

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

AUG 20 2013

In the Matter of the Application of Westar)
Energy Inc. for a Siting Permit for the)
Construction of a 345 kV Transmission)
Line in Saline and Ottawa Counties, Kansas)

Docket No. 13-WSEE-676- MIS

by
State Corporation Commission
of Kansas

NOTICE OF FILING OF JOINT PROPOSED ORDER GRANTING SITING PERMIT

Westar Energy, Inc., (Westar) and the Staff of the State Corporation Commission of the State of Kansas (Staff) hereby notify the Commission of the attached Joint Proposed Order Granting Siting Permit. This filing is based on the Commission's request that the parties collaborate and develop a proposed order in lieu of post-hearing briefs in the above-captioned docket. Although the Citizens' Utility Ratepayer Board (CURB) and the Southwest Power Pool, Inc. (SPP) are not signatories to this filing, CURB and SPP have indicated that they do not oppose the filing.

WHEREFORE, Westar Energy, Inc., and Staff respectfully submit the attached Joint Proposed Order of Westar Energy, Inc. and KCC Staff which grants Westar's Application for a siting permit.

Respectfully submitted,

/s Cathryn J. Dinges
Cathryn J. Dinges, #20848
Corporate Counsel
818 South Kansas Avenue
Topeka, Kansas 66612
(785) 575-8344; Telephone
(785) 575-8136; Fax

ATTORNEYS FOR
WESTAR ENERGY, INC.



Judy Jenkins, #23300

Litigation Counsel

Samuel Feather, #25475

Kansas Corporation Commission

1500 SW Arrowhead Road

Topeka, KS 66604

(785) 271-3119 (Telephone)

(785) 271-3167 (Fax)

ATTORNEYS FOR
COMMISSION STAFF

VERIFICATION

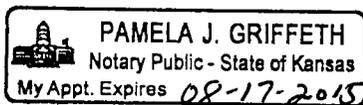
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Judy Jenkins, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing filing of *Joint Proposed Order of Westar Energy, Inc. and KCC Staff* and attests that the statements therein are true to the best of her knowledge, information and belief.



Judy Jenkins, S.Ct. #23300
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 20th day of August, 2013.





Notary Public

My Appointment Expires: August 17, 2015

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Westar)
Energy, Inc. for a Siting Permit for the)
Construction of a 345 kV Transmission Line) Docket No. 13-WSEE-676-MIS
in Saline and Ottawa Counties, Kansas.)
)

**JOINT PROPOSED ORDER OF WESTAR ENERGY, INC.
AND KCC STAFF**

COME NOW Westar Energy, Inc. (Westar) and the Staff of the Kansas Corporation Commission and, pursuant to the Commission's request at the evidentiary hearing in this matter on August 7, 2013, submit their Joint Proposed Order.

I. INTRODUCTION

1. On May 3, 2013, Westar filed its Application in this matter pursuant to K.S.A. 66-1,178, et seq. seeking a siting permit granting Westar the right to construct a 345 kV transmission line from Westar's Summit Substation to an interconnection point near Justice Road in Ottawa County.¹ Westar included with its Application the pre-filed testimony of Kelly Harrison, Dennis Reed, and Salvatore Falcone.

2. Interveners in the docket were the Citizens' Utility Ratepayer Board (CURB) and Southwest Power Pool, Inc. (SPP). KCC Staff and SPP filed direct testimony on May 31, 2013. Michael Wegner and Thomas DeBaun filed testimony on behalf of KCC Staff. Katherine Prewitt filed testimony on behalf of SPP.

3. A public hearing was held on June 5, 2013, in Salina, Kansas. Westar provided notice of the public hearing by letter to all landowners who own land that would be traversed by the route it proposed for its transmission line or land within 1000 feet of either side of the

¹ Direct Testimony of Kelly B. Harrison on Behalf of Westar Energy, Inc., pp. 2-3 (May 3, 2013) (Harrison Direct).

proposed route.² Thus, Westar exceeded the notice requirements of K.S.A. 66-1,178, which only requires that notice of the public hearing be provided to landowners with property traversed by the proposed route or within 660 feet of either side of the proposed route.

