

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Susan K. Duffy, Chair  
Shari Feist Albrecht  
Dwight D. Keen

In the Matter of the Application of City of Galva, )  
Kansas for a Certificate of Convenience and )  
Authority to Transact the Business of an Electric ) Docket No. 20-GALE-450-COC  
Public Utility in the State of Kansas. )  
Section 28, Township 19 South, Range 2 West )  
in McPherson County, Kansas. )

**ORDER AND CERTIFICATE**

The above captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On May 4, 2019, the City of Galva (Galva) filed an application seeking a Certificate of Convenience and Authority to provide electric service in an area of McPherson, Kansas, which is described as follows:

The NE 1/4 of the NE 1/4 Section 28-19S-2W and the NW 1/4 of the NW 1/4 of 27-19S-2W.

2. The territory is currently served by McPherson Board of Public Utilities (BPU) at the time of the filing of the Application, and is subject to an application seeking to cease the rendition of public utility electric service by BPU in Docket No. 20-MPBE-403-CCS.

3. The Commission Staff (Staff) submitted a Report and Recommendation dated May 12, 2020, which is attached and referred to by reference in this Order. Staff reviewed the Galva Application and determined that the legal descriptions and maps provided are accurate. The Staff concludes the legal description will not be in conflict with the Commission's Certificate records.

Staff submits the application is in the public interest and should be granted. The Staff determined that for BPU to provide service it would need to construct a three phase line 1.5 miles to serve a customer, whereas Galva has three phase service adjacent to the business location where service is being requested. Staff notes both parties are in agreement for the transfer of territory to economically allow service to be provided. In addition, it proposes on approval of the Application to have the updated territorial descriptions as further delineated in paragraph no. 1 updated and reflected in the Commission's certified territory map.

4. The Commission finds and concludes the Staff Report and Recommendation shall be accepted and the Galva Application should be approved and will promote the public convenience.

5. A Certificate of Convenience and Authority allowing Galva to provide electric service in the territory described in Finding No. 1 above should be granted.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The Application of the City of Galva is hereby granted and it is permitted to transact the business of an electric utility in the territory described in Finding No. 1 herein.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>1</sup>

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

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<sup>1</sup> K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

**BY THE COMMISSION IT IS SO ORDERED.**

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 05/28/2020



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Lynn M. Retz  
Executive Director

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Susan K. Duffy, Chair  
Shari Feist Albrecht, Commissioner  
Dwight D. Keen, Commissioner

Laura Kelly, Governor

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Susan K. Duffy  
Commissioner Shari Feist Albrecht  
Commissioner Dwight D. Keen

**FROM:** Jason Kerr, Electric Utility Engineering Technician  
Leo Haynos, Chief Engineer  
Jeff McClanahan, Director of Utilities

**DATE:** May 12, 2020

**SUBJECT:** 20-MPBE-403-CCS  
In the Matter of the Application of McPherson Board of Public Utilities for permission to Cease Operating as an Electric Public Utility in the State of Kansas. S28-19S-R2W McPherson County.

20-GALE-450-COC  
In the Matter of the Application of City of Galva, Kansas for a Certificate of Convenience and Authority to transact the business of an Electric Public Utility in the State of Kansas. S28-19S-R2W.

**EXECUTIVE SUMMARY:**

In Docket 20-MBPE-403-CCS, McPherson Board of Public Utilities (BPU) is seeking approval of the Commission to cease operating as an electric utility in a small tract of certified territory in McPherson County. In Docket 20-GALE-450-COC, the City of Galva (Galva) is requesting a Certificate for this tract of certified territory.

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction.

**BACKGROUND:**

On March 18, 2020, BPU filed the above-captioned Application to Cease in Docket No. 20-MBPE-403-CCS. On May 4, 2020, Galva filed the above-captioned Application for a Certificate in Docket No. 20-450-COC.

To better serve the needs of a proposed industrial park in the vicinity of Galva, BPU and Galva mutually agree that Galva should serve this customer. Galva already has established three phase electrical service adjacent to the building site.

K.S.A. 66-1,170 et seq., the Retail Electric Suppliers Act (RESA), requires the state of Kansas to be divided into electric service territories in which only one retail electric supplier is established for a given territory.

The Commission has authority to grant a Certificate of Convenience and Necessity to any public utility seeking to transact business in the State of Kansas.<sup>1</sup>

**ANALYSIS:**

BPU would be required to construct 1.5 miles of three phase service to this building location. Galva has three phase service adjacent to the building site.

Staff has reviewed both Applications and has confirmed the legal descriptions included in both Applications are accurately depicted on the map attached to each Application. Staff also confirmed the legal description is not in conflict with the Commission's Certificate records. The legal description is included as Attachment A to this Report and Recommendation.

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

The Commission action date is October 25, 2020.

**RECOMMENDATION:**

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction. Upon approval, the updated territory descriptions will be reflected in the Commission's certified territory map.

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<sup>1</sup> K.S.A. 66-131

ATTACHMENT A  
Legal Description of Territory Trade Between  
McPherson Board of Public Utilities and the City of Galva  
Docket No. 20-MPBE-403-CCS and 20-GALE-450-COC

McPHERSON COUNTY, KANSAS

The NE 1/4 of the NE 1/4 Section 28-19-2W and the NW 1/4 of the NW 1/4 of 27-19-2W.

**CERTIFICATE OF SERVICE**

20-GALE-450-COC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
first class mail and electronic service on 05/28/2020.

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MYRNA WALLINE, MAYOR  
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/S/ DeeAnn Shupe  
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DeeAnn Shupe