

**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 Joint Application of                     )  
Westar Energy, Inc. and Kansas Gas and                     )  
Electric Company for Amendment of the                     )         Docket No. 19-WSEE-474-TAR  
Grandfathering Dates in their RS-DG and                     )  
RS Tariffs.   )

**ORDER DENYING CURB'S MOTION TO FILE REPLY OUT OF TIME**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the file and records, the Commission finds:

1. On May 17, 2019, Westar Energy, Inc. and Kansas Gas and Electric Company (Westar) filed a Joint Application for Amendment of Grandfathering Dates in RS-DG Tariffs.<sup>1</sup>
2. On May 30, 2019, the Commission granted intervention to the Citizens' Utility Ratepayer Board (CURB).<sup>2</sup>
3. On June 17, 2019, Commission Staff (Staff) filed its Report and Recommendation, recommending: (1) allowing Westar to move the grandfathering date for the RS-DG tariff from October 28, 2015, to October 1, 2018; (2) having Westar send billing information, calculated under both the RS-DG and the RS rate designs to RS-DG customers eligible to be grandfathered, so they can compare the effect of the different rate designs on their electric bill; (3) directing Westar to advise its RS-DG customers on how they can control their demand; and (4) allowing any Westar

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<sup>1</sup> Joint Application for Amendment of Grandfathering Dates in RS-DG Tariffs, May 17, 2019.

<sup>2</sup> Order Granting The Citizens' Utility Ratepayer Board's Petition to Intervene; Suspension Order; Protective Order; and Discovery Order, May 30, 2019, ¶ 4.

RS-DG customers who want to remain on the RS-DG rate design the option to make that election by October 1, 2019.<sup>3</sup>

4. On July 2, 2019, CURB filed its Notice of Filing of CURB’s Reply to Staff’s Report and Recommendation and Motion to File Reply Out of Time. CURB purported to file a Reply to Staff’s Report and Recommendation, but rather than file a Reply, the pleading is styled as a Report and Recommendation. CURB’s purported Reply does not comport with the requirements of K.A.R. 82-1-219, which provides in relevant part:

...each pleading shall contain the formal parts and meet the requirements specified in this regulation.

(a) Caption. The caption of a pleading shall include the heading, the descriptive title of the docket, and the docket number assigned to the matter by the executive director of the commission.

(1) Heading. Each pleading shall contain the heading “BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS” which shall be centered at the top of the first page of the pleading.

(2) Descriptive title. Immediately beneath the heading, and to the left of the center of the page, shall be the descriptive title of the docket. This title shall begin with the words “In the matter of” and shall be followed by a concise statement of the matter presented to the commission for its determination, including, if appropriate, a brief description of the order, authorization, permission, or certificate sought by the party initiating the docket. The name of the party initiating the docket and the names of all other parties to whom the initial pleading is directed shall be stated in the descriptive title, followed by a designation of each party’s status in the proceeding. These designations shall include applicant, complainant, defendant, and respondent.

(3)(b) Pleading title. The title of the pleading shall be centered immediately beneath the caption and shall describe the pleading contained in the numbered paragraphs that follow.

(c) Numbered paragraphs. Following the title of the pleading, the pertinent allegations of fact and law, in compliance with these regulations, shall be set forth in numbered paragraphs.

(e) The prayer. The numbered paragraphs of the pleading shall be followed by the prayer, which shall be a concise and complete statement of all relief sought by the pleader. The

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<sup>3</sup> Notice of Filing Staff’s Report and Recommendation, May 17, 2019, p. 1.

prayer shall be brief, but shall be complete so that an order granting the prayer includes all of the relief desired and requested by the pleader.

5. Since CURB's pleading does not conform to the general requirements relating to pleadings, the Commission rejects the Reply to Staff's Report and Recommendation and denies CURB's Motion to File Out of Time.

**THEREFORE, THE COMMISSION ORDERS:**

A. CURB's Motion to File Out of Time is denied because its Reply does not conform to the requirements of K.A.R. 82-1-219.

B. The parties have 15 days from the date of the electronic service of this Order to petition for reconsideration.<sup>4</sup>

C. The Commission retains jurisdiction over the subject matter and the parties to enter further orders as it deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner.

Dated: 07/30/2019



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Lynn M. Retz  
Executive Director

BGF

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<sup>4</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**CERTIFICATE OF SERVICE**

19-WSEE-474-TAR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 07/30/2019.

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/S/ DeeAnn Shupe  
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