

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

In the Matter of the Application of The Caney Valley Electric)
Cooperative Association, Inc. for a Certificate of Convenience)
and Authority to Transact the Business of an Electric Public) 15-CYVE-591-COC
Utility in the State of Kansas. Twp. 32S, R6E, Sec. 25 & Twp.)
32S, R6E, Sec 36)

CERTIFICATE

NOW, the above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas ("Commission"). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On June 15, 2015 The Caney Valley Electric Cooperative Association, Inc. ("Applicant") filed an application seeking a Certificate of Convenience and Authority to provide electric service to a portion of Cowley County, Kansas as required by K.S.A. 2014 Supp. 66-131. Applicant is an electric public utility as defined by K.S.A. 2014 Supp. 66-104. A public hearing was neither requested nor held on this application.

2. Specifically, Applicant requests a Certificate in the territory described as follows:

COWLEY COUNTY

Twp. 32S, Range 6E, E 1/2 of the SW Qtr of Section 25, and Twp. 32S, Range 6E, E 1/2 of the NW Qtr of Section 36, and Twp. 32S, Range 6E, E 1/2 of the W 1/2 of the NW Qtr of Section 36

3. The territory described in Finding No. 2 above is currently served by City of Winfield, Kansas. Pursuant to Docket No. 15-WNFE-583-CCS, City of Winfield, Kansas requests permission to cease operating as an electric public utility in that territory.

4. Public convenience will be promoted by allowing Applicant to provide electric service in the territory described in Finding No. 2 above. The application, therefore, should be granted and a Certificate issued to Applicant in accordance with the provisions of K.S.A. 2014 Supp. 66-131.

IT IS, THEREFORE, BY THE COMMISSION CONSIDERED AND CERTIFIED:

A. The application filed herein is granted and The Caney Valley Electric Cooperative Association, Inc. is permitted to transact the business of an electric public utility in the territory described in Finding No. 2 herein.

B. A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing, and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529.

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

BY THE COMMISSION IT IS SO CERTIFICATED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JUL 30 2015


ORDER MAILED JUL 31 2015

Amy L. Gilbert
Secretary to the Commission

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Pat Apple

FROM: Gary Dawdy, Utility Engineer II
Leo Haynos, Chief Engineer
Jeff McClanahan, Director of Utilities

DATE: July 20, 2015

SUBJECT: 15-CYVE-591-COC
In the Matter of the Application of The Caney Valley Electric Cooperative Association, Inc. for Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas. Twp. 32S, R6E, Sec. 25 & Twp. 32S, R6E, Sec 36

15-WNFE-583-CCS
In the Matter of the Application of City of Winfield, KS for Permission to Cease Operating as an Electric Public Utility in the State of Kansas.
T-32-S, R-6-E, Section 25 and T-32-S, R-6-E, Section 36

BACKGROUND:

On June 1, 2015, City of Winfield, Kansas (City) filed an Application to Cease in Docket No. 15-WNFE-583-CCS and on June 15, 2015, Caney Valley Electric Cooperative Association, Inc. (Caney Valley) filed a Companion Application for Certificate in Docket No. 15-CYVE-591-COC.

ANALYSIS:

Pursuant to K.S.A. 2014 Supp. 66-131, the Commission has jurisdiction to grant a certificate to a public utility seeking to transact business in the State of Kansas. K.S.A. 66-1,170 et seq. the Retail Electric Suppliers Act (RESA) requires each and every retail electric supplier to obtain a certificate from the Commission.

The statutory standard of review in this matter is whether the "public convenience will be promoted by the transaction of said business and permitting said applicants to transact the business of a common carrier or public utility in this state." K.S.A. 2014 Supp. 66-131. Further, single electric certification shall be the standard in Kansas under K.S.A. 66-1,170 et seq.

In addition, 66-1,175 states:

Notwithstanding the exclusive right of retail electric suppliers to provide service within the certified territories established pursuant to this act, a retail electric supplier may enter into an agreement with another retail electric supplier for the establishment of boundaries between territories other than the boundaries established pursuant to this act or providing electric service to electric consuming facilities as between such retail electric suppliers. Any agreement entered into pursuant to this section shall be subject to approval by the corporation commission. If so approved, the commission shall issue certificates accordingly.

The City is requesting authority to cease in a small tract of electric territory located in Cowley County. This territory exchange will provide Caney Valley with Certificate authority to serve a new electric customer. Caney Valley can provide a more economical service to this area because of closer existing facilities.

Staff recommends that the Commission find that public convenience will be promoted by the granting of these Applications.

The Commission action date is November 28, 2015.

RECOMMENDATION:

Staff is recommending that Caney Valley's Application for Certificate in 15-CYVE-591-COC and the City's Cease Operation Application in 15-WNFE-583-CCS both be granted.

JUL 30 2015

KANSAS CORPORATION COMMISSION
AMY L. GILBERT, SECRETARY

DOCKET NO.: 15-CYVE-591-CCS

ORDER DATE:

NAME AND ADDRESS

NO. OF
COPIES

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Beth Wilke, Mayor
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Winfield, KS 67156

ORDER MAILED JUL 31 2015

The Docket Room hereby certifies that on _____, a true and correct copy of the attached was deposited in the United States Mail, postage prepaid, addressed to the above persons.