

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Notice of Exemption) 26-SSPE-024-SLR
Of Sunflower Solar Project, LLC) Docket No. 25-
Pursuant To K.S.A. 66-104(e))

NOTICE OF EXEMPTION OF SUNFLOWER SOLAR PROJECT, LLC PURSUANT TO K.S.A. 66-104(e)

COMES NOW, Sunflower Solar Project, LLC (“Sunflower” or “Applicant”) and hereby provides notice to the State Corporation Commission of the State of Kansas (“Commission” or “KCC”) of its decision to opt out of public utility regulation pursuant to K.S.A. 66-104(e). In support of its Notice, the Applicant states and alleges as follows:

I. INTRODUCTION

1. Sunflower Solar Project, LLC is a limited liability company, organized and existing under the laws of the State of Delaware, in good standing in all respects. (See **Exhibit A**, attached hereto).

2. Sunflower is developing, constructing, and will own and operate a solar energy project on an approximately 2,974 acre site located approximately 25 miles southwest of Kansas City, Missouri in Johnson County, Kansas (the “Project”). (See **Exhibit B** for a map of the Project location). All Sunflower facilities will be constructed on privately-owned land pursuant to either solar leases, transmission easements, or parcels purchased by Sunflower in fee simple pursuant to agreements with the respective landowners. In light of these privately negotiated lease and easement arrangements, Sunflower will neither request nor require condemnation authority in

order to obtain land use rights for the Project. The Project will interconnect at Evergy's 345 kV Atlantic Substation via an approximately 1-mile 115 kV generation tie transmission line.

3. The Project will have a nameplate capacity of approximately 424.5 MW and commercial operation is currently projected to occur prior on or around 9/30/2028. The Sunflower Solar Project will not sell any power at retail.

II. DEFINITION OF PUBLIC UTILITY AND NOTICE OF DECISION TO OPT OUT OF PUBLIC UTILITY REGULATION

4. K.S.A. 66-104(a) states in pertinent part as follows:

The term "public utility," as used in this act, shall be construed to mean every corporation, company, individual, association of persons, heirs, trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages in or through any part of the state, or the conveyance of oil and gas through pipelines in or through any part of the state, except for pipelines less than 15 miles in length and not operated in connection with or for the general commercial supply of gas or oil, and all companies for the production, transmission, delivery or furnishing of heat, light, water, or power.

5. K.S.A. 66-104(e) states as follows:

At the option of an otherwise jurisdictional entity, the term "public utility" shall not include any activity or facility of such entity as to the generation, marketing and sale of electricity generated by an electric generation facility or addition to an electric generation facility which:

(1) is newly constructed and placed in service on or after January 1, 2001; and

(2) is not in the rate base of:

(A) an electric public utility that is subject to rate regulation by the state corporation commission;

(B) any cooperative, as defined by K.S.A. 17-4603 and amendments thereto, or any nonstock member-owned cooperative corporation incorporated in this state; or

(C) a municipally owned or operated electric utility.

(Emphasis added).

6. In the Commission's December 27, 2007 Final Order in Docket No. 08-WSEE-309-PRE, it concluded that the Commission may not have jurisdiction or authority over the

developers that own wind farms and sell power to a utility Westar Energy Inc. through power purchase agreements.

III. NOTICE BY APPLICANT

7. Because the Applicant is building generation capacity in Kansas, it falls within the definition of “public utility” as stated in K.S.A. 66-104(a), as it will “own, control, operate or manage, except for private use, any equipment, plant or generating machinery,” and is a company engaged in “the production, transmission, delivery or furnishing of heat, light, water, or power.”

8. However, at the option of an “otherwise jurisdictional entity,” K.S.A. 66-104(e) indicates that the term public utility shall not include “any activity or facility of such entity as to the generation, marketing and sale of electricity generated by an electric generation facility or addition to an electric generation facility” which meets the requirements of subsection (e) of the statute.

9. The Project will be:

- (1) newly constructed and placed in service on or after January 1, 2001, in accordance with K.S.A. 66-104(e)(1); and
- (2) privately owned and operated and not placed in the rate base of either an electric public utility subject to rate regulation by the KCC, nor any cooperative or municipally owned or operated electric utility, in accordance with K.S.A. 66-104(e)(2)(A) through (C).

10. As such, Sunflower is exercising the option to exempt itself from the definition of “public utility” pursuant to the option to opt out of regulation contained in K.S.A. 66-104(e).¹

¹ Similarly situated independent power producers have exercised their option to exempt themselves from the definition of “public utility” by filing notices with the Commission. *See, e.g.*, Docket No. 19-SLWE-323-WND, Notice of Exemption of Soldier Creek Wind, LLC Pursuant to K.S.A. 66-104(e) (Feb. 14, 2019); Docket No. 19-SFWE-204-

Accordingly, the Applicant hereby provides this Notice to the Commission of its decision to opt out of public utility regulation pursuant to K.S.A. 66-104(e). Because the Applicant has opted out of public utility regulation, the Applicant is likewise exempt from the application of the following statutes, as each of these statutes, by their specific terms, apply only to jurisdictional entities: K.S.A. 66-131, permit to transact business in the State of Kansas as a public utility required; and K.S.A. 66-1,177 *et seq.*, the electric transmission line siting act.

11. Pursuant to K.S.A. 66-104(e)(2), an entity that has exercised to exempt itself from regulation is still subject to the Commission's jurisdiction over wire-stringing, and is therefore required to comply with K.S.A. 66-183, guidelines for stringing wires along or across streets, highways, or public places; and K.A.R. 82-12-1 *et seq.*, the Commission's wire-stringing regulations. Sunflower intends to file the Form EL required by K.A.R. 82-12-1 *et seq.* at the appropriate time, at least ten days prior to commencing construction as required by the Commission's rules.

WHEREFORE, Applicant respectfully submits to the Commission this Notice of Exemption pursuant to K.S.A. 66-104(e).

Respectfully submitted,

POLSINELLI PC

/s/ Anne E. Callenbach

WND, Notice of Exemption of Solomon Forks Wind Project, LLC Pursuant to K.S.A. 66-104(e) (Nov. 15, 2018); Docket No. 18-PTWE-447-WND, Notice of Exemption of Pratt Wind, LLC Pursuant to K.S.A. 66-104(e) (April 13, 2018); Docket No. 17-CPBE-139-WND, Notice of Exemption of CP Bloom Wind LLC Pursuant to K.S.A. 66-104(e) (Oct. 21, 2016).

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ATTORNEYS FOR SUNFLOWER SOLAR PROJECT, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties listed below by email, this 18th day of July, 2025.

CARLY MASENTHIN
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
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Justin.Grady@ks.gov

/s/ Anne E. Callenbach _____

Anne E. Callenbach

VERIFICATION

STATE OF MISSOURI

ss:

COUNTY OF JACKSON

I, Anne E. Callenbach, do solemnly, sincerely and truly declare and affirm that I am counsel to Sunflower Solar Project, LLC, that I have read the foregoing pleading and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief, and this I do under the pains and penalties of perjury.

By: /s/ Anne E. Callenbach

Anne E. Callenbach

July 18, 2025

STATE OF KANSAS
OFFICE OF SECRETARY OF STATE
CERTIFICATE OF GOOD STANDING

I, SCOTT SCHWAB, Kansas Secretary of State, certify that the records of this office reveal the following:

Business ID: 5357504

Business Name: SUNFLOWER SOLAR PROJECT, LLC

Type: Foreign Limited Liability Company

Jurisdiction: Delaware

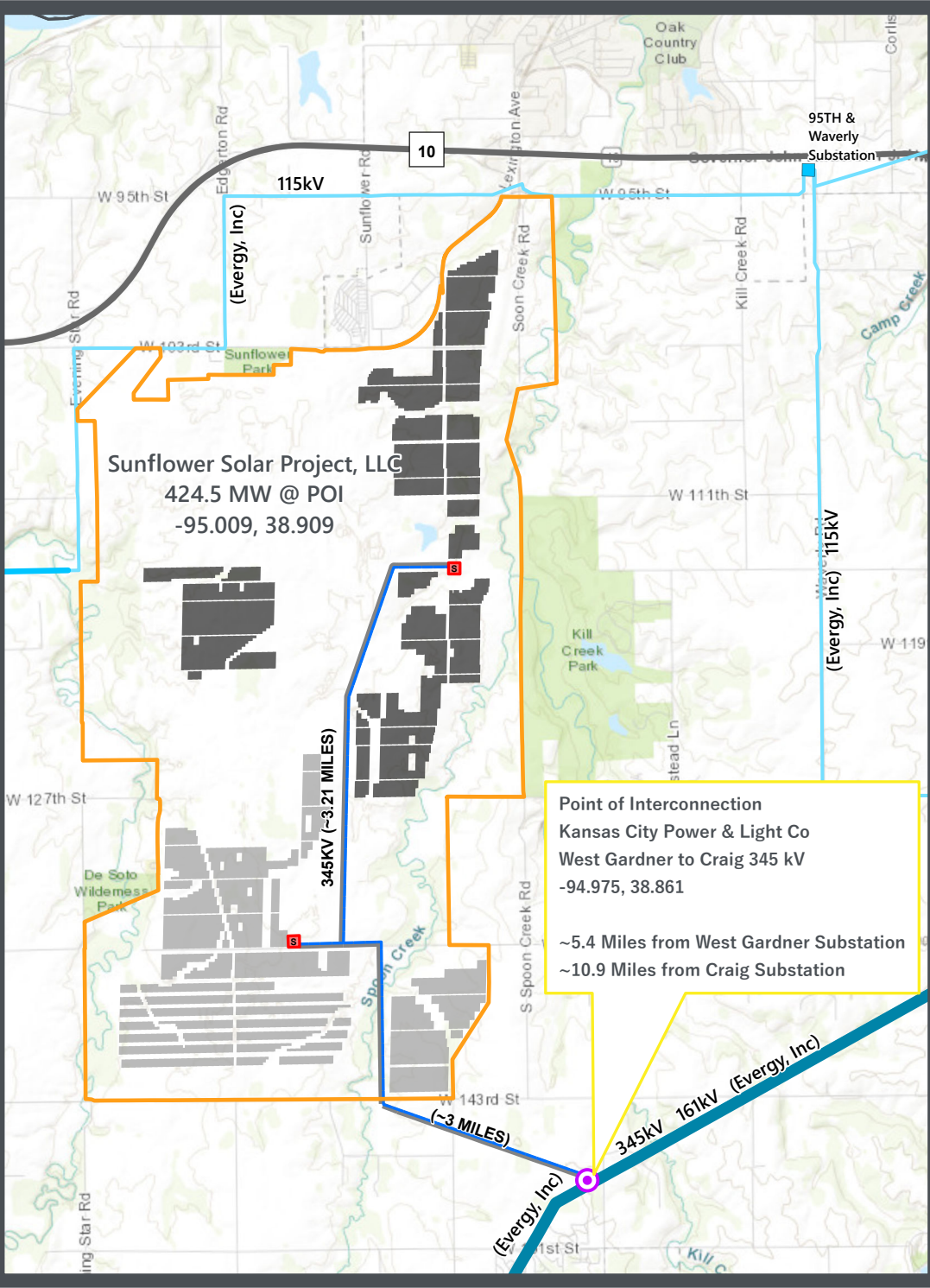
was filed in this office on April 21, 2020, and is in good standing, having fully complied with all requirements of this office.

No information is available from this office regarding the financial condition, business activity or practices of this entity.



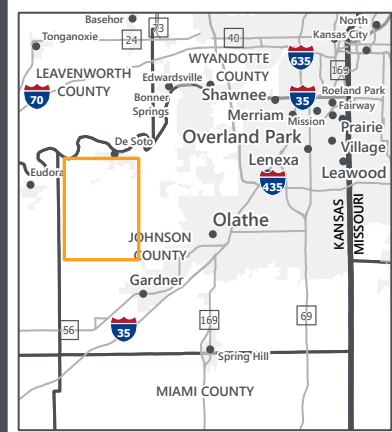
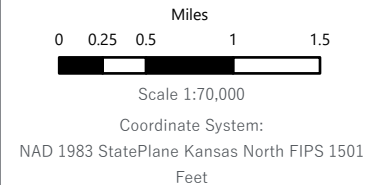
In testimony whereof:
I affix my official certification seal.
Done at the City of Topeka,
on this day July 14, 2025.

SCOTT SCHWAB
KANSAS SECRETARY OF STATE



Sunflower Solar Project, LLC

- Project Boundary
- Point of Interconnection
- Solar Array
 - North Site (~215.5 MW contribution @ POI)
 - South Site (~209 MW contribution @ POI)
- OH Transmission
- Substation
- Transmission Lines
- Voltage kV
 - 115
 - 161
 - 345
- Substations



Site Location -94.99° 38.913°