

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

In the Matter of the Notice of Exemption     )  
Pursuant to K.S.A. 66-104(e)                     )     Docket No. - 19-PQWE-203 -WND  
Of Prairie Queen Wind Farm LLC                 )

**NOTICE OF EXEMPTION OF PRAIRIE QUEEN WIND FARM, LLC  
PURSUANT TO K.S.A. 66-104(e)**

COMES NOW Prairie Queen Wind Farm LLC, a Delaware limited liability company, formerly known as Moran Wind Farm LLC (“Prairie Queen”) and hereby provides notice to the State Corporation Commission of the State of Kansas (“Commission” or “KCC”) of its decision to opt out of public utility regulation pursuant to K.S.A. 66-104(e). In support of its Notice, Prairie Queen states and alleges as follows:

I. BACKGROUND.

1. Prairie Queen is a limited liability company, organized and existing under the laws of the State of Delaware, in good standing in all respects. Prairie Queen has qualified to do business in Kansas. Attached as Exhibit A is the good standing certificate dated October 31, 2018, from the Kansas Secretary of State.

2. Prairie Queen has initiated construction for a wind energy project with an expected total nameplate capacity of approximately 200MW, on an approximate 14,000-acre site located near the city of Moran in Allen County, Kansas (the “Project”). The Project site boundaries are approximately along Utah Road (north), North Dakota Road (south), 4400<sup>th</sup> Street (east) and 2200<sup>th</sup> Street (west). All Project facilities, including turbines and related infrastructure, will be constructed on privately-owned land pursuant to long-term lease and/or

rights-of-way agreements with the respective landowners. Because Prairie Queen has obtained privately-negotiated leases, easements, and rights-of-way agreements, Prairie Queen will not require condemnation authority in order to obtain any remaining land use rights for the Project. Prairie Queen will interconnect at Kansas City Power and Light Company (KCPL) new 161kV bus built for the new Dakota Substation tapping the Centerville-Marmaton 161kV transmission line by an approximately five and one-half (5 1/2) mile overhead 161kV generator lead line near Bayard, Kansas.

3. Pursuant to the Power Purchase Agreement between Prairie Queen and Great Plains Energy Incorporated, dated as of November 17, 2017 as amended (“Power Purchase Agreement”), commercial operation of the Project is currently planned no later than May 31, 2019, subject to *force majeure* and other circumstances. Under the Power Purchase Agreement, Great Plains Energy Incorporated and its successors or assigns will purchase substantially all of the output of the Project. Prairie Queen does not intend to sell any power at retail.

4. Prairie Queen has obtained certain local approvals from Allen County for the Project, including but not limited to a Special Use Zoning Permit for the Project.

## II. DECISION AND NOTICE TO OPT OUT OF PUBLIC UTILITY REGULATION.

5. Prairie Queen acknowledges it likely qualifies as a “public utility” as described in K.S.A. 66-104(a). However, K.S.A. 66-104(e) provides that the term “public utility” shall not include “any activity or facility of such entity as to the generation, marketing and sale of electricity generated by an electric generation facility or addition to an electric generation facility” which meets the requirements of subsection (e) of the statute, namely, (1) it is newly constructed and placed in service on or after January 1, 2001; and (2) is not placed in the rate base of an electric public utility subject to rate regulation by the KCC, any cooperative defined

under K.S.A. 17-4603, any nonstock member-owned cooperative corporation, or a municipally-owned or operated electric utility.

6. The Project and its facilities clearly meet the conditions of K.S.A. 66-104(e)(1) and (2) for exemption from KCC supervision.