4. Several landowners testified at the public hearing or provided written comments to the Commission and suggested alternatives to the route proposed by Westar in its Application.³ On June 28, 2013, Westar filed the supplemental testimony of Kelly Harrison and Salvatore Falcone in order to address the alternative proposals made by the landowners at the public hearing. Mr. Falcone provided testimony describing and maps depicting each of the alternatives proposed by landowners. Falcone, Supplemental, generally. Mr. Falcone also provided an estimate of the difference in cost between the route proposed by Westar and each of the landowner alternatives.⁴ Mr. Falcone also provided rebuttal testimony in order to respond to several inquiries made by Staff witness Michael Wegner in his Testimony in Response to Public Comments.⁵ Mr. Wegner then filed Supplemental Testimony to present Staff's position regarding the new alternatives analyzed in Falcone's Rebuttal Testimony.

5. An evidentiary hearing was held on August 7, 2013. Live testimony was given by Salvatore Falcone and Michael Wegner. The testimony of Kelly Harrison, Dennis Reed, Thomas DeBaun, and Katherine Prewitt was waived into the record.⁶

² See *Affidavit of Publication and Notice to Landowners* (May 16, 2013).

³ See generally Public Hearing Tr.

⁴ See generally Supplemental Testimony of Salvatore J. Falcone, Black & Veatch, on Behalf of Westar Energy, Inc. (June 28, 2013) (Falcone Supplemental).

⁵ See generally Rebuttal Testimony of Falcone, Black & Veatch, on Behalf of Westar Energy, Inc. (July 12, 2013) (Falcone Rebuttal).

⁶ See generally Tr.

II. REQUIREMENTS OF K.S.A. 66-1,178, et seq.

6. An electric utility cannot “begin site preparation for or construction of an electric transmission line, or exercise the right of eminent domain to acquire any interest in land in connection with the site preparation for a construction of any such line” unless it has acquired a siting permit from the Commission pursuant to the Transmission Siting Act.⁷

7. The Transmission Siting Act sets out the factors to be considered by the Commission when analyzing an Application under the Act. It provides:

The commission shall make its decision with respect to the *necessity for and the reasonableness of the location* of the proposed electric transmission line, taking into consideration *the benefit to both consumers in Kansas and consumers outside the state and economic development benefits in Kansas*. The commission shall issue or withhold the permit applied for and may condition such permit as the commission may deem just and reasonable and as may, in its judgment, best protect the rights of all interested parties and those of the general public.⁸

III. THE PROPOSED LINE IS NECESSARY

8. The line proposed by Westar will be an approximately 29 mile long, 345 kV transmission line from Westar’s Summit Substation located southeast of Salina, Kansas to an interconnection point near Justice Road in central Ottawa County. This line will connect with a 345 kV line to be constructed by ITC Great Plains, LLC (ITC). ITC’s portion of the line will terminate at its Elm Creek Substation southeast of Concordia.⁹ These two line segments, along with necessary substation upgrades, constitute the Elm Creek to Summit project that has been authorized by the SPP.¹⁰

⁷ K.S.A. 66-1,178 (2002).

⁸ K.S.A. 66-1,180 (2012) (emphasis added).

⁹ Harrison Direct, pp. 2-3.

¹⁰ Harrison Direct, pp. 6-8.

9. The SPP has designated the Elm Creek to Summit project as a base plan project needed to address voltage collapse in the Concordia area under contingency conditions. A group of Network Upgrade projects, including the Elm Creek to Summit project, was approved by the SPP Board of Directors as part of 2012 Integrated Transmission Planning 10-Year (ITP10) Assessment on January 31, 2012.¹¹

10. The proposed line is expected to significantly improve reliability in the region facilitating the import and export of power to and from north central Kansas. The additional transmission capacity will support economic growth in the region, benefiting Westar's customers and other customers in Kansas. The proposed line will also provide needed additional capacity to move power from wind farms located in remote areas to load centers and help facilitate the development of wind generation in the state of Kansas.¹²

11. Westar currently estimates that it will cost approximately \$66 million to construct its portion of the proposed line.¹³ This is a preliminary estimate based on current costs of labor and materials and the cost to acquire needed right of way. The actual costs of construction may differ from this estimate and will be affected by, among other things, the final route selected, structure design, changes in commodity prices and labor rates.¹⁴

12. The proposed line will provide significant savings to electric customers both inside and outside of Kansas and economic development benefits in Kansas. SPP estimates that, on a net present value basis, ITP10 projects, including Westar's proposed line, will generate approximately \$834 million in net savings for customers in the SPP region over their expected

¹¹ Harrison Direct, pp. 8-10; Direct Testimony of Thomas B. DeBaun on Behalf of the Kansas Corporation Commission, pp. 3-5 (DeBaun Direct).

