

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

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

In the Matter of the Application of Bluestem            )  
Electric Cooperative, Inc. for a Certificate of            )  
Convenience and Authority to Transact the            )  
Business of an Electric Public Utility, Specifically    ) Docket No. 20-BECE-043-COC  
in a Portion of Section 33, Township 09 South,        )  
Range 09 East, and portion of Section 4, Township    )  
10 South, Range 9 East, located in Pottawatomie    )  
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 July 29, 2019, the Bluestem Electric Cooperative, Inc. (Bluestem) filed an application seeking a Certificate of Convenience and Authority to provide electric service in an area of Pottawatomie County, Kansas, which is described as follows:

A tract of land that is a portion of the Southeast Quarter of the Southeast Quarter in Section 33, Township 9 South, Range 9 East and the Northeast Quarter of the Northwest Quarter in Section 33, Township 10 South, Range 9 East, in Pottawatomie County, Kansas.

2.     The territory is currently served by Evergy Central, Inc., d/b/a Evergy Central (Evergy Central), which was known as Westar Energy, Inc. 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 Evergy Central, Inc. in Docket No. 20-WSEE-111-CCS.

3. The Commission Staff (Staff) submitted a Report and Recommendation dated October 9, 2019, which is attached and referred to by reference in this Order. Staff reviewed the Bluestem 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. 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 Bluestem Application should be approved and will promote the public convenience.

5. A Certificate of Convenience and Authority allowing Bluestem 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 Bluestem Electric Cooperative, Inc. 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.

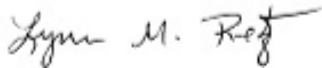
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<sup>1</sup> K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

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

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 10/22/2019

  
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Lynn M. Retz  
Executive Director

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1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

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

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

**DATE:** October 9, 2019

**SUBJECT:** 20-WSEE-111-CCS  
In the Matter of the Application of Westar Energy for Authority to Cease Transacting the Business of an Electric Public Utility specifically, in portions of Section 33, Township 9 South, Range 9 East, in Pottawatomie County, Kansas.

20-BECE-043-COC  
In the Matter of the Application of Bluestem Electric Cooperative, Inc. for a Certificate of Public Convenience and Authority to Transact the Business of an Public Utility in the State of Kansas.  
A Portion of Section 33, Township 09 South, Range 09 East, and a portion of Section 4, Township 10 South, Range 9 East, In Pottawatomie County, Kansas.

**EXECUTIVE SUMMARY:**

In Docket 20-WSEE-111-CCS, Westar Energy, Inc. (Westar) is seeking approval of the Commission to cease operating as an electric utility in a small tract of certified territory in Pottawatomie County. In Docket 20-BECE-043-COC, Bluestem Electric Cooperative, Inc. (Bluestem) 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 September 05, 2019, Westar filed the above-captioned Application to Cease in Docket No. 20-WSEE-111-CCS. On July 29, 2019, Bluestem filed the above-captioned Application for a Certificate in Docket No. 20-BECE-043-COC.

A new residential customer contacted Bluestem wishing to obtain electric service to his building site. Bluestem surveyed the site and discovered the site is located in Westar's certified area. Bluestem believed this tract of land was in their service territory because they have served two customers in this area since electric service territories were established.<sup>1</sup>

Both Utilities have electric infrastructure in the area; however, since Bluestem has been serving the two existing customers, Westar and Bluestem have mutually agreed that Bluestem should serve as the electric public utility for the territory described in Attachment A. For Westar to serve this customer, the customer would incur costs up front due to construction cost being more than the company allowance.

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>2</sup>

**ANALYSIS:**

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.

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

The Commission action date is January 24, 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. 66-1,172

<sup>2</sup> K.S.A. 66-131

**CERTIFICATE OF SERVICE**

20-BECE-043-COC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 10/22/2019.

CATHRYN J. DINGES, CORPORATE COUNSEL  
WESTAR ENERGY, INC.  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
Fax: 785-575-8136  
cathy.dinges@evergy.com

WALKER HENDRIX, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
w.hendrix@kcc.ks.gov

MICHAEL M. MORTON, GENERAL MANAGER  
BLUESTEM ELECTRIC COOPERATIVE, INC.  
1000 SOUTH WIND DRIVE  
PO BOX 5  
WAMEGO, KS 66547-0005  
Fax: 785-456-2003  
mikem@bluestemelectric.com

/s/ DeeAnn Shupe  
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DeeAnn Shupe