7. Prairie Queen has exercised the option to make itself exempt from the definition of public utility pursuant to the opportunity to opt out of regulation contained in K.S.A. 66-104(e). Accordingly, Prairie Queen hereby provides notice to the Commission of its decision to opt out of public utility regulation pursuant to K.S.A 66-104(e). Because Prairie Queen has opted out of public utility regulation, it is likewise exempt from the application of the Kansas statutes which by their specific terms apply only to jurisdictional entities, such as K.S.A. 66-131, permit to transact business in the State of Kansas as a public utility required; K.S.A. 66-1,177 *et seq.*, the electric transmission line siting act; K.S.A 66-183, guidelines for stringing wires along or across streets, highways, or public places; and K.A.R. 82-12-1 *et seq.*, the Commission's wire-stringing regulations.

WHEREFORE, Prairie Queen respectfully submits to the Commission this Notice of Exemption pursuant to K.S.A. 66-104(e).

Respectfully submitted,

FLEESON, GOOING, COULSON & KITCH, L.L.C.

By Steve M. Stark  
Steve M. Stark (#11846)  
Daniel E. Lawrence (#23728)  
1900 Epic Center, 301 N. Main  
Wichita, KS 67202

Attorneys for Prairie Queen Wind Farm, LLC

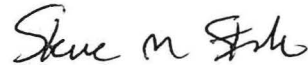
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading has been mailed, postage prepaid, this 15<sup>th</sup> day of November, 2018 to:

Lynn Retz  
Secretary  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Amber Smith  
Chief Litigation Counsel  
Kansas Corporation Commission  
1500 W. Arrowhead Road  
Topeka, KS 66604-4027

Jeff McClanahan  
Directory of Utility Operations  
Kansas Corporation Commission  
1500 W. Arrowhead Road  
Topeka, KS 66604-4027



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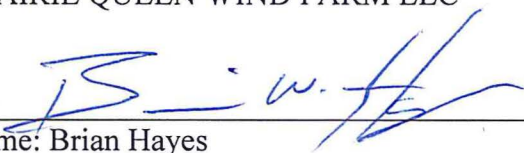
Steve M. Stark

**VERIFICATION**

STATE OF TEXAS            )  
  ) ss.  
COUNTY OF HARRIS        )

I, Brian Hayes, being duly sworn, on oath state that I am the Executive Vice President, Asset Operations for Prairie Queen Wind Farm LLC, that I have read the foregoing Notice and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief.

PRAIRIE QUEEN WIND FARM LLC

By   
Name: Brian Hayes  
Title: Executive Vice President, Asset Operations

The foregoing was subscribed and sworn to before me this 13<sup>th</sup> day of November, 2018.

  
Notary Public

My appointment expires: 12-27-2020

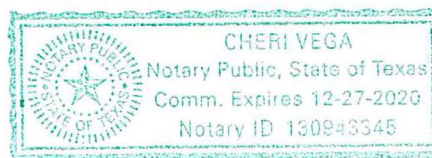


EXHIBIT A

10/31/2018

<https://www.kansas.gov/bess/flow/main?execution=e2s1>

**STATE OF KANSAS  
OFFICE OF  
SECRETARY OF STATE  
KRIS W. KOBACH**

I, KRIS W. KOBACH, Secretary of State of the state of Kansas, do hereby certify, that according to the records of this office.

Business Entity ID Number: 4890257

Entity Name: PRAIRIE QUEEN WIND FARM LLC

Entity Type: FOR: LTD LIABILITY COMPANY

State of Organization: DE

Resident Agent: THE CORPORATION COMPANY, INC.

Registered Office: 112 S.W. 7TH STREET, SUITE 3C, TOPEKA, KS 66603

was filed in this office on February 05, 2015, and is in good standing, having fully complied with all requirements of this office.

No information is available from this office regarding the financial condition, business activity or practices of this entity.



In testimony whereof I execute this certificate and affix the seal of the Secretary of State of the state of Kansas on this day of October 31, 2018

Handwritten signature of Kris W. Kobach in black ink.

**KRIS W. KOBACH  
SECRETARY OF STATE**

Certificate ID: 1084404 - To verify the validity of this certificate please visit <https://www.kansas.gov/bess/flow/validate> and enter the certificate ID number.