

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

In the Matter of the Application of CMS Electric Cooperative, Inc. )  
for a Certificate of Convenience and Authority to Transact the )  
Business of a(n) Electric Public Utility in the State of Kansas. ) 15-CMSE-585-COC  
Transmission Rights Only to Construct an Overhead Distribution )  
Line )

CERTIFICATE

NOW, there comes on for consideration and determination by the State Corporation Commission, the application of CMS Electric Cooperative, Inc. (Applicant) as captioned above, for a Certificate of Convenience and Authority in a portion of Seward County. After giving due consideration to the application and being fully advised in the premises, the Commission finds and concludes that:

1. Applicant is a public utility under the provisions of K.S.A. 2014 Supp. 66-104.
2. The application in this docket was filed with this Commission on June 8, 2015. A public hearing was neither requested nor held on this application.
3. Applicant requests a Certificate to transact the business of an electric public utility in the territory described as follows:

SEWARD COUNTY

Transmission Rights Only

Along the west side of the SW 1/4, Section 15, Township 34s, Range 32w, and  
Along the west side of the W 1/2, Section 22, Township 34s, Range 32w

4. Public convenience will be promoted by permitting Applicant to transact the business of an electric public utility in the territory and to the extent described in Finding No. 3 herein, and the application should be granted for transmission rights only and a Certificate issued in accordance with the provisions of K.S.A. 2014 Supp. 66-131.

IT IS, THEREFORE, BY THE COMMISSION CONSIDERED AND CERTIFIED:

A. That the application in the instant docket is granted for transmission rights only and CMS Electric Cooperative, Inc. is permitted to transact the business of an electric public utility in the territory and to the extent described in Finding No. 3 herein.

B. A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing, and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529.

C. The Commission retains jurisdiction of the subject matter and parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO CERTIFICATED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JUL 30 2015

*Amy L. Gilbert*  
ORDER MAILED JUL 31 2015

Amy L. Gilbert  
Secretary

gdd

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Pat Apple

**FROM:** Gary Dawdy, Utility Engineer II  
Leo Haynos, Chief Engineer  
Jeff McClanahan, Director of Utilities

**DATE:** July 14, 2015

**SUBJECT:** 15-CMSE-585-COC  
In the Matter of the Application of CMS Electric Cooperative, Inc. for a  
Certificate of Convenience and Authority to Transact the Business of an  
Electric Public Utility in the State of Kansas. Transmission Rights Only to  
Construct an Overhead Distribution Line

**BACKGROUND:**

On June 8, 2015, CMS Electric Cooperative, Inc. (CMS) filed an Application for Certificate for Transmission Rights Only in Docket No. 15-CMSE-585-COC, as captioned above.

**ANALYSIS:**

Pursuant to K.S.A. 2014 Supp. 66-131, the Commission has jurisdiction to grant a certificate to a public utility seeking to transact business in the State of Kansas. K.S.A. 66-1,170 et seq. the Retail Electric Suppliers Act (RESA) requires each and every retail electric supplier to obtain a certificate from the Commission.

The statutory standard of review in this matter is whether the "public convenience will be promoted by the transaction of said business and permitting said applicants to transact the business of a common carrier or public utility in this state." K.S.A. 2014 Supp. 66-131. Further, single electric certification shall be the standard in Kansas under K.S.A. 66-1,170 et seq.

Under **66-1,173. Rights and responsibilities of suppliers; exceptions.** Every retail electric supplier shall have the exclusive right and responsibility to furnish retail electric service to all electric consuming facilities located within its certified territory, and shall

not furnish, make available, render or extend its retail electric service to a consumer for use in electric consuming facilities located within the certified territory of another retail electric supplier except that:

(a) Any retail electric supplier, with the approval of the commission, may extend distribution or transmission facilities through the certified territory of another retail electric supplier, if such extension is necessary for such supplier to connect with any of its facilities or those of others to serve consumers within its own certified territory; and

(b) station power shall not be deemed to be retail electric service for the purposes of this act.

CMS is requesting a Certificate for Transmission Rights Only on the portion of the route of a three-phase distribution line where it extends through an area certificated to Southern Pioneer Electric Company (Southern Pioneer). Southern Pioneer has been provided notice and Staff has received no objection or comment regarding the Application.

Staff recommends that the Commission find that public convenience will be promoted by the granting of this Application.

The Commission action date is December 5, 2015.

**RECOMMENDATION:**

Staff is recommending CMS's Application for Certificate in 15-CMSE-585-COC be granted for Transmission Rights only.

JUL 3 0 2015

KANSAS CORPORATION COMMISSION  
AMY L. GILBERT, SECRETARY

DOCKET NO.: 15-CMSE-585-COC

ORDER DATE:

NAME AND ADDRESS

NO. OF  
COPIES

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**ORDER MAILED JUL 3 1 2015**

The Docket Room hereby certifies that on \_\_\_\_\_, a  
true and correct copy of the attached was deposited in the United States Mail, postage prepaid,  
addressed to the above persons.