¹² Harrison Direct, pp. 4-5; DeBaun Direct, pp. 8-10; Harrison Direct, Exhibit KBH-1 (Letter from CloudCorp.) .

¹³ Harrison Direct, p. 5; DeBaun Direct, p. 6.

¹⁴ Harrison Direct, p. 5.

40 year life. As a result of the portfolio, the average residential customer in SPP will see a decrease in his or her monthly electric bill of 34 cents.¹⁵

13. One hundred percent of the cost of the proposed transmission line will be allocated regionally.¹⁶ The average monthly cost of the construction of the proposed transmission line for an average Westar retail customer will peak at \$0.67 per year in 2016 and decline by approximately 2.5% per year thereafter due to depreciation.¹⁷

14. No party to this proceeding has contested the need for the line or the reasonableness of Westar's cost estimates.

15. Based on the foregoing, the Commission concludes that the proposed transmission line is necessary and will result in significant benefits to consumers in Kansas and consumers outside of Kansas.

IV. WESTAR'S PROPOSED ROUTE IS REASONABLE

16. Westar selected its proposed route after receiving input from several sources regarding community values relative to the proposed project.¹⁸ This process first identified viable alternatives for the transmission line, followed by a comprehensive evaluation of each alternative that assigned a weighted value to each potential consideration in order to accurately assess the impact of each alternative.¹⁹ To determine the appropriate weight to give such considerations, Westar made contact with numerous state and federal agencies with jurisdiction

¹⁵ Direct Testimony of Katherine Prewitt on Behalf of Southwest Power Pool, Inc., Exhibit KJP-1 (May 31, 2013) (Prewitt Direct).

¹⁶ Direct Testimony of Dennis L. Reed on Behalf of Westar Energy, Inc., p. 7 (May 3, 2013) (Reed Direct).

¹⁷ *Id.* at 8.

¹⁸ Direct Testimony of Salvatore Falcone, Black & Veatch, on Behalf of Westar Energy, Inc., pp. 3-6 (May 3, 2013) (Falcone Direct); Direct Testimony of Michael Wegner, P.E. on Behalf of the Kansas Corporation Commission, pp.6-8 (May 31, 2013) (Wegner Direct).

¹⁹ Falcone Direct, pp. 6-8.

over subject matters that could be impacted by construction of the proposed line.²⁰ Westar also held numerous public meetings in an effort to inform the public and receive public comment.²¹ All of the information received from these contacts was used to identify a route that minimizes adverse social and environmental impacts of the line.²²

17. Westar has demonstrated that it made considerable efforts to avoid homes, oil wells, gas wells, irrigated cropland, flood irrigated land and center-pivot irrigation systems in determining its preferred route for the transmission line. Westar also attempted to alleviate the impact to landowners by siting the line, wherever reasonably practical, in existing transmission rights-of-way.²³

18. Westar also considered alternatives that were presented to the Commission by landowners in the area.²⁴ Staff and Westar agree that the route Westar proposed route, together with certain modifications proposed by landowners and discussed below, is reasonable.²⁵

19. The Commission finds that the method that Westar used to select its route and the route proposed by Westar, together with certain landowner alternatives as discussed below, are reasonable and that the siting permit requested by Westar complies with all statutory requirements and should be granted.

²⁰ *Id.*, p. 4.

²¹ *Id.*, pp. 4-6.

²² Harrison Direct, pp. 11-12.

²³ *Id.*, pp. 11-12.

²⁴ *See generally* Falcone Supplemental and Falcone Rebuttal; Testimony of Michael J. Wegner, P.E. in Response to Comments at June 5, 2013, Public Hearing on Behalf of Kansas Corporation Commission (July 2, 2013) (Wegner Testimony in Response to Comments).

²⁵ Tr., pp. 20-24; *see generally* Joint List of Disputed Issues (July 24, 2013).

