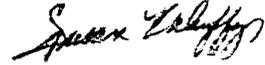


THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

STATE CORPORATION COMMISSION

Before Commissioners: Thomas E. Wright, Chairman
Michael C. Moffet
Joseph F. Harkins

JUL 20 2009

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

JOINT PROPOSAL FOR REVISIONS OF ECRR PROCEDURE

Pursuant to the June 1, 2009, order issued by the Kansas Corporation Commission in the above-captioned docket, Westar Energy, Inc., Kansas Gas and Electric Company (jointly, Westar), the Citizens' Utility Ratepayer Board (CURB) and the Staff of the Kansas Corporation Commission (Staff) (Westar, CURB and Staff collectively referred to as "Parties") jointly submit their proposal for revisions of Commission procedure for future Environmental Cost Recovery Rider (ECRR) filings made by Westar.

I. Options that would provide CURB more timely access to information

1. Representatives of Westar, CURB and Staff met to discuss CURB's concerns about gaining timely access to the information Westar provides to Staff in support of its ECRR filings, including the report provided to Staff six months in advance of the company's annual ECRR filing. The Parties considered three options that would provide CURB access to the information, while providing Westar the assurance that CURB is obligated to protect confidential information:

Option 1) Open a continuing docket in which Westar would make annual ECRR

filings.¹ The docket would remain open indefinitely, or so long as the ECRR tariff is effective. A standard protective order and discovery order would be issued that would govern discovery from that point forward, so long as the docket is open. CURB, after executing the required nondisclosure certificate agreeing to abide by the terms and conditions of the protective order, would then have the same access to confidential data and reports as the Commission Staff. This would provide CURB the time to engage a consultant, if necessary, and time to conduct discovery if CURB has questions about the information provided.

Option 2) Open a new ECRR docket as soon as the Commission issues its final order on Westar's current ECRR filing. Again, a protective order and a discovery order would be issued, which would serve the same purposes as described above in Option 1. This would provide CURB year-round access to ECRR information provided by Westar, as well as year-round protection of Westar's confidential information.

Option 3) Maintain the current practice of opening a new docket and issuing standard protective and discovery orders when Westar makes an annual ECRR filing, and closing the docket after the final order is issued. During the period when a docket is not open, Westar and CURB would execute a bilateral protective and discovery agreement in which Westar would agree to provide CURB access to the information filed with Staff throughout the year, CURB would agree to protect Westar's confidential information, and Westar and CURB would agree to specified discovery procedures.

2. The Parties prefer Option 1. However, the Parties jointly agree that any of

¹ Dockets which remain open indefinitely have been in common use at the KCC for quality of service filings, energy cost adjustments (ECA) and various other compliance filings that are made on a recurring basis.

the three options described above would address CURB's and Westar's concerns, and would not object to the Commission's adoption of any of these three options.

II. Timely notice to customers of proposed ECRR increase

1. The Parties have also discussed CURB's concern that customers should receive advance notice of ECRR increases, especially given the magnitude of some of the increases. In discussions, Westar and Staff agreed with CURB that some sort of customer notice should be given. CURB initially proposed that Westar provide notice of the increase approved by the Commission at least thirty days before the increase takes effect. However, Westar noted that the short time frame of the docket would not permit Westar to give thirty days' notice of the approved increase in monthly bills during the normal billing cycle. To give notice of the actual amount approved thirty days prior to the approved surcharge becoming effective would require making a separate mailing at a cost of roughly \$300,000. The Parties agreed that it should not be necessary to incur major additional costs to provide notice to customers.

2. The Parties propose instead that the Commission require Westar to provide notice to customers of the requested increase (as opposed to the approved increase) in customer bills, beginning with the first billing cycle following the company's filing. Additionally, the Parties propose that Westar include information informing customers of the estimated impact on a typical residential bill, and provide contact information for residential and small commercial customers who may have further questions about the potential impact of the increase on their households or businesses. Finally, Westar should include the due date of the Commission's final decision and the effective date of the proposed increase.

3. The Parties also agreed that it is not necessary for the Commission to order the Parties to conduct a conference call within two weeks of the company's ECRR filing, as CURB initially suggested. If the Commission adopts one of the Parties' proposed options concerning procedure in ECRR dockets, and the Parties' proposal to give notice to customers, the Parties would be satisfied that any concerns that arise during discovery can be worked out among the Parties on an *ad hoc* basis.

4. Therefore, Westar, CURB and the Commission Staff jointly recommend to the Commission that it adopt one of the three options they have proposed for revising Commission procedure to provide CURB more timely access to ECRR data and reports provided to Staff, and recommend that the Commission adopt their proposal for providing notice to customers of the proposed ECRR increase.

Respectfully submitted,



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CERTIFICATE OF SERVICE

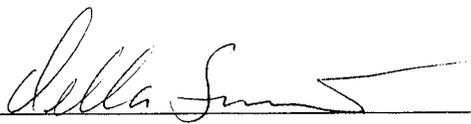
09-WSEE-737-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was placed in the United States mail, postage prepaid, or hand-delivered this 17th day of July, 2009, to the following:

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