

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

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

In the Matter of the Application of Kansas)
Electric Power Cooperative, Inc. for Approval) Docket No. 16-KEPE-584-MIS
of Amended and Restated Decommissioning)
Trust and a Change in Trustee.)

ORDER APPROVING APPLICATION

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined the files, and being duly advised in the premises, the Commission finds and concludes as follows:

I. BACKGROUND

1. On June 22, 2016, Kansas Electric Power Cooperative, Inc. (KEPCo) filed an Application requesting Commission approval of KEPCo's Amended and Restated Decommissioning Trust and change in trustee.¹

2. On August 5, 2016, the Staff of the Commission (Staff) filed its Report and Recommendation (R&R).² In Staff's R&R, Staff recommended the Commission grant KEPCo the authority requested in this docket on condition that KEPCo be required to file a copy of the executed trust in this docket.³

3. On November 21, 2016, Staff witness Adam Gatewood submitted Direct Testimony in the proceeding affirming the recommendations provided by Staff in its R&R.

4. On January 24, 2017, the Commission convened an evidentiary hearing to receive testimony from witnesses regarding KEPCo's request.

¹ See Application for Kansas Electric Power Cooperative, Inc. Decommissioning Costs (Jun. 22, 2016).

² See Staff's Report and Recommendation (Aug. 5, 2016) (R&R).

³ See *id.* at p. 2.

II. DISCUSSION

5. As an owner of Wolf Creek Nuclear Generating Station (Wolf Creek), KEPCo is responsible for its proportional share of the total cost for decommissioning the power plant at the end of its operating license.⁴ After Wolf Creek was placed into service, the Commission ordered each of its owners to establish segregated trust accounts to recover funds necessary to eventually decommission Wolf Creek.⁵

6. Staff reviewed KEPCo's proposed Amended and Restated Decommissioning Trust in addition to KEPCo's request to change trustee.⁶ Staff found nothing objectionable in either the proposed trust agreement language or request to change trustee.⁷ Staff recommended the Commission issue an order granting KEPCo the authority requested in this docket, and require KEPCo to file a copy of the executed Amended and Restated Decommissioning Trust in this docket.

7. As testified to by Staff, KEPCo's Amended and Restated Decommission Trust clearly sets forth the purpose of the Decommissioning Trust and the Decommissioning Trust must be managed in accordance with applicable state and federal law.⁸ Additionally, Staff stated KEPCo's change in trustee will result in a more efficient and economical administration of its Wolf Creek Decommissioning Trust.⁹

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

8. The Commission finds and concludes it has jurisdiction over this matter pursuant to K.S.A. 66-101 *et seq.*, and K.S.A. 66-128l – K.S.A. 66-128o.

⁴ See K.S.A. 66-128p.

⁵ See R&R at p. 2.

⁶ See R&R at pp. 1-2.

⁷ See R&R at p. 2.

⁸ Direct Testimony of Adam H. Gatewood, Docket No. 16-KEPE-584-MIS, p. 2 (Nov. 21, 2016).

⁹ See *id.*

9. The Commission hereby adopts and incorporates Staff's Report and Recommendation filed in this docket.

10. The Commission finds and concludes KEPCo's proposed Amended and Restated Decommissioning Trust and change in trustee complies and satisfies the requirements detailed in K.S.A. 66-128m and K.S.A. 66-128n. The Commission finds such amendments and changes to be reasonable, and therefore authorizes the same.

11. The Commission finds and concludes KEPCo shall be authorized to execute the Amended and Restated Trust Agreement as filed in this proceeding, and to change trustee as requested by KEPCo. The Commission conditions this authorization on condition that KEPCo file the executed trust agreement in this docket.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) Kansas Electric Power Cooperative, Inc.'s request to approve an Amended and Restated Decommissioning Trust and change trustee is hereby authorized.

(B) Kansas Electric Power Cooperative, Inc. shall file an executed copy of the Amended and Restated Decommissioning Trust in this docket once executed.

(C) Parties have 15 days, plus three days if service is by mail, from the date of service of this Order to petition the Commission for reconsideration or request a hearing, as provided in K.S.A. 77-542.¹⁰

(D) 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.


¹⁰ K.S.A. 77-537(b); K.S.A. 66-118b; K.S.A. 77-529(a)(1).

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JAN 26 2017

REV



Amy L. Green
Secretary to the commission

REMAILED

JAN 26 2017

CERTIFICATE OF SERVICE

16-KEPE-584-MIS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

Electronic Service on JAN 26 2017.

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/s/ DeeAnn Shupe

DeeAnn Shupe

EMAILED

JAN 26 2017