V. THE CRAWFORD ALTERNATIVE IS REASONABLE AND IS ADOPTED BY THE COMMISSION.

20. David Crawford and Paula Cooper testified at the public hearing asking that Westar review the potential abandonment of 220th Road near Justice Road and move the transmission line into the former road right of way after it is abandoned (Crawford Alternative).²⁶ The Crawford Alternative is depicted in Figure 1, attached to the supplemental testimony filed by Mr. Falcone.

21. Using the same assumptions that were used to calculate the other cost estimates related to this project, the Crawford Alternative would cost approximately \$15,000 less than Westar's proposed route.²⁷

22. Westar and Staff support this alternative and recommended Commission approval of this alternative conditioned on the completion of the abandonment of the 220th Road.²⁸ Staff recommends that the landowners be given 90 days to complete the abandonment of the road and provide an indication to Westar that the abandonment has been completed.²⁹

23. The Crawford Alternative is a reasonable change to the route initially proposed by Westar. Thus, the Commission finds that the route proposed by Westar should be adjusted as indicated in the Crawford Alternative. The Commission's approval of the Crawford Alternative is conditioned on the completion of the abandonment of 220th Road within 90 days of the date of this Order.

²⁶ Wegner Testimony in Response to Comments, pp. 3-4.

²⁷ Falcone Supplemental, at Table 1.

²⁸ Supplemental Testimony of Kelly B. Harrison on Behalf of Westar Energy, Inc., p. 2 (June 28, 2013) (Harrison Supplemental) ; Falcone Supplemental, pp. 2-3; Wegner Testimony in Response to Comments, pp. 3-4; Joint List of Disputed Issues, at ¶ 4(a).

²⁹ Tr., pp. 42-43.

VI. THE MAHONEY ALTERNATIVE IS REASONABLE AND IS ADOPTED BY THE COMMISSION.

24. The Mahoneys testified at the public hearing and submitted written comments to the Commission's Public Affairs and Consumer Protection Office (PACP) to request an alternative that would route the proposed line an additional 75 feet to the east. (Mahoney Alternative).³⁰ The Mahoney Alternative is depicted in Figure 4, attached to the supplemental testimony filed by Mr. Falcone. The Mahoneys were concerned that the proposed route will cause 1000 feet of tree line to be removed from their property because they use the trees to produce firewood, which is their primary heating source.³¹

25. The McDowells own the property directly to the east of the Mahoneys. The McDowells submitted written comments to PACP asking that the Commission approve the route as filed, which would run along their west property line, and reject the Mahoney Alternative.³²

26. Staff recommended that the Commission adopt the Mahoney Alternative because the McDowells will have to farm around the line regardless of whether the line is on the property line or 75 feet inside of the property line. It is estimated that the McDowells will lose between 300 and 1,000 square feet for wheat farming. However, under the original proposed route, the Mahoneys would lose up to 75,000 square feet of land used to farm trees.³³ Westar agreed with Staff's recommendation.³⁴

³⁰ Wegner Testimony in Response to Comments, p. 5.

³¹ Wegner Testimony in Response to Comments, p. 5.

³² Wegner Testimony in Response to Comments, p. 5.

³³ Wegner Testimony in Response to Comments, pp. 5-6.

³⁴ See Harrison Supplemental, p. 8; Falcone Supplemental, pp. 8-10; Joint List of Disputed Issues, at ¶ 4(b).

27. Using the same assumptions that were used to calculate the other cost estimates related to this project, the Mahoney Alternative would cost approximately \$65,000 more than Westar's proposed route.³⁵

28. Based on the testimony in this case, the Mahoney Alternative is a reasonable change to the route initially proposed by Westar because it reasonably balances the competing interests of the affected landowners. Thus, the Commission finds that the route proposed by Westar should be adjusted as indicated in the Mahoney Alternative.

VII. THE WOLF ALTERNATIVE #3 IS REASONABLE AND IS ADOPTED BY THE COMMISSION.

29. Greg Wolf testified at the public hearing regarding his concern about the location of the proposed line near his cattle feeding operation and metal feed lots.³⁶ In response, Staff and Westar proposed alternative routes. Mr. Wolf subsequently contacted Staff and Westar to propose a specific alternative to relocate the proposed line to a different location on his property (Wolf Alternative # 3). The Wolf Alternative #3 is depicted on the second to last page of Westar Exhibit 1, admitted at the evidentiary hearing.³⁷

30. The Wolf Alternative #3 would move the line closer to three other pieces of property owned by other landowners; however, those landowners have provided their consent to the Wolf Alternative #3 to Staff.³⁸

31. Using the same assumptions that were used to calculate the other cost estimates related to this project, the Wolf Alternative #3 would cost approximately \$445,000 more than Westar's proposed route.³⁹

³⁵ Falcone Supplemental, at Table 4.

