me this 22<sup>nd</sup> day of May, 2009.



  
\_\_\_\_\_  
Notary Public

My Appointment Expires:

6/19/2011

CERTIFICATE OF SERVICE


I hereby certify that on this 22<sup>nd</sup> day of May, 2009, the original and eight copies of the **Response of Westar Energy, Inc. and Kansas Gas and Electric Company to Comments of the Citizens' Utility Ratepayer Board** were hand-delivered to:

Susan K. Duffy  
Executive Director  
KANSAS CORPORATION COMMISSION  
1500 SW Arrowhead Road  
Topeka, Kansas 66604

and that one copy was mailed, postage prepaid, addressed to each of the parties or counsel of record on the attached list.

Dana Bradbury, Litigation Counsel  
Kansas Corporate Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Niki Christopher  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

  
\_\_\_\_\_  
Martin J. Bregman



MARTIN J. BREGMAN  
Executive Director, Law

May 22, 2009

STATE CORPORATION COMMISSION

Susan K. Duffy  
Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604

MAY 22 2009

 Docket  
Room

Re: In the Matter of the Investigation of Westar Energy, Inc., and Kansas Gas and Electric Company (KGE) d/b/a Westar Energy Seeking Commission Approval to Revise its Environmental Cost Recovery (ECRR) Tariff, Docket No. 09-WSEE-737-TAR

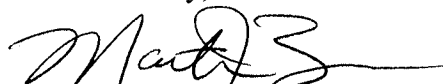
Dear Ms. Duffy:

Enclosed please find the original and eight (8) copies of the **Response of Westar Energy, Inc. and Kansas Gas and Electric Company to Comments of the Citizens' Utility Ratepayer Board.**

Please file stamp one copy for my files.

Thank you for your assistance.

Sincerely,

  
Martin J. Bregman

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cc: Service List