

Westar Energy proposes to remove an existing three phase overhead primary distribution line from a retired substation and build a new three phase overhead primary distribution line to feed the new substation. Starting at a point from Westar's existing conduction in the Southwest ¼ of Section 33, Township 4 South, Range 13 East; continuing South into

Section 4 approximately 2300 feet; thence East to the new Goff substation in Section 3, Township 5 South, Range 13 East, all in Nemaha Co., KS.

2. On May 1, 2018, Commission Staff (Staff) submitted its Report and Recommendation dated April 27, 2018, recommending the Commission grant Westar Energy's Application and issue the company a Certificate for transmission rights only.

II. LEGAL STANDARDS

3. KSA 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. If a retail electric supplier receives Commission approval, RESA allows it to extend distribution or transmission facilities through the territory of another supplier provided the supplier building through the territory only uses the proposed line to serve its own certificated customers. The Commission has authority to grant a Certificate to any public utility seeking to transact business in the State of Kansas.¹ The statutory standard of review in this matter is whether the public convenience will be promoted by the proposed project and by permitting Westar Energy to transact the business of a common carrier or public utility.²

4. Staff indicates that it has reviewed Westar Energy's Application and confirms that the legal description included in paragraph 1 above is correct as well as is the route depicted on the attachment to Westar Energy's Application. Based on the foregoing information and the absence of any objection, Staff recommends the Commission find that the public convenience will be promoted by the granting of Westar Energy's Application and issuing Westar Energy a Certificate for transmission rights only.³

¹ K.S.A. 66-131

² *Id.*

³ Report and Recommendation at pg. 2.

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

(A) The Application filed by Westar Energy, Inc. on April 9, 2018, is hereby granted and a Certificate of Convenience and Authority for Transmission Rights Only is hereby issued to Westar Energy in the territory and to the extent described in Paragraph 1.

(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. 2017 Supp. 77-529(a)(1).

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler Commissioner; Keen, Commissioner

Dated: 05/10/2018



Lynn M. Retz
Secretary to the Commission

PZA

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SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chair Shari Feist Albrecht
Commissioner Jay Scott Emler
Commissioner Dwight D. Keen

FROM: Jason Kerr, Electric Utility Engineering Technician
Leo Haynos, Chief Engineer
Jeff McClanahan, Director of Utilities

DATE: April 27, 2018

SUBJECT: 18-WSEE-432-COC
In the Matter of the Application of Westar Energy, Inc. for a Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility specifically in portions of Sections 3, 33 and 34; Townships 4 and 5 South; Range 13 East; in Nemaha County, Kansas.

EXECUTIVE SUMMARY:

In Docket 18-WSEE-432-COC, Westar Energy, Inc. (Westar), is seeking Transmission Rights Only (TRO). Westar proposes to build a new three phase overhead primary distribution line to feed their new Goff Substation.¹

Staff recommends that the Commission grant this Application for TRO and find that public convenience will be promoted by this transaction.

BACKGROUND:

On April 9, 2018, Westar filed the above-captioned Application for a Certificate for TRO. Westar proposes to remove an existing three phase overhead primary distribution line from their retired King Hill substation and build approximately 1/2 mile of new three phase overhead primary distribution line to feed the new Goff substation, located in Nemaha County, Kansas.

¹ EL 39384

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. If a retail electric supplier receives Commission approval, RESA allows it to extend distribution or transmission facilities through the territory of another supplier provided the supplier building through the territory only uses the proposed line to serve its own certificated customers.

The Commission has authority to grant a Certificate of Convenience and Necessity to any public utility seeking to transact business in the State of Kansas.²

The statutory standard of review in this matter is whether the public convenience will be promoted by the transaction of the proposed project and by permitting the applicants to transact the business of a common carrier or public utility.³

ANALYSIS:

A TRO Certificate is needed from Westar's existing conductor in the SE1/4 of Section 33, Township 4 South, Range 13 East, continuing South into Section 4 approximately 2300', thence East to the new Goff substation in Section 3, Township 5 South, Range 13 East, in Nemaha County, Kansas.

Staff has reviewed Westar's Application and has confirmed the legal description included in the Application is accurately depicted on the map attached to the Application. Staff also confirmed the legal description is not in conflict with the Commission's Certificate records.

Staff recommends that the Commission find that public convenience will be promoted by the granting of this Application.

The Commission action date is October 8, 2018.

RECOMMENDATION:

Staff is recommending Westar's Application for Certificate in 18-WSEE-432-COC be granted for Transmission Rights Only.

² K.S.A. 66-131.

³ K.S.A. 66-131.

CERTIFICATE OF SERVICE

18-WSEE-432-COC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 05/11/2018.

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