³⁶ Wegner Testimony in Response to Comments, pp. 6-7.

³⁷ Westar Exh. 1; Tr., p. 28.

³⁸ Tr., p. 38; Staff Exh. 1.

32. Staff supports Wolf Alternative #3 because it represents a compromise among the parties involved and reflects consideration of the landowner's interest in controlling the use of his land.⁴⁰ Westar agrees with Staff's recommendation.⁴¹

33. Based on the above, Wolf Alternative Routes 1 and 2 proposed by Westar and Staff are deemed denied. Wolf Alternative #3 is determined to be a reasonable change to the route initially proposed by Westar because it addresses the potential impacts on this landowner's operations and is supported by both Westar and Staff. Thus, the Commission finds that the route proposed by Westar should be adjusted as indicated in the Wolf Alternative #3.

VIII. THE COOPER ALTERNATIVE #2 IS REASONABLE AND IS ADOPTED BY THE COMMISSION; COOPER ALTERNATIVE #1 IS REJECTED.

34. Paula Cooper testified at the public hearing and requested an alternative to the proposed route that would eliminate the diagonal route across her property (Cooper Alternative #1).⁴² The Cooper Alternative #1 is in Figure 5, attached to the supplemental testimony filed by Mr. Falcone.

35. Using the same assumptions that were used to calculate the other cost estimates related to this project, the Cooper Alternative #1 would cost approximately \$525,000 more than Westar's proposed route.⁴³

36. Staff requested that Westar analyze a second alternative that would address Ms. Cooper's concerns (Cooper Alternative #2).⁴⁴ The Cooper Alternative #2 is in Figure 5-A, attached to the rebuttal testimony filed by Mr. Falcone.

³⁹ Tr., p. 27.

⁴⁰ *Id.*, p. 39.

⁴¹ *Id.*, p. 32.

⁴² Wegner Testimony in Response to Comments, p. 4.

⁴³ Falcone Supplemental, at Table 5.

37. Using the same assumptions that were used to calculate the other cost estimates related to this project, the Cooper Alternative #2 would cost approximately \$240,000 more than Westar's proposed route.⁴⁵

38. Both Cooper Alternative #1 and Cooper Alternative #2 are contingent on the abandonment of 220th Road, as discussed above in the Crawford Alternative.⁴⁶ Staff recommends that the landowners be given 90 days to complete the abandonment of the road and provide an indication to Westar that the abandonment has been completed.⁴⁷

39. Staff supports Cooper Alternative #2 because it addresses Ms. Cooper's concerns regarding the use of her property but is slightly less expensive than Cooper Alternative #1.⁴⁸ Westar agrees with Staff's recommendation. Joint List of Disputed Issues, at ¶ 4(e).

40. The Commission finds the Cooper Alternative #2 is a reasonable change to the route initially proposed by Westar because it reflects a compromise among affected parties. Thus, the route proposed by Westar should be adjusted as indicated in the Cooper Alternative #2 and that Cooper Alternative #1 is rejected. The Commission's approval of the Cooper Alternative #2 is conditioned on the completion of the abandonment of 220th Road within 90 days of the date of this Order.

IX. THE MULLER ALTERNATIVE IS NOT REASONABLE AND IS REJECTED.

41. Renee Muller submitted written comments to the PACP asking that the Commission relocate the proposed transmission line to the half section line so that there will not be two transmission lines on her property (Muller Alternative). Wegner Testimony in Response

⁴⁴ Wegner Testimony in Response to Comments, p. 4.

⁴⁵ Falcone Rebuttal, at Table 5A.

⁴⁶ Wegner Supplemental, p. 3.

⁴⁷ Tr., pp. 42-43.

⁴⁸ Wegner Supplemental, p. 3.

to Comments, at 8. The Muller Alternative is in Figure 7, attached to the supplemental testimony filed by Mr. Falcone.

