

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Mark Sievers, Chairman  
Ward Loyd, Commissioner  
Thomas E. Wright, Commissioner

In the Matter of the Application of Butler Rural Electric Cooperative )  
Association, Inc. for a Certificate of Convenience and Authority to )  
Transact the Business of an Electric Public Utility in the State of ) 12-BTRE-830-COC  
Kansas. A Portion of Section 24, Township 26S, Range 4E, in Butler )  
County, Kansas )

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 May 17, 2012, Butler Rural Electric Cooperative Association, Inc. ("Applicant") filed an application seeking a Certificate of Convenience and Authority to provide electric service to a portion of Butler County, Kansas as required by K.S.A. 66-131. Applicant is an electric public utility as defined by K.S.A. 2011 Supp. 66-104. A public hearing was not held on the Instant Application.

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

BUTLER COUNTY

A tract of land described as the South 1/2 of the Northwest 1/4 of Section 24, and all of the Southwest 1/4 of Section 24, Township 26 South, Range 4 East, as detailed on the map attached to the application.

3. The territory described in paragraph 2 above is currently served by Kansas Gas and Electric Company, doing business as Westar Energy. Pursuant to Docket No.

12-KG&E-811-CCS, Kansas Gas and Electric Company, doing business as Westar Energy 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 paragraph 2 above. The application, therefore, should be granted and a Certificate issued to Applicant in accordance with the provisions of K.S.A. 66-131.

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

A. The application filed herein is granted and Butler Rural 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. 2011 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.

Sievers, Chmn.; Loyd, Com.; Wright, Com.

Dated:     **JUN 13 2012**    

  
**ORDER MAILED JUN 13 2012**

Patrice Petersen-Klein  
Executive Director

gdd

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Mark Sievers, Chairman  
Ward Loyd, Commissioner  
Thomas E. Wright, Commissioner

Sam Brownback, Governor

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**STATE CORPORATION  
COMMISSION**

**MAY 31 2012**

**PATRICE PETERSEN-KLEIN  
EXECUTIVE DIRECTOR**

**TO:** Chairman Mark Sievers  
Commissioner Ward Loyd  
Commissioner Thomas E. Wright

**FROM:** Gary Dawdy

**DATE:** May 29, 2012

**DATE SUBMITTED TO EXECUTIVE DIRECTOR:** 5-30-12

**DATE SUBMITTED TO LEGAL:** 6-4-12

**DATE SUBMITTED TO COMMISSIONERS:** 6/6/12

**SUBJECT:** 12-KG&E-811-CCS

In the Matter of the Application of Kansas Gas and Electric Company, Doing Business As Westar Energy to Cease Transacting the Business of an Electric Public Utility, Specifically in a Portion of Section 24, Township 26 South, Range 4 East in Butler County, Kansas

12-BTRE-830-COC

In the Matter of the Application of Butler Rural Electric Cooperative Association, Inc. for a Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas. A Portion of Section 24, Township 26S, Range 4E, in Butler County, Kansas

Kansas Gas and Electric Company, doing business as Westar Energy (Westar) and Butler Rural Electric Cooperative Association, Inc. (Butler Rural) have filed these Applications to exchange approximately 340 acres of electric territory in Butler County. In order for Westar to serve a new residential customer developing in this area, Westar would have to construct approximately one (1) mile of new facilities. Butler Rural is significantly closer and can connect this new customer more efficiently and at a lower cost. There are no electric customers currently being served in the area proposed to be exchanged.

**RECOMMENDATION:** GRANT

cc: Patrice Petersen-Klein, Executive Director  
Jeff McClanahan, Director of Utilities  
Michael Wegner, Chief of Energy Operations

Otto Newton, Litigation Counsel  
Dana Bradbury, General Counsel  
PACP

KANSAS CORPORATION COMMISSION  
PATRICE PETERSEN-KLEIN, EXECUTIVE DIRECTOR

DOCKET NO.: 12-BTRE-830-COC

ORDER DATE: JUN 13 2012

NAME AND ADDRESS

NO. OF  
COPIES

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The Docket Room hereby certifies that on ORDER MAILED JUN 13 2012, a true and correct copy of the attached was deposited in the United States Mail, postage prepaid, addressed to the above persons.