

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

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

In the Matter of the Application of the City of)
Lindsborg for a Certificate of Convenience and)
Authority to Transact the Business of a(n) Electric) Docket No. 18-LDBE-323-COC
Public Utility in the State of Kansas. McPherson,)
Lindsborg, E/2 SE/4, S-8, T-17, R-3W.)

ORDER ACKNOWLEDGING CHANGE IN ELECTRIC SERVICE PROVIDER

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 January 29, 2018, the City of Lindsborg, Kansas (“City” or “Lindsborg”) filed an Application requesting a Certificate of Convenience and Authority (Certificate) to transact the business of an electric public utility within the city limits of Lindsborg. The City is an electric public utility as defined in K.S.A. 2016 Supp. 66-104. A public hearing was neither requested nor held on the City’s Application.

2. Lindsborg requests that it be certificated as an electric public utility for the purpose of providing electric public utility service in the territory described in Exhibit A attached to and incorporated in this Order by reference (Exhibit A).

3. On February 16, 2018, DS&O Electric Cooperative, Inc. (DSOE) filed a companion application in Docket No. 18-DSOE-358-CCS seeking authorization to cease operating as an electric public utility in the territory described in Exhibit A.

II. LEGAL STANDARDS AND DISCUSSION

4. Pursuant to K.S.A. 2016 Supp. 66-131, the Commission has jurisdiction to grant a Certificate to any 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 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 allows any city annexing territory to select a retail electric service provider to serve the annexed territory.¹ Consequently, Lindsborg has selected its own municipal utility to serve the territory described in Exhibit A. Inasmuch as the territory described in Exhibit A lies within the corporate limits of the City of Lindsborg and the City has chosen to serve said territory, the issuance of a Certificate by the Commission is neither necessary nor required under the provisions of K.S.A. 66-131 and K.S.A. 66-1,174. By virtue of K.S.A. 66-131 and K.S.A. 66-1,174, the City is the acknowledged and lawful electric supplier within the corporate limits of the City of Lindsborg, which includes the territory described in Exhibit A.

III. FINDINGS AND CONCLUSION

5. The Commission finds that pursuant to K.S.A. 66-131 and K.S.A. 66-1,174, the City of Lindsborg is the acknowledged and lawful electric supplier within the territory described in Exhibit A; therefore, issuance of a Certificate to the City is unwarranted under the circumstances, and this docket should be closed.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Pursuant to K.S.A. 66-131 and K.S.A. 66-1,174, the City of Lindsborg, Kansas is

¹ K.S.A. 66-1,176(a).

the acknowledged and lawful electric supplier providing retail electric utility service to the territory described in Exhibit A attached hereto and incorporated herein by reference. This docket is closed.

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. 2016 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.

BY THE COMMISSION IT IS SO ORDERED AND CERTIFICATED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: 03/22/2018



Lynn M. Retz
Secretary to the Commission

oan

Exhibit A
Lindsborg, Kansas
18-DSOE-358-CCS / 18-LDBE-323-COC
DS&O Electric Cooperative, Inc. to the City of Lindsborg

MCPHERSON COUNTY

SURFACE RIGHTS ONLY IN AND TO:

East Half of the Southeast Quarter (E1/2 SE1/4) of Section Eight (8), Township Seventeen (17) South, Range Three (3) West of the Sixth Principal Meridian, North and West of the Missouri Pacific Railway EXCEPT a tract described as follows;

Beginning 638.5 feet North of the Southwest corner of said SE ¼ SE 1/4 of said Section 8, thence North 650 feet along the West line of said SE ¼ SE 1/4, thence East parallel with the South line of said Section 8, 1173.4 feet to the West line of Highway K-4 right of way, thence Southwesterly 882 feet along said Highway right of way to a point 638.5 feet North of the South line of said Section 8, thence West 571.7 feet to place of beginning;

AND EXCEPT a tract described as follows:

Commencing at the Southwest corner of the E1/2 SE1/4 Section 8; thence North along the West line of the E1/2 SE1/4 1288.50 feet for the point of beginning; thence continuing North along the West line of the E 1/2 of said SE 1/4 393.41 feet; thence with a deflection angle 90 degrees 00 minutes 00 seconds right-East 1122.53 feet to the West right of way line of Kansas Highway No. 4; thence with a deflection angle of 93 degrees 51 minutes 35 seconds right-Southerly along said right of way line 328.57 feet; thence with a deflection angle 19 degrees 37 minutes right-Southwesterly and continuing along said right of way line 71.50 feet; thence with a deflection angle 66 degrees 31 minutes 25 seconds right-West 1071.93 feet to the point of beginning;

AND ALSO EXCEPT a tract described as follows;

Commencing at the Southwest corner of the E1/2 SE1/4 of said Section 8, thence North along the West line of the E1/2 SE1/4 1681.91 feet for the point of beginning, thence continuing North along the West line of the E1/2 SE 1/4 200.00 feet, thence with a deflection angle 90 degrees 00 minutes 00 seconds right-East 653.40 feet, thence South parallel to the West line of said E1/2 SE1/4 a distance of 200.00 feet, thence West 653.40 feet the point of beginning;

AND ALSO EXCEPT a tract described as follows:

Commencing at the Southwest corner of the E1/2 SE1/4 of said Section 8; thence North 0 degrees 33 minutes 06 seconds West along the West line of the E1/2 SE1/4 2248.40 feet for the point of beginning; thence continuing North 0 degrees 33 minutes 06 seconds West along the West line of the E1/2 SE1/4 400.00 feet to the North line of the SE1/4; thence North 89 degrees 52 minutes 29 seconds East along said North line 326.70 feet thence South 0 degrees 33 minutes

06 seconds East 400.00 feet; thence South 89 degrees 52 minutes 29 seconds West 326.70 feet to the point of beginning, McPherson County, Kansas.

CERTIFICATE OF SERVICE

18-LDBE-323-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 03/23/2018.

GREGORY A. DUMARS, CITY ADMINISTRATOR
CITY OF LINDSBORG
101S MAIN
PO BOX 70
LINDSBORG, KS 67456

OTTO NEWTON, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604
Fax: 785-271-3167
o.newton@kcc.ks.gov
Hand Delivered

TIM POWER, MANAGER
DS&O ELECTRIC COOPERATIVE, INC.
201 DAKOTA DR.
PO BOX 286
SOLOMON, KS 67480-2086
Fax: 785-655-2805
tpower@dsoelectric.com

/s/ DeeAnn Shupe

DeeAnn Shupe