42. Using the same assumptions that were used to calculate the other cost estimates related to this project, the Muller Alternative would cost approximately \$495,000 more than Westar's proposed route. Falcone Supplemental, at Table 7.

43. Under Westar's original proposal, although there will be two transmission lines across Ms. Muller's property, those lines will be consolidated onto a single row of structures. Ms. Muller will have no more additional pole structures on her property than what currently exists.⁴⁹ Because Ms. Muller's concerns will be addressed under Westar's original proposal and because of the significant cost increase associated with the Muller Alternative, Staff does not recommend that the Commission adopt the Muller Alternative.⁵⁰ Westar agrees with Staff's recommendation.⁵¹

44. For the reasons cited herein, the Commission finds that the Muller Alternative is not reasonable and declines to make the adjustments to the route proposed in the Muller Alternative.

X. THE BROWN ALTERNATIVE IS REASONABLE AND IS ADOPTED BY THE COMMISSION.

45. Delos Brown talked to Westar representatives at the public hearing and requested that the line be moved further north on his property. (Brown Alternative).⁵² The Brown Alternative is depicted in Figure 8, attached to the supplemental testimony filed by Mr. Falcone.

⁴⁹ Wegner Testimony in Response to Comments, pp. 8-9; Harrison Supplemental p. 11; Falcone Supplemental pp. 12-13.

⁵⁰ Wegner Testimony in Response to Comments, p. 9.

⁵¹ Joint List of Disputed Issues, at ¶ 4(f).

⁵² Wegner Testimony in Response to Comments, p. 9.

46. Using the same assumptions that were used to calculate the other cost estimates related to this project, the Brown Alternative would cost approximately the same amount as Westar's proposed route.⁵³

47. Staff recommended that the Commission adopt the Brown Alternative because it represents a case where the landowner is asking for a different location of the line on his own property. Mr. Brown was not opposed to the project; he is simply looking for less disruption to his farming operation.⁵⁴ Westar agrees with Staff's recommendation.⁵⁵

48. The Commission finds the Brown Alternative is a reasonable change to the route initially proposed by Westar and therefore directs the route proposed by Westar should be adjusted as indicated in the Brown Alternative.

XI. THE JOHNSON ALTERNATIVE #3 IS REASONABLE AND IS ADOPTED BY THE COMMISSION; JOHNSON ALTERNATIVE #1 SHOULD BE REJECTED.

49. Garry Johnson talked to Westar representatives at the public hearing and requested that the line be rerouted to avoid a tree line that is used as a wind and snow break and further away from metal farm buildings (Johnson Alternative #1).⁵⁶ The Johnson Alternative #1 is depicted in Figure 9-A, attached to the supplemental testimony filed by Mr. Falcone.

50. Using the same assumptions that were used to calculate the other cost estimates related to this project, the Johnson Alternative #1 would cost approximately \$175,000 more than Westar's proposed route.⁵⁷

⁵³ Falcone Supplemental, at Table 8.

⁵⁴ Wegner Testimony in Response to Comments, pp. 9-10.

⁵⁵ Harrison Supplemental p. 13; Falcone Supplemental pp. 13-14; Joint List of Disputed Issues, at ¶ 4(g).

⁵⁶ Wegner Testimony in Response to Comments, p. 10.

⁵⁷ Falcone Supplemental, at Table 9-A.

51. Staff requested that Westar analyze a second alternative that would address Mr. Johnson's concerns (Johnson Alternative #3).⁵⁸ The Johnson Alternative #3 is depicted in Figure 9-C, attached to the rebuttal testimony filed by Mr. Falcone. Johnson Alternative #3 would move the line into an open wheat field and would mitigate the need to ground the metal buildings.⁵⁹

52. Using the same assumptions that were used to calculate the other cost estimates related to this project, the Johnson Alternative #3 would cost approximately \$40,000 more than Westar's proposed route.⁶⁰

53. Staff recommended that the Commission adopt the Johnson Alternative #3 instead of Johnson Alternative #1 because it accomplishes the objectives of protecting the snow and wind break and moving the line further from the metal buildings but is less expensive than Johnson Alternative #1.⁶¹

54. Finding the Johnson Alternative #3 is a reasonable change to the route initially proposed by Westar, the Commission directs the route proposed by Westar be adjusted as indicated in the Johnson Alternative #3 and declares the Johnson Alternative #1 is rejected.

