

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 Westar Energy, Inc. for      )  
Certificate of Public Convenience and Authority to Transact the      )  
Business of an Electric Public Utility Specifically in a Portion of      ) 15-WSEE-307-COC  
Section 13, Township 15 South, Range 23 East, in Johnson      )  
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 January 20, 2015, Westar Energy, Inc. ("Applicant") filed an application seeking a Certificate of Public Convenience and Authority to provide electric service to a portion of Johnson County, Kansas as required by K.S.A. 2014 Supp. 66-131. Applicant is an electric public utility as defined by K.S.A. 2013 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:

JOHNSON COUNTY

A tract of land described as Lots 229-236, 263, 264, 376-383, 415 and 416 in Woodland Ridge Subdivision of Spring Hill located in the Northwest ¼ of Section 13, Township 15 South, Range 23 East, as detailed on the map marked Exhibit A in the application.

3.      The territory described in Finding No. 2 above is currently served by Kansas City Power & Light Company. Pursuant to Docket No. 15-KCPE-309-CCS, Kansas City Power &

Light Company 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:

The application filed herein is granted and Westar Energy, Inc. is permitted to transact the business of an electric public utility in the territory described in Finding No. 2 herein.

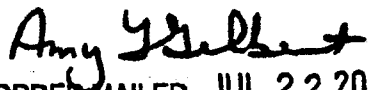
A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing, and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529.

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 21 2015

  
**ORDER MAILED JUL 22 2015**

Amy L. Gilbert  
Secretary

gdd

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Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Sam Brownback, Governor

## 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 7, 2015

**SUBJECT:** 15-WSEE-305-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 13, Township 15 South, Range 23 East, In Johnson County, Kansas

15-WSEE-306-COC

In the Matter of the Application of Westar Energy, Inc. for Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility Specifically in a Portion of Section 25, Township 11 South, Range 23 East, in Wyandotte County, Kansas

15-WSEE-307-COC

In the Matter of the Application of Westar Energy, Inc. for Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility Specifically in a Portion of Section 13, Township 15 South, Range 23 East, in Johnson County, Kansas

15-KCPE-308-COC

In the Matter of the Application of Kansas City Power & Light Company for a Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility, in a Portion of Lots 200-212, 216, 217 and 238-256 in Woodland Ridge Subdivision of the City of Spring Hill, Johnson County, Kansas

15-KCPE-309-CCS

In the Matter of the Application of Kansas City Power & Light Company for Authority to Cease Transacting the Business of an Electric Public Utility in a Portion of Lots 229-236, 263, 264, 376-383, 415 and 416 in Woodland Ridge a Subdivision of Spring Hill in Johnson County, Kansas

15-KCPE-310-CCS

In the Matter of the Application of Kansas City Power & Light Company for Authority to Cease Transacting the Business of an Electric Public Utility in a Portion of Section 25, Township 11 South, Range 23 East, in Wyandotte County, Kansas

**EXECUTIVE SUMMARY:**

In order to properly certificate electric customers, which each utility is serving in the other's territory, Kansas City Power & Light Company (KCP&L) and Westar Energy, Inc. (Westar) have filed these Applications to exchange two small separate tracts of electric territory located in Wyandotte and Johnson Counties. Because there are existing customers located in the areas being exchanged, notice of these Applications has been provided by each Company to the affected customers, advising of the Company's intent to properly certificate the area where their customers are located. Staff has received no objection or comment from the noticed customers. Staff is recommending that the Applications be granted.

**BACKGROUND:**

On January 20, 2015, Westar filed 15-WSEE-305-CCS, 15-WSEE-306-COC, and 15-WSEE-307-COC and KCP&L filed companion filings in 15-KCPE-308-COC, 15-KCPE-309-CCS, and 15-KCPE-310-CCS. These Applications would provide for the exchange of two small separate areas of electric territory located in Wyandotte and Johnson Counties.

**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.

After discovering accounts each electric utility had inadvertently connected in one another's service area, KCP&L and Westar filed these Applications to correct the territory boundary and properly certificate the customers involved. In Wyandotte County, Westar is serving five customers which are in an area certificated to KCP&L. However, all but one of these customers has been served by Westar since 1946 and are considered to be grandfathered accounts. A 40 acre tract of electric territory is being exchanged with KCP&L to properly certificate Westar at this location.

The other area being exchanged by Westar and KCP&L is located in Johnson County and occurs where an existing territory boundary between Westar and KCP&L extends through a portion of the Woodland Ridge Subdivision. At this location, KCP&L is currently serving seven customers across the boundary in Westar's portion of this subdivision. KCP&L was already serving the eastern portion of the subdivision but mistakenly connected the seven customers west of the boundary. In order to provide KCP&L proper certificate authority and divide or square up the boundary in the subdivision so that it can be more efficiently provided future electric service, from existing electric facilities, a number of undeveloped lots are being exchanged. The Applications provide that Westar would release and KCP&L would become certificated in 34 lots and KCP&L would release and Westar would become certificated in 20 lots. Often times when a boundary dissects a subdivision as it has the Woodland Ridge Subdivision, this type of territory trade is done. However, in this case the matter is more complicated due to the existing customers involved. Therefore, Staff has discussed the need for notice to these affected customers and both utilities have cooperated and after agreement between Staff and the two utilities on a notice letter format, KCP&L has mailed a notice letter to each of their seven affected customers noticing them of these Applications. In addition, Westar is providing notice to their appropriate customers.

Staff has received no objection or comments from the noticed customers.

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

The Commission action date is August 19, 2015.

**RECOMMENDATION:**

Staff recommends that the above-captioned Applications of Westar and KCP&L be granted.

JUL 21 2015

KANSAS CORPORATION COMMISSION  
AMY L. GILBERT, SECRETARY

DOCKET NO.: 15-WSEE-307-COC

ORDER DATE:

NAME AND ADDRESS

NO. OF  
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ORDER MAILED JUL 22 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.