

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

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

In the Matter of the Application of Brown-)
Atchison Electric Cooperative Association, Inc.)
for a Certificate of Convenience and Authority) Docket No. 17-BRAE-357-COC
to Transact the Business of an Electric Public)
Utility in the State of Kansas, Atchison County.)

ORDER GRANTING CERTIFICATE OF CONVENIENCE AND AUTHORITY

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:

I. BACKGROUND

1. On February 7, 2017, Brown-Atchison Electric Cooperative Assn., Inc. (Brown-Atchison) filed an Application requesting a Certificate of Convenience and Authority (Certificate) to transact the business of an electric public utility in a portion of Atchison County, Kansas. Brown-Atchison is an electric public utility as defined in K.S.A. 2015 Supp. 66-104. A public hearing was neither requested nor held on Brown-Atchison's Application.

2. Brown-Atchison requests that it be certificated as an electric public utility for the purpose of providing electric public utility service in the following described territory to wit:

A tract of land described as the Southwest ¼ of the Southwest ¼ of Section 33, Township 6 South, Range 17 East, in Atchison County, Kansas, as detailed on the map marked Exhibit A, attached to and made a part of the Application.

3. On April 11, 2017, the Commission Staff (Staff) submitted its Report and

Recommendation dated April 11, 2017, recommending the Commission grant Brown-Atchison's Application and issue the company a Certificate to transact the business of an electric public utility in the territory described in paragraph 2 above.

II. LEGAL STANDARDS AND DISCUSSION

4. 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. K.S.A. 2015 Supp. 66-131(a) provides in part that:

No person or entity seeking to construct electric transmission lines as defined in K.S.A. 66-1,177, and amendments thereto, or common carrier or public utility, including that portion of any municipally owned utility defined as a public utility by K.S.A. 66-104, and amendments thereto, governed by the provisions of this act shall transact business in the state of Kansas until it shall have obtained a certificate from the corporation commission that public convenience and necessity 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...

5. According to Staff, Brown-Atchison and Westar Energy, Inc. (Westar) are proposing to exchange approximately forty acres of electric service territory in Atchison County in order to better serve the needs of a customer planning to build a new home in the area. This territory trade is being requested to permit Brown-Atchison to connect a new residential customer. Westar would have to cross through rock and tree conditions in order to extend facilities to the new location. This would result in significantly higher extension costs. Brown-Atchison has existing facilities nearby. There are currently no existing customers in the area being exchanged. Correspondingly, Westar, on February 20, 2017, filed an Application in Docket No. 17-WSEE-386-CCS requesting to cease transacting the business of an electric public utility in the territory described in paragraph 2 above. Concluding, Staff determines that the public convenience will be promoted by

the requested territory exchange and recommends the Commission grant the Applications of both Westar and Brown-Atchison.¹

III. FINDING AND CONCLUSION

6. The Commission adopts Staff's analysis and recommendation of April 11, 2017, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that Brown-Atchison's Application should be granted, and that the public convenience and necessity will be promoted by issuing Brown-Atchison the requested Certificate.

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

A. That the Application filed by Brown-Atchison Electric Cooperative Assn., Inc. on February 7, 2017 is hereby granted and a Certificate of Convenience and Authority to transact the business of an electric public utility in the territory described in paragraph 2 above is hereby granted.

B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served, in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529(a)(1).

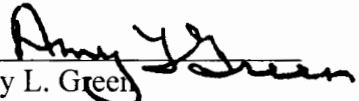
C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders, as it may deem necessary.

¹ Report and Recommendation, page 2.

BY THE COMMISSION IT IS SO ORDERED AND CERTIFICATED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: APR 25 2017



Amy L. Green
Secretary to the Commission

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EMAILED

APR 25 2017

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

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

DATE: April 11, 2017

SUBJECT: 17-BRAE-357-COC
In the Matter of the Application of Brown-Atchison Electric Cooperative Association, Inc. for a Certificate of Convenience and Authority to Transact the Business of an Electric Utility Public Utility in the State of Kansas. Atchison County

17-WSEE-386-CCS
In the Matter of the Application of Westar Energy, Inc. to Cease Transacting the Business of an Electric Public Utility, Specifically in Portions of Section 33, Township 6 South, Range 17 East, in Atchison County Kansas.

EXECUTIVE SUMMARY

Westar Energy, Inc. (Westar) and Brown-Atchison Electric Cooperative Assn., Inc. (Brown-Atchison) are proposing to exchange approximately forty acres of electric territory located in Atchison County. These two electric suppliers have agreed to exchange this territory to better serve the needs of a customer planning to build a new home in the area. There are currently no existing customers located in the area being exchanged. Brown-Atchison is better positioned to provide future electric service in the immediate vicinity of the affected customer.

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction.

BACKGROUND:

On February 7, 2017, Brown-Atchison filed an Application for Certificate in Docket No. 17-BRAE-357-COC. On February 20, 2017, Westar filed a Companion Application to Cease in Docket No. 17-WSEE-386-CCS.

The Commission has jurisdiction to grant a Certificate to any public utility seeking to transact business in the State of Kansas.¹ 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. Notwithstanding the mandated single electric provider service territories, RESA also provides that retail electric suppliers can enter into agreements to amend boundaries between their facilities. The agreements are filed in the form of Certificates and, if approved by the Commission, Certificates to amend territory are issued.

Brown-Atchison and Westar have filed these Applications to exchange approximately forty acres of electric territory in Atchison County. This territory trade is being requested to permit Brown-Atchison to connect a new residential customer. Westar would have to cross through rock and tree conditions in order to extend facilities to the new location. This would result in significantly higher extension costs. Brown-Atchison has existing facilities nearby. There are currently no existing customers in the area being exchanged.

ANALYSIS:

Staff has reviewed the Applications and determined that the legal descriptions and maps provided with the Applications are accurate. Staff has also confirmed that the legal descriptions are not in conflict with the Commission's Certificate records. The proposed revision to the affected territories legal description is included as Attachment 1 to this Report and Recommendation.

RECOMMENDATION:

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction.

The Commission action date is August 6, 2017.

¹ K.S.A. 66-131

ATTACHMENT 1
Legal Description Territory Trade
Brown-Atchison Electric Cooperative Assn., Inc. and Westar Energy, Inc.

ATCHISON COUNTY

A tract of land described as the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 6 South, Range 17 East in Atchison County, Kansas, as detailed on the map marked Exhibit A in the Application in Docket No. 17-WSEE-386-CCS

CERTIFICATE OF SERVICE

17-BRAE-357-COC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

Electronic Service on APR 25 2017.

JIM CURRIE, GENERAL MANAGER
BROWN-ATCHISON ELEC. COOP. ASSN., INC.
1712 CENTRAL
PO BOX 230
HORTON, KS 66439
Fax: 785-486-3910
jcurrie@baelectric.com

STEPHAN SKEPNEK, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
s.skepnek@kcc.ks.gov

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

/S/ DeeAnn Shupe
DeeAnn Shupe

EMAILED

APR 25 2017