XII. THE JOHNSON ALTERNATIVE #2 IS REASONABLE AND IS ADOPTED BY THE COMMISSION.

55. Garry Johnson talked to Westar representatives at the public hearing and also requested that the line be adjusted so that the angle structure to be located in his field would be at the corner of a cultivated field instead of in the middle of the field. (Johnson Alternative #2).⁶²

⁵⁸ Wegner Testimony in Response to Comments, p. 10.

⁵⁹ Wegner Testimony in Response to Comments, p. 10.

⁶⁰ Falcone Supplemental, at Table 9-C.

⁶¹ Wegner Supplemental, p. 4. Westar agrees with Staff's recommendation. Joint List of Disputed Issues, at ¶ 4(j).

⁶² Wegner Testimony in Response to Comments, p. 11.

The Johnson Alternative #2 is depicted in Figure 9-B, attached to the supplemental testimony filed by Mr. Falcone.

56. Using the same assumptions that were used to calculate the other cost estimates related to this project, the Johnson Alternative #2 would cost approximately \$25,000 more than Westar's proposed route.⁶³

57. Staff recommended that the Commission adopt the Johnson Alternative #2 because, similar to the Brown Alternative, it represents a case where the landowner is asking for a different location of the line on his own property. Mr. Johnson is attempting to find the best location for the towers to be placed on his property.⁶⁴ Westar agrees with Staff's recommendation.⁶⁵

58. The Commission finds the Johnson Alternative #2 is a reasonable change to the route initially proposed by Westar and directs that the route proposed by Westar be adjusted as indicated in the Johnson Alternative #2.

XIII. THE MCMURRAY ALTERNATIVE IS NOT REASONABLE AND IS REJECTED.

59. The McMurrays talked to Westar representatives at the public hearing and requested that the line be moved further from their home (McMurray Alternative).⁶⁶ The McMurray Alternative is in Figure 10, attached to the supplemental testimony filed by Mr. Falcone.

⁶³ Falcone Supplemental, at Table 9-B.

⁶⁴ Wegner Testimony in Response to Comments, p. 11.

⁶⁵ Falcone Supplemental, p. 15; Joint List of Disputed Issues, at ¶ 4(i).

⁶⁶ Wegner Testimony in Response to Comments, p. 11.

60. Using the same assumptions that were used to calculate the other cost estimates related to this project, the McMurray Alternative would cost approximately \$360,000 more than Westar's proposed route.⁶⁷

61. Under Westar's original proposal, the line would be 500 feet from the McMurray home and would not be located on property owned by the McMurrays.⁶⁸ Additionally, there is also a tree line that covers some of the view between the McMurrays' home and the proposed route.⁶⁹ Therefore, given the cost of the McMurray reroute, Staff recommended that the Commission reject the McMurray Alternative.⁷⁰ Westar agreed with Staff's recommendation.⁷¹

62. The Commission agrees and finds that the McMurray Alternative is not reasonable and declines to make the adjustments to the route proposed in the McMurray Alternative.

XIV. REPORTING REQUIREMENTS

63. Staff recommended the Commission monitor the status of Westar's proposed project as it proceeds, and suggests the Commission require Westar to submit quarterly project tracking reports on the status of the project, including information about adherence with construction schedule, expenditures to date, materials procurement, easement acquisition, and changes in cost estimates.⁷² Mr. DeBaun explained that these reports would be required until

⁶⁷ Falcone Supplemental, at Table 10.

⁶⁸ Wegner Testimony in Response to Comments, p. 11.

⁶⁹ *Id.*

⁷⁰ Wegner Testimony in Response to Comments, pp. 11-12.

⁷¹ Harrison Supplemental, p. 12; Falcone Supplemental, pp. 15-16; Joint List of Disputed Issues, at ¶ 4(k).

⁷² DeBaun Direct, p. 11.

such time as the project is in service and the final engineering and construction costs are known and posted in rates. The status reports are submitted as confidential.⁷³

64. The Commission finds that quarterly reports on the progress made and changes in construction of the line, and costs incurred during actual construction of the line are important in understanding the complete impact of an electric transmission line. The Commission approves of Staff's recommendation for Westar to provide quarterly updates to the Commission on the status of the project and orders that these periodic updates be treated by Staff as confidential.

