

BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of the Complaint Against 4)
Rivers Electric Cooperative, Inc. by) Docket No. 26-4REE-066-COM
Derrick Keim)

**ANSWER TO COMPLAINT AND PETITION TO OVERTURN ORDER MAKING
PRIMA FACIE DETERMINATION**

4 Rivers Electric Cooperative, Inc. (Respondent) through its attorney, Travis J. Ternes of Robert P. Burns, P.A., states the following in response to the Complaint of Derrick Keim and response to this Commission's Order.

1. Complainant and Respondent agree that Keim's 203 acres where he wants to construct a house and buildings is located within Respondent's certified service territory. K.S.A. 66-1,173 and 66-1,170(e).
2. Keim's house and other buildings would be electric consuming facilities, should he follow through with construction. K.S.A. 66-1,170(b).
3. Respondent has the exclusive right and responsibility to furnish retail electric service to Keim's property. K.S.A. 66-1,173.
4. Respondent is willing and able to fulfill its responsibility to serve Mr. Keim's property.
5. Respondent will not agree to release its certified service territory to Evergy or any other Retail electric supplier.
6. Further, Keim's Complaint fails to comply with K.A.R. 82-1-220(b).
7. Keim advises of no provisions of law or regulations or orders of the commission that Respondent violated or is violating by acts or omissions. K.S.A. 82-1-220(b)(1).

8. In fact, Keim asserts a lack of knowledge of any law or regulation that Respondent acts with authority under, which fails to explain how the allegations in the complaint “constitute the violations.” K.A.R. 82-1-220(b)(2).

9. Therefore, Keim’s Complaint does not establish a prima facie case for Commission action.

10. Kansas public policy and statute created certified territories for retail electric service providers. K.S.A. 66-1,171.

11. The Kansas Corporation Commission granted Respondent a certificate of convenience that includes the area where Keim intends to build.

12. There is no law that allows someone to choose a different Retail electric supplier within another Retail electric supplier’s Certified territory.

13. Allowing a resident to shop and choose different Retail electric supplier’s completely contradicts expressed Kansas public policy.

WHEREFORE, Respondent prays that this Court reverse its prior order, dismiss the Complaint as improper and contrary to law, and Respondent requests a hearing pursuant to K.A.R. 82-1-232(b)(1). In the alternative, Respondent requests that this matter be set for a scheduling hearing.

ROBERT P. BURNS, P.A.

/s/ Travis J. Ternes

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Attorneys for Respondent 4 Rivers Electric Cooperative, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 8th day of September 2025, I electronically filed the above-referenced Answer and Petition to Overturn using the e-filing Express System. A copy was sent via United States mail to the following:

Derrick Keim
1430 N Washington
Auburn, KS 66402

/s/ Travis J. Ternes
Travis J. Ternes, # 27184
Attorney for Respondent