

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

Before Commissioners: Susan K. Duffy, Chair
Dwight D. Keen
Andrew J. French

In the Matter of the Joint Application of)
Westar Energy, Inc. and Kansas Gas and)
Electric Company for Approval to Make) Docket No. 18-WSEE-328-RTS
Certain Changes in their Charges for Electric)
Services.)

**ORDER SETTING PUBLIC HEARING AND ESTABLISHING
PUBLIC COMMENT PERIOD**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, the Commission finds and concludes as follows:

1. On February 1, 2018, Westar Energy, Inc. (Westar) and Kansas Gas and Electric Company (KG&E) (collectively Westar) filed a Joint Application for a rate increase of approximately \$52.6 million to cover costs prudently incurred for Westar to continue providing reliable, efficient service at a reasonable cost to customers, all in accordance with its public service obligation.¹ Westar's requested rate increase is motivated by several factors: (1) the change in the corporate tax rate implemented by the Tax Cuts and Jobs Act of 2017, which reduces Westar's revenue requirement by \$74 million;² (2) costs associated with Westar's investment in the Western Plains wind farm;³ (3) Westar's efforts to aggressively refinance debt since its most recent rate case, saving almost \$29 million annually in interest expense;⁴ and (4) increased depreciation expense.⁵

¹ Joint Application, Feb. 1, 2018, ¶¶ 1, 5.

² *Id.*, ¶ 7.

³ *Id.*, ¶ 8.

⁴ *Id.*, ¶ 9.

⁵ *Id.*, ¶ 10.

2. On September 27, 2018, the Commission issued its Order Approving Non-Unanimous Stipulation and Agreement (Order), finding in relevant part, that: (1) the expert witnesses from Westar, Staff and CURB provides substantial, competent and compelling evidence to approve the S&A's three-part rate design;⁶ (2) the evidence demonstrates that RS-DG customers' usage patterns, rather than their use of renewable energy is the basis for paying a different rate than their non-DG counterparts;⁷ and (3) RS-DG customers are not disadvantaged by any alleged difficulty in understanding or responding to the three-part RS-DG rate.⁸

3. On April 3, 2020, the Supreme Court reversed the judgment of the Court of Appeals and the Commission and remanded the matter back to the Commission for further proceedings consistent with its opinion.⁹

4. On June 16, 2020, the Commission issued its Order Setting Procedural Schedule on Rate Design, which in relevant part directs all jurisdictional electrical utilities to enter their appearance in this Docket, and set a June 30, 2020 deadline for other interested parties to request intervention.¹⁰

5. The Commission plans to hold a public hearing in this docket: November 5, 2020, beginning at 6:00 p.m. Due to the COVID-19 pandemic, the hearing will be conducted via zoom. Kansans wishing to make a public comment during the hearing should sign up in advance at <https://kcc.ks.gov/your-opinion-matters> to receive login information and time restraints for presentations. As there may be limited capacity, registration will be first come, first serve. A live video stream will also be available on the Commission's YouTube channel:

⁶ Order Approving Non-Unanimous Stipulation and Agreement, Sept. 27 2018, ¶ 51.

⁷ *Id.*, ¶ 58.

⁸ *Id.*, ¶ 60.

⁹ *In the Matter of the Joint Application of Westar Energy, Inc. and Kansas Gas and Electric Company*, 460 P.3d 821, 827 (Kan. 2020).

¹⁰ Order Setting Procedural Schedule on Rate Design, June 16, 2020, ¶ 16.

<https://www.youtube.com/channel/UC-u1euel0ovHJr-iOheuuw> featured for individuals wishing to watch, but not comment during the public hearing.

6. The Commission directs Evergy to provide notice of the public hearing and public comment period by electronic mail to those customers who receive their bill by electronic mail as well as any other customer that has provided an email address to receive notifications. The language in the notice must be approved by the prehearing officer prior to being issued. The notice shall be sent to customers at least seven (7) days prior to the public hearing. Notice shall also be published in the major newspapers in Evergy Kansas Central's territory. Evergy is also required to file an Affidavit confirming notice has been printed in newspapers, and provided by electronic mail to customers, who receive their bills by electronic mail.

7. The Commission encourages the public to submit comments concerning this Docket via online at <http://kcc.ks.gov/your-opinion-matters>, electronic mail (sent to public.affairs@kcc.ks.gov), or in writing to the Commission's Office of Public Affairs, 1500 SW Arrowhead, Topeka, KS 66604-4027. The public comment period begins immediately and ends on December 21, 2020, at 5:00 p.m. By December 30, 2020, the Commission's Public Affairs and Consumer Protection (PACP) is directed to file a report summarizing public comments received.

8. Evergy, CURB, and PACP shall make information concerning the proceeding accessible to the public through use of their websites and press releases. These parties' websites should include links and contact information to enable the public to easily identify how to contact the PACP Office to submit comments, instructions for submitting comments online, and to access filings made in the docket. To the extent practicable, parties are encouraged to include background information explaining this proceeding.

THEREFORE, THE COMMISSION ORDERS:

A. A public hearing is scheduled via zoom for November 5, 2020, beginning at 6:00 p.m.


B. Evergy is directed to provide notice of the public hearing and public comment period by electronic mail to those customers who receive their bill by electronic mail and publish notice in the major newspapers in Evergy Kansas Central's territory.

C. The public comment period begins immediately and ends on December 21, 2020, at 5:00 p.m. By December 30, 2020, PACP is directed to file a report summarizing public comments received.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 10/15/2020



Lynn M. Retz
Executive Director

BGF

CERTIFICATE OF SERVICE

18-WSEE-328-RTS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 10/15/2020.

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