

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Application of Bluestem)
Electric Cooperative, Inc. for a Certificate)
of Public Convenience and Authority to Transact) Docket No. 20-BECE-021-COC
the Business of an Electric Public Utility in the)
State of Kansas. Northeast ¼ of the Northwest)
¼, Section 6, T-8-S, R-6-E, Riley Co. Ks.)

ORDER AND CERTIFICATE

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:

1. On July 12, 2019, the Bluestem Electric Cooperative, Inc. (Bluestem) filed an application seeking a Certificate of Convenience and Authority to provide electric service in an area of Riley County, Kansas, which is described as follows:

Northeast ¼ of the Northwest ¼ of Section 6, Township 8 South,
Range 6 East, in Riley County Kansas.

2. The territory is currently served by Westar Energy, Inc. (Westar Energy), but is subject to an application seeking to cease the rendition of public utility electric service by Westar Energy in Docket No. 19-WSEE-491-CCS.

3. The Commission Staff (Staff) submitted a Report and Recommendation on August 1, 2019, which is dated July 31, 2019 and is attached and incorporated by reference. Staff reviewed the Bluestem application and determined that the legal descriptions and maps provided are accurate. The Staff concludes the legal description will not be in conflict with the Commission's

Certificate records. Staff submits the application is in the public interest and should be granted. In addition, it proposes on approval of the application to have the updated territorial descriptions as further delineated in paragraph no. 1 updated and reflected in the Commission's certified territory map.

4. The Commission finds and concludes the Staff Report and Recommendation shall be accepted and the Bluestem application should be approved and will promote the public convenience.

5. A Certificate of Convenience and Authority allowing Bluestem to provide electric service in the territory described in Finding No. 1 above should be granted.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of the Bluestem Electric Cooperative, Inc. is hereby granted and it is permitted to transact the business of an electric utility in the territory described in Finding No. 1 herein.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).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.

¹ K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 08/15/2019

A handwritten signature in cursive script, reading "Lynn M. Retz", written over a horizontal line.

Lynn M. Retz
Executive Director

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Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chair Dwight D. Keen
Commissioner Shari Feist Albrecht
Commissioner Susan K. Duffy

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

DATE: July 31, 2019

SUBJECT: 19-WSEE-491-CCS
In the Matter of the Application of Westar Energy for Authority to Cease Transacting the Business of an Electric Public Utility specifically, in portions of Section 06, Township 8 South, Range 6 East, in Riley County, Kansas.

20-BECE-021-COC
In the Matter of the Application of Bluestem Electric Cooperative, Inc. for a Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas. Northeast 1/4 of the Northwest 1/4, Section 6, T-8-S, R-6-E, Riley Co. KS.

EXECUTIVE SUMMARY:

In Docket 19-WSEE-491-CCS, Westar Energy, Inc. (Westar) is seeking approval of the Commission to cease operating as an electric utility in a small tract of certified territory in Riley County. In Docket 20-BECE-021-COC, Bluestem Electric Cooperative, Inc. (Bluestem) is requesting a Certificate for this tract of certified territory.

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction.

BACKGROUND:

On May 28, 2019, Westar filed the above-captioned Application to Cease in Docket No. 19-WSEE-491-CCS. On July 12, 2019, Bluestem filed the above-captioned Application for a Certificate in Docket No. 20-BECE-021-COC.

To serve this new customer, Westar would need to build approximately three quarters of a mile of distribution line. Bluestem has a line approximately 450 feet west of the building location; this line currently serves a barn on the customer's property.

Staff has received a letter from the landowner requesting Bluestem service. In the letter, he states that he received a verbal quote of \$40,000 from Westar and it could be several months before electric service is established. With Bluestem already providing power to his barn on the property, service could be established in a timelier manner.

Westar and Bluestem have mutually agreed, subject to the Commission's approval, that Bluestem should serve as the electric public utility for the territory described in Attachment A.

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.

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.¹

ANALYSIS:

Staff has reviewed both Applications and has confirmed the legal descriptions included in both Applications are accurately depicted on the map attached to each 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 November 28, 2019.

RECOMMENDATION:

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction. Upon approval, the updated territory descriptions will be reflected in the Commission's certified territory map.

¹ K.S.A. 66-131

ATTACHMENT A
Legal Description of Territory Trade Between
Westar Energy and Bluestem Electric Cooperative, Inc.
Docket No. 19-WSEE-491-CCS and 20-BECE-021-COC

RILEY COUNTY, KANSAS

A tract of land that is a portion of Northeast 1/4 of the Northwest 1/4 of Section 6, Township 8 South, Range 6 East, Riley County, Kansas.

CERTIFICATE OF SERVICE

20-BECE-021-COC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
electronic service on 08/15/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe