

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of The Empire)
District Electric Company for a Certificate of)
Public Convenience and Necessity Related to the)
Neosho Ridge Wind Farm located in Neosho)
County, Kansas.)

Docket No. 19-EPDE-238-COC

NOTICE OF WITHDRAWAL

The Empire District Electric Company ("Empire" or "Company") hereby withdraws its Application filed in the above-captioned docket for the reasons set forth below.

1. On December 19, 2018, Empire filed an Application with the Kansas Corporation Commission ("Commission") seeking a certificate of public convenience and necessity ("Certificate") from the Commission relating to the Neosho Ridge Wind Farm located in Neosho County, Kansas ("Neosho Wind Farm") that Empire plans, through the purchase of a holding company (Neosho Ridge Holdings, LLC, the "Holdco"), to acquire from Neosho Ridge Wind JV, LLC ("Neosho Ridge JV"), a joint venture between a subsidiary of Apex Clean Energy, Inc. ("Apex") and a subsidiary of Steelhead Americas LLC ("Steelhead"). Neosho Ridge JV is constructing the wind farm and transmission facilities to connect the wind farm to the transmission grid. Empire will acquire its interest in the Neosho Wind Farm through the purchase of Holdco in January 2021.

2. Empire requested one Certificate for the ownership and operation of the Neosho Wind Farm and a separate "transmission rights only" Certificate for the ownership and operation of the transmission line that will interconnect the Neosho Wind Farm to the Neosho-to-Caney River 345 kV transmission line owned by Westar Energy, Inc. ("Westar").

3. Upon reviewing Commission precedent relating to whether an electric public utility is required under the Kansas Public Utility Act to obtain a Certificate to own and operate a wind farm

located outside the electric public utility's certificated service territory, and upon further discussions with the Commission Staff regarding this specific issue, Empire and Staff concluded that an electric public utility is not required to obtain a Certificate to own and operate a wind farm located outside the electric utility's certificated service territory, and that it would be appropriate for Empire to withdraw its application.

4. Empire and Staff reviewed Westar's ownership and operation of its Western Plains Wind Farm located in Ford County, Kansas ("Western Plains") and Kansas City Power & Light's ("KCP&L") ownership and operation of its Spearville Wind Farm, which is also located in Ford County ("Spearville"). Both of these wind farms are not located within the utility's existing certificated service territory. In each case, no Certificate was required to be issued to the utility in order to own and operate the wind farm. Empire and Staff therefore concluded that an electric public utility is not required to obtain a Certificate to own and operate a wind farm located outside the electric utility's certificated service territory.

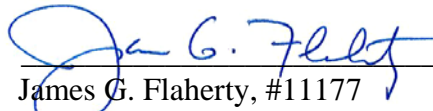
5. With respect to the transmission rights only Certificate that Empire is requesting as part of its Application in this case, Empire and Staff concluded that Empire would be required to seek a transmission rights only Certificate to own and operate the transmission line connecting the Neosho Wind Farm to the transmission grid.¹

6. Empire has agreed with Staff to file a new application with the Commission for a transmission rights only Certificate relating to the transmission line that will connect the Neosho Wind Farm to the transmission grid after that transmission line has been constructed by Neosho Ridge JV, but before it is placed in operation by Empire. Neosho Ridge JV is constructing the Neosho Wind

¹This determination was based upon review of the pleadings and order issued in Docket No. 06-KCPE-1021-COC ("1021 Docket"). In the 1021 Docket, KCP&L filed for and received from the Commission a transmission rights only Certificate to connect its Spearville Wind Farm to the transmission grid.

Farm and transmission line under the public utility exemption allowed for under K.S.A. 66-104(e), and therefore, Empire does not wish to file for its transmission rights only Certificate before the transmission line is constructed by Neosho Ridge JV. Empire has discussed this issue with Staff and Staff has indicated it has no objection to Empire's request to withdraw its entire application without prejudice and to submit a new application seeking a transmission rights only Certificate for the transmission line consistent with what was done in the 1021 Docket, at a later date.

WHEREFORE, for the reasons set forth herein, Empire submits this Notice of Withdrawal of its Application in this matter.



James G. Flaherty, #11177

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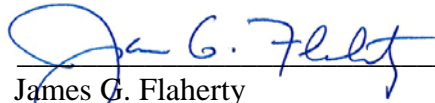
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Attorneys for The Empire District Electric Company

VERIFICATION

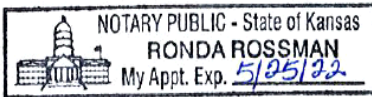
STATE OF KANSAS
COUNTY OF FRANKLIN, ss:

James G. Flaherty, of lawful age, being first duly sworn deposes and says that he is attorney for The Empire District Electric Company; that he has read the above and foregoing Notice of Withdrawal; and the statements therein contained are true.



James G. Flaherty

SUBSCRIBED AND SWORN to before me this 19th day of February, 2019.





Notary Public

Appointment/Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via U. S. Mail, postage prepaid, hand-delivery, or electronically, this 19th day of February, 2019, addressed to:

Carly Masenthin
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Robert Elliott Vincent
r.vincent@kcc.ks.gov

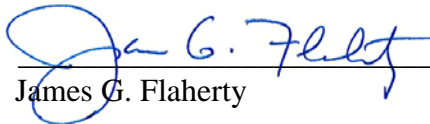
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