



Buyers Up z Congress Watch z Critical Mass z Global Trade Watch z Health Research Group z Litigation Group
Joan Claybrook, President

February 9, 2004

Charles Q. Chandler, IV
Chairman of the Board, Westar Energy
c/o Intrust Bank
105 N Main St.
Box One
Wichita, KS 67201

Dear Mr. Chandler,

The purpose of this correspondence is twofold. First, it follows up a July 2003 letter requesting Westar's Board of Directors to reaffirm the company's commitment to corporate responsibility by releasing all internal communications relating to the company's efforts to win an exemption for the Investment Company Act in exchange for more than \$50,000 in campaign contributions between May and October 2002.¹ To date, I have not received a response to this request.

Second, I wish to know the status of the report of Timothy W. Jenkins, the O'Connor and Hannon attorney hired in July 2003 by Westar Energy to conduct an internal investigation of the company's aforementioned campaign finance scandal. If Jenkins' report is complete, I would like to receive a copy. If it is not, I would appreciate an estimate of the date by when it will be finished.

These requests are particularly relevant given that in December 2003 a federal grand jury returned a 40-count indictment against two former Westar executives, former Chairman, CEO and President David C. Wittig and former Executive Vice-President and Chief Strategic Office Douglas T. Lake. According to the indictment, Wittig and Lake structured a subsidiary, Westar Industries, "to systematically loot Westar of money and assets" in order to personally enrich themselves but leave debt behind for Kansas ratepayers.

This plan by Wittig and Lake to split the company relied heavily upon the company's attempts to influence Congress—a plan described in full in the company's two internal emails released to the public, and carried out by Westar executives and their DC lobbyists. At least one of the members of Congress directly implicated in the internal emails and a recipient of campaign contributions under the scheme

¹The July 2003 letter is available on our web site: <http://www.citizen.org/documents/westarboardletter.pdf>

outlined in the memos is Texas Representative Joe Barton, who is now being considered for the vacant chairmanship of the House Energy and Commerce Committee.

As I outlined in my original letter to you, both emails already released by Westar's Board strongly suggest the existence of many more such communications between the company's executives, the company's Washington, DC lobbyists and perhaps even members of Congress—including Rep. Barton. The many unanswered questions can only be satisfied by releasing all documentation relating to this alleged political bribery plan.

Sincerely,

Tyson Slocum, Research Director
Public Citizen's Critical Mass Energy Program

Cc:

James S. Haines, Jr., President and CEO
Westar Energy
PO Box 889
Topeka, KS 66601

Michael F. Morrissey, Director
Westar Energy
PO Box 889
Topeka, KS 66601

R.A. Edwards, President and CEO
First National Bank
PO Box 913
Hutchinson, KS 67504-0913

B. Anthony Isaac
LodgeWorks
8100 E 22nd St., Building 500
Wichita, KS 67226

John C. Nettels, Jr.
11213 Granada Lane
Leawood, KS 66211

Timothy W. Jenkins
O'Connor & Hannan
1666 K St NW
Washington, DC 20006

Mollie Hale Carter
6448 Verona Road
Mission Hills, KS 66208

Jim Ludwig, Vice President, Public Affairs
Westar Energy
PO Box 889
Topeka, KS 66601

Arthur B. Krause, Director
Westar Energy
PO Box 889
Topeka, KS 66601