



CMS Electric Cooperative, Inc.



May 4, 2016

Neysa Thomas  
Acting Executive Director  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604

**Re: Application to Cease Operation and  
Application for Certificate – Seward County, Kansas**

Dear Ms. Thomas:

On behalf of Southern Pioneer Electric Company (“Southern Pioneer”) and CMS Electric Cooperative, Inc. (“CMS Electric”), please find enclosed for filing the following:

**Application to Cease Operation** of Southern Pioneer for service territory located in Seward County, Kansas:

- That area lying south of the existing CMS Electric Cooperative, Inc., three-phase line in the W ½ of the W ½ of Section 13, Township 35S, Range 34W; and

**Application for Certificate** of CMS Electric for territory located in Seward County, Kansas:

- That area lying south of the existing CMS Electric Cooperative, Inc., three-phase line in the W ½ of the W ½ of Section 13, Township 35S, Range 34W.

The subject service territory, hereinafter referred to as “Service Territory” and as depicted in attached Exhibit A to the Application to Cease Operation and outlined in red, is located in a rural area and currently impacts no existing retail consumers of either utility. On February 21, 2014, *via* Docket 14-CMSE-395-CCS, CMS Electric made application to cease service to the Service Territory in order to more economically serve an unrelated single consumer located in Southern Pioneer’s easterly Seward County service territory and Southern Pioneer, *via* Docket 14-SPEE-397-COC, made application for a certificate to serve the Service Territory as CMS did not have adequate facilities to eventually serve a proposed housing project. The Kansas Corporation Commission (“Commission”) approved both applications, effective March 18, 2014. However, Southern Pioneer and CMS Electric have been advised that the project developer has now abandoned the

housing project development and sold the real estate to an individual, who desires to build a single residence and horse barn served at the single-phase voltage. CMS has facilities adjacent and immediately to the west of the Service Territory along Bird Road, where Southern Pioneer, if it was to provide electric service, would be required to 1) extend its electric facilities a considerable distance from the east to serve this sole consumer and 2) either obtain either private or public right-of-way easement(s), all at the consumer's expense pursuant to Southern Pioneer's Commission-approved line extension policy.

Therefore, the Southern Pioneer and CMS Electric Boards respectfully request with the filings of these Applications that the Commission approve the proposed territory exchange in order to economically serve the retail consumer.

Questions or notices pertaining to these filings should be directed to the following persons:

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As always, Southern Pioneer and CMS Electric look forward to the Commission's acceptance, processing and approval of this joint filing. Should Commission Staff or you have questions regarding this filing or request additional information, please do not hesitate to contact me at 620-424-5211 or [rmagnison@pioneerelectric.coop](mailto:rmagnison@pioneerelectric.coop).

Sincerely,



Randall D. Magnison  
Executive Vice President – Assistant CEO

cc: Gary Dawdy  
Kirk Thompson