

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Application of Westar)
Energy, Inc. and Kansas Gas and Electric)
Company for Approval of a Revision to Their)
Project Deserve Program)

Docket No. 15-WSEE-182-MIS

ORDER GRANTING APPLICATION

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records and being fully advised in the premises, the Commission finds and concludes as follows:

I. BACKGROUND

1. Westar is a corporation duly organized under the laws of the State of Kansas that engages in, among other things, the business of electric public utilities as defined by K.S.A. 66-104.¹ Westar holds certificates of convenience and authority issued by this Commission authorizing it to engage in such utility business practices.²

2. On October 27, 2014, Westar Energy, Inc. and Kansas Gas and Electric Company (Westar) filed an Application with the Kansas Corporation Commission requesting the Commission approve its proposed revisions to the Project Deserve program.³

3. On October 28, 2014, the Citizens' Utility Ratepayer Board (CURB) filed its Petition to Intervene, citing its statutory authority to represent residential and small commercial

¹ See Application for Westar Energy, Inc. and Kansas Gas and Electric Company, p. 1, (Application) (Oct. 27, 2014).

² See *id.*

³ *Id.* at p. 4.

ratepayers.⁴ CURB explains that the rates paid and services received by residential and small commercial ratepayers under Westar's proposed revisions to the Project Deserve program may be substantially affected by any Commission Order or activity in this proceeding.⁵

4. On November 13, 2014, the Commission granted CURB's Petition to Intervene.⁶

5. On December 4, 2014, the Commission issued a Protective and Discovery Order in this docket.⁷

6. On December 10, 2014, Commission Staff (Staff) filed their Report and Recommendation (R&R) analyzing and recommending approval of Westar's Application.⁸

7. Staff's R&R dated December 4, 2014, and filed in this docket on December 10, 2014, is hereby adopted and incorporated by reference.

8. On December 10, 2014, CURB filed a Response to Staff's Report and Recommendation that concurred with Staff's recommendation and proposed conditions for approval of Westar's revisions to the Administrator of its Project Deserve program.⁹

II. ANALYSIS

9. The Commission has previously issued orders on Westar's Project Deserve program. In Docket No. 127,141-U and Docket No. 99-GIMG-068-GIG, the Commission specifically directed that the Project Deserve program be administered by a local chapter of the American Red Cross.¹⁰

⁴ Petition to Intervene, ¶¶ 3-4 (Oct. 28, 2014).

⁵ *Id.* at ¶ 5.

⁶ Order Granting CURB's Petition to Intervene, p. 2-3 (Nov. 13, 2014).

⁷ CURB's Motion for Protective Order & Discovery Order, pp. 1-2 (Nov. 14, 2014).

⁸ Staff's Report and Recommendation, p. 2 (Dec. 10, 2014). Specifically, Staff recommends "that Westar be allowed to choose the 501(c)(3) non-profit Administrator of its Project Deserve program, without Commission Approval." *Id.*

⁹ CURB's Response to Staff's Report and Recommendation, p. 1 (Dec. 10, 2014).

¹⁰ See Order: 1) Approving Disposition of Funds Accrued under the Clinch River Breeder Reactor Program; and 2) Ordering KG&E and Empire to Provide to This Commission Annual Reports Provided to Them by Their Respective

10. The American Red Cross recently informed Westar that it wishes to cease its role as Administrator of the Project Deserve program.¹¹

11. Westar requests that the Commission allow it to utilize a different non-profit organization to administer the Project Deserve program.¹² Likewise, Westar requests to be able to select a new organization to administer the program at any time, and without Commission approval.¹³

12. Westar has stated that it will “ensure that the organization selected [to operate the Project Deserve program] is a qualified 501(c)(3) not for profit corporation, has sufficient experience in administering [similar programs], and signs an operating agreement that clearly states the purpose of the program and the restrictions on the use of the available funds.”¹⁴

13. Westar will provide notice to the Commission any time it chooses to change the organization that is administering the Project Deserve program.¹⁵

14. Westar has proposed that Center of Hope, Inc. of Wichita, Kansas, serve as Administrator of the Project Deserve program should this Commission approve Westar’s request.¹⁶

15. Staff has reviewed Westar’s Application and proposed modifications to the administration of the Project Deserve program, and finds them to be reasonable.¹⁷

Trust Programs, pp. 2-3, Docket No. 127-141-U (Sept. 24, 1984); Order No. 34, pp. 5-6, Docket No. 99-GIMG-068-GIG (Jan. 29, 2004).

¹¹ See Staff’s Report and Recommendation, p. 1; *see also* Application at p. 3.

¹² See Application at p. 3.

¹³ See *id.*

¹⁴ See *id.*

¹⁵ *Id.*

¹⁶ Staff’s Report and Recommendation, pp. 1-2 (Dec. 10, 2014).

¹⁷ *Id.* at p. 2.

III. FINDINGS AND CONCLUSIONS

16. Upon review of the record as a whole, the Commission concludes Staff's findings and recommendations are reasonable and hereby adopts the same.

17. The Commission finds that Westar's proposed changes to the Project Deserve program are reasonable, and therefore finds they should be implemented.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Westar's Application for approval of a revision to their Project Deserve program is hereby granted.

B. Any provisions previously contained in Commission Dockets 127,141-U and 99-GIMG-068-GIG not explicitly modified by this or any preceding order shall remain in full force and effect.

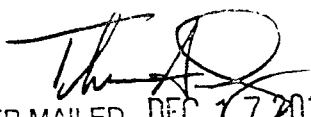
C. The Parties have 15 days, plus three days if service is by mail, from the date of service of this Order in which to petition the Commission for reconsideration.¹⁸

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: DEC 16 2014


ORDER MAILED DEC 17 2014

Thomas A. Day
Acting Executive Director

REV

¹⁸ K.S.A. 2014 Supp. §§ 66-1,118b; 77-529(a)(1).

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
NIKI CHRISTOPHER, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 ***Hand Delivered***		
DELLA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 ***Hand Delivered***		
SHONDA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 ***Hand Delivered***		
DAVID SPRINGE, CONSUMER COUNSEL CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 ***Hand Delivered***		
ROBERT VINCENT, LITIGATION ATTORNEY KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
JEFFREY L. MARTIN, VICE PRESIDENT, REGULATORY AFFAIRS KANSAS GAS & ELECTRIC CO. D/B/A WESTAR ENERGY 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889		
CATHRYN J. DINGES, CORPORATE COUNSEL WESTAR ENERGY, INC. 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889		

ORDER MAILED **DEC 17 2014**

The Docket Room hereby certified that on this _____ day of _____, 20____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.