#### THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:

Dwight D. Keen, Chair Shari Feist Albrecht Susan K. Duffy

In the Matter of the Application of Kansas Gas ) and Electric Company for Approval of an ) Energy Supply Agreement between Kansas ) Gas and Electric Company and Spirit ) AeroSystems, Inc.

Docket No. 20-KG&E-112-CON

#### **SUSPENSION ORDER: MAY 4, 2020**

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NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On August 13, 2019, Kansas Gas & Electric Company, d/b/a Westar Energy (Westar) filed a Joint Application with Spirit AeroSystems, Inc. (Spirit) for an order approving the Energy Supply Agreement between Westar and Spirit.<sup>1</sup> The Agreement is for a ten-year term and helps address the risk that Spirit would otherwise relocate significant portions of its operations to areas outside of Kansas because, according to the Joint Application, its Wichita location is currently at a price disadvantage compared to its other locations.<sup>2</sup>

2. K.S.A. 66-117(c) states in part: "The commission shall not delay the effective date of the proposed change in rate, joint rate, toll, charge or classification or schedule of charges, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or common carrier, more than 240 days beyond the date the public utility or common carrier filed its application requesting the proposed change. If the Commission does not suspend the proposed

<sup>&</sup>lt;sup>1</sup> Application of KG&E at 1 (Sep. 9, 2019) (Application).

 $<sup>^{2}</sup>$  Id.

schedule within 30 days of the date the same is filed by the public utility or common carrier, such proposed schedule shall be deemed approved by the commission and shall take effect on the proposed effective date."

3. A full investigation of the proposed tariff revision, which may result in a hearing, is deemed necessary and proper. Absent suspension of this docket, Commission Staff is without sufficient time to fully review, consider, and analyze whether the requested contract should be approved.

4. The Commission finds and concludes that suspension of any potential effectiveness of the Agreement between Westar and Spirit is required to allow sufficient time for full investigation of this matter. The effective date of the rates and/or terms proposed shall be suspended for a period not to exceed 240 days from the date the application was made, September 9, 2019, until May 4, 2020. Because the 240 day clock here ends on a Sunday, the suspension period will run until the end of the next day that is not a weekend or holiday.<sup>3</sup> A Commission decision may be issued before such date.

### IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Any decision regarding Westar and Spirit's Agreement shall be deferred untilMay 4, 2020. The Commission may issue a decision before such date.

B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

<sup>&</sup>lt;sup>3</sup> K.A.R. 82-1-217.

# BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 09/17/2019

Lynn M. Ref

Lynn M. Retz Executive Director

CRM

## **CERTIFICATE OF SERVICE**

20-KG&E-112-CON

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

electronic service on 09/17/2019

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