

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 Kansas Gas     )  
and Electric Company, doing business as Westar     )  
Energy for Authority to Transact the Business of     )  
an Electric Public Utility specifically, in portions     ) Docket No. 20-KG&E-151-COC  
of Section 3, Township 30 South, Range 1 East     )  
in Sumner 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 September 30, 2019, the Kansas Gas and Electric Company, n/k/a Evergy Kansas South, Inc., d/b/a Evergy Kansas Central (Evergy) and f/n/a Westar Energy, filed an application seeking a Certificate of Convenience and Authority to provide electric service in an area of Sumner County, Kansas, which is described as follows:

A tract of land that begins at a point 267.126' south in the NW ¼ of Section 3, T30S, R1E, thence S88-52-15E a distance of 393.936' to the POB; thence S0-52-45E a distance of 295.583'; thence S89-45-2W a distance of 386.833'; thence N2-10-18W a distance of 305.215' to the POB.

2.     The territory is currently served by Sumner Cowley Electric Cooperative, Inc. (Sumner Cowley) 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 Sumner Cowley in Docket No. 19-SMCE-527-COC.

3. The Commission Staff (Staff) submitted a Report and Recommendation dated November 5, 2019, which is attached and referred to by reference in this Order. Staff reviewed the Evergy 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 Evergy Application should be approved and will promote the public convenience.

5. A Certificate of Convenience and Authority allowing Evergy 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 Kansas Gas and Electric Company, n/k/a Evergy Kansas South, Inc., d/b/a Evergy Kansas Central 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: 11/14/2019

A handwritten signature in cursive script, reading "Lynn M. Retz", written in dark ink.

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Lynn M. Retz  
Executive Director

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**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:** November 5, 2019

**SUBJECT:** 19-SMCE-527-CCS  
In the Matter of the Application of Sumner Cowley Electric Cooperative, Inc. for  
Permission to Cease Operating as an Electric Cooperative in the State of Kansas.

20-KG&E-151-COC  
In the Matter of the Application of Kansas Gas and Electric Company, doing  
Business as Westar Energy for Authority to Transacting the Business of an Electric  
Public Utility specifically, in portions of Section 3 Township 30 South, Range 1  
East, in Sumner County, Kansas.

**EXECUTIVE SUMMARY:**

In Docket 19-SMCE-527-CCS, Sumner Cowley Electric Cooperative, Inc. (Sumner Cowley) is seeking approval of the Commission to cease operating as an electric utility in a small tract of certified territory in Sumner County. In Docket 20-KG&E-151-COC, Kansas Gas and Electric, Inc. (KG&E) 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 30, 2019, KG&E filed the companion Application for a Certificate in Docket 20-KG&E-151-COC. On June 27, 2019, Sumner Cowley filed the above-captioned Application requesting to cease in Docket 19-SMCE-527-CCS.

Sumner Cowley and KG&E are requesting to clean up their certified territory in a residential area near the city of Mulvane in Sumner County.

Sumner Cowley held the original Certificate for Section 3, Township 30 South, Range 1 East. In 1980, in Dockets 123,798-U and 123,368-U, Sumner-Cowley ceased and KG&E was granted a Certificate in a small portion of land in Section 3, Township 30 South, Range 1 East. KG&E serves one residential customer just north of the territory described in Attachment A. The south portion of this customer's land is in Sumner Cowley's certified territory. In this situation, the customer happens to have a barn in Sumner Cowley's territory where electricity was never established. Discussions between the two Utilities came to the agreement that with the customer already being a KG&E customer, his property should be part of KG&E's certified territory.<sup>1</sup>

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 December 23, 2019.

## **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> 66-1,175

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

ATTACHMENT A  
Legal Description of Territory Trade Between  
Sumner Cowley Electric Cooperative, Inc. and Kansas Gas and Electric Company  
Docket No. .

SUMNER COUNTY, KANSAS

Beginning at a point 267.126' south in the NW 1/4 of the NW 1/4 of Section 3, T30S, R1E,  
thence S88-52-15E a distance of 393.936 to the POB; thence S0-52-45E a distance of 295.583';  
thence S89-45-2W a distance of 386.833'; thence N2-10-18W a distance of 305.215' to the POB.

**CERTIFICATE OF SERVICE**

20-KG&E-151-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 11/14/2019.

CONI ADAMS, MANAGER OF ADMIN/HUMAN  
RESOURCES  
SUMNER-COWLEY ELECTRIC COOPERATIVE, INC.  
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WELLINGTON, KS 67152  
Fax: 620-326-6579

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/S/ DeeAnn Shupe  
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DeeAnn Shupe