XV. CONCLUSION

65. The location for the electric transmission line proposed by Westar is reasonable. Westar implemented an extensive siting process, solicited public input early in its route study and established valid criteria based on public input, engineering and environmental concerns to evaluate the different proposed routes. Additionally, the Crawford Alternative, Mahoney Alternative, Wolf Alternative #3, Cooper Alternative #2, Brown Alternative, Johnson Alternative #2, and Johnson Alternative #3 are reasonable alterations to the proposed route filed by Westar. Thus, the Commission grants the siting permit as requested by Westar in its Application with the modification outlined in these alternatives.

66. Westar has requested that in connection with the approval of the location of the line, the Commission allow Westar to continue its efforts to consider minor adjustments in the location as necessary to minimize landowner impact. The Commission agrees that Westar should be permitted to make such minor adjustments without further approval. Westar, however, will be required to seek permission from the Commission to make major, material changes from the proposed route, including any change that would directly impact landowners who have not, at

⁷³ DeBaun Direct, p. 11.

least ten days prior to the technical hearing in this matter, been provided notice by mailing of any proposal that would directly affect their land.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The Commission hereby grants the siting permit requested in the Application, with the modification proposed in Crawford Alternative, Mahoney Alternative, Wolf Alternative #3, Cooper Alternative #2, Brown Alternative, Johnson Alternative #2, and Johnson Alternative #3, without condition, as discussed above.

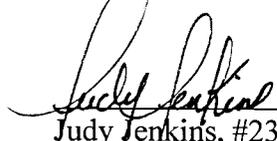
(B) Parties have fifteen days, plus three days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration of final agency action taken herein. K.S.A. 66-1 18b; K.S.A. 2006 Supp. 77-529(a)(1).

(C) 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.

Respectfully submitted,

/s Cathryn J. Dinges
Cathryn J. Dinges, #20848
Corporate Counsel
818 South Kansas Avenue
Topeka, Kansas 66612
(785) 575-8344; Telephone
(785) 575-8136; Fax

ATTORNEYS FOR
WESTAR ENERGY, INC.



Judy Jenkins, #23300
Litigation Counsel
Samuel Feather, #25475
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

(785) 271-3119 (Telephone)
(785) 271-3167 (Fax)

ATTORNEYS FOR
COMMISSION STAFF

Date: August ~~20~~, 2013

CERTIFICATE OF SERVICE

13-WSEE-676-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Notice of Filing of Joint Proposed Order Granting Siting Permit was served by electronic service on this 20th day of August, 2013, to the following parties who have waived receipt of follow-up hard copies.

NIKI CHRISTOPHER, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
n.christopher@curb.kansas.gov

C. STEVEN RARRICK, ATTORNEY
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
s.rarrick@curb.kansas.gov

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.smith@curb.kansas.gov

SHONDA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
sd.smith@curb.kansas.gov

DAVID SPRINGE, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.springe@curb.kansas.gov

JOHN R. WINE, JR.
410 NE 43RD
TOPEKA, KS 66617
Fax: 785-246-0339
jwine2@cox.net

SAMUEL FEATHER, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3167
s.feather@kcc.ks.gov

ANDREW FRENCH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3314
a.french@kcc.ks.gov

JUDY JENKINS, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3167
j.jenkins@kcc.ks.gov

ERIN E. CULLUM, ATTORNEY
SOUTHWEST POWER POOL, INC.
201 WORTHEN DR
LITTLE ROCK, AR 72223
Fax: 501-664-9553
ecullum@spp.org

CERTIFICATE OF SERVICE

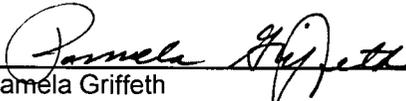
13-WSEE-676-MIS

TESSIE KENTNER, ATTORNEY
SOUTHWEST POWER POOL, INC.
201 WORTHEN DR
LITTLE ROCK, AR 72223
Fax: 501-482-2022
tkentner@spp.org

CATHRYN J. DINGES, CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathy.dinges@westarenergy.com

KELLY B. HARRISON, VP - TRANSMISSION
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
kelly.harrison@westarenergy.com

JEFFREY L. MARTIN, VICE PRESIDENT, REGULATORY
AFFAIRS
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
jeff.martin@westarenergy.com


Pamela Griffeth
Administrative Specialist