

154 FERC ¶ 61,252  
FEDERAL ENERGY REGULATORY COMMISSION  
WASHINGTON, DC 20426

March 30, 2016

In Reply Refer To:  
State Corporation Commission of the  
State of Kansas v. Westar Energy, Inc.  
Docket No. EL14-93-000

Van Ness Feldman LLP  
1050 Thomas Jefferson Street, NW  
Seventh Floor  
Washington, DC 20007

Attn: Margaret H. Claybour, Esq.  
Attorney for Westar Energy, Inc.

Dear Ms. Claybour:

1. On June 30, 2015, you filed, in the above-referenced proceeding, a settlement agreement (Settlement) between Westar Energy, Inc. (Westar), the State Corporation Commission of the State of Kansas, Kansas Electric Power Cooperative, Inc., Kansas Power Pool, and the City of Lindsborg, Kansas. The Settlement resolves all issues set for hearing in the Commission's December 18, 2014 Order on Complaint and Establishing Hearing and Settlement Judge Procedures.<sup>1</sup>
2. On July 20, 2015, Commission Trial Staff filed comments supporting the Settlement. No other comments were filed. On August 3, 2015, the Settlement Judge certified the Settlement to the Commission as an uncontested settlement.<sup>2</sup>
3. The Settlement addresses the return on common equity (ROE) under Westar's Transmission Formula Rate Template within Attachment H of Westar's Open Access Transmission Tariff (OATT) and Southwest Power Pool, Inc.'s (SPP) OATT. The

---

<sup>1</sup> *State Corp. Comm'n of Kan. v. Westar Energy, Inc.*, 149 FERC ¶ 61,235 (2014).

<sup>2</sup> *State Corp. Comm'n of Kan. v. Westar Energy, Inc.*, 152 FERC ¶ 63,012 (2015).

Settlement sets the base ROE at 9.8 percent, establishes 11.0 percent as the maximum total ROE for any transmission project of Westar to which the Commission has granted or will grant transmission incentives, and provides that the base ROE and maximum total ROE will be in place effective August 20, 2014.

4. With respect to the standard of review for modifications to the Settlement, subsection 7.3 of the Settlement provides that

The standard of review the Commission shall apply when acting on proposed modifications to this Settlement shall be the “just and reasonable” standard of review under sections 205 and 206 of the [Federal Power Act]. The “just and reasonable” standard shall apply whether the change is proposed by a Settling Party, a non-party or by the Commission acting *sua sponte*.

5. The Settlement appears to be fair and reasonable and in the public interest, and is hereby approved. Refunds and adjustments shall be made pursuant to the Settlement. The Commission’s approval of this Settlement does not constitute approval of, or precedent regarding, any principle or issue in this proceeding.

6. Westar and SPP are directed to file revised tariff records in eTariff format,<sup>3</sup> within 30 days of the date of this order, to reflect the Commission’s action in this order.

7. This letter order terminates Docket No. EL14-93-000.

By direction of the Commission.

Nathaniel J. Davis, Sr.,  
Deputy Secretary

---

<sup>3</sup> See *Electronic Tariff Filings*, Order No. 714, FERC Stats. & Regs. ¶ 31,276 (2008).