

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

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

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 ) 15-WSEE-398-COC  
Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 34, )  
and 35; Townships 11 South, 12 South, 13 South, 14 South, and 15 )  
South; Range 2 West, in the Counties of Ottawa and Saline, KS )

CERTIFICATE

NOW, there comes on for consideration and determination by the State Corporation Commission, the application of Westar Energy, Inc. (Applicant) as captioned above, for a Certificate of Convenience and Authority in a portion of Ottawa and Saline Counties. After giving due consideration to the application and being fully advised in the premises, the Commission finds and concludes that:

1. Applicant is a public utility under the provisions of K.S.A. 2014 Supp. 66-104.
2. The application in this docket was filed with this Commission on March 10, 2015.

A public hearing was neither requested nor held on this application.

3. Applicant requests a Certificate to transact the business of an electric public utility in the territory described as follows:

OTTAWA AND SALINE COUNTIES  
Transmission Rights Only

Westar Energy will be installing a double/single-circuit 345 kV transmission line in rural Ottawa and Saline counties, Kansas, or generally from the area southeast of Salina, Kansas North to a point approximately 6 miles Northeast of Bennington, Kansas. The first 8 miles of the line outside of the Summit Substation will be a double circuit transmission line and the remaining section

will be a single circuit transmission line. The transmission line will generally consist of single pole steel tangent and both double and single pole steel dead-end structures. In some cases where existing transmission lines are intersected, three pole steel structures may be used. The route is described from its Southernmost to Northernmost extent.

**DS&O Electric Cooperative, Inc.:**

The transmission line route begins as a double circuit line on the North side of the Westar Summit 345 kV Substation. From the Westar Summit 345 kV Substation, the line extends Northeast through the West 1/2 of Section 22, Township 15 South, Range 2 West and Section 15, Township 15 South, Range 2 West. The line continues Northeast through Section 10, Township 15 South, Range 2 West, the Southeast 1/4 of Section 3, Township 15 South, Range 2 West, and through the Southwest 1/4 of Section 2, Township 15 South, Range 2 West before exiting the DS&O Electric Cooperative, Inc. service territory in the Northwest 1/4 of Section 2, Township 15 South, Range 2 West.

**DS&O Electric Cooperative, Inc.:**

The line enters the DS&O Electric Cooperative, Inc. territory in the North Northeast through the Northwest 1/4 of Section 35, Township 14 South, Range 2 West and Northeast through the middle of Section 26, Township 14 South, Range 2 West before exiting the DS&O Electric Cooperative, Inc. service territory.

**DS&O Electric Cooperative, Inc.:**

The line enters the DS&O Electric Cooperative, Inc. territory in the Northeast 1/4 of Section 26, Township 14 South, Range 2 West and diagonals Northeast, clipping the extreme Northwest 1/4 of Section 25, Township 14 South, Range 2 West. The line continues Northeast to the center of Section 24, Township 14 South, Range 2 West. Here, the double circuit line ends with one circuit connecting to the existing Westar 345 kV line. The new single circuit portion of the line begins at this location and continues North through the middle of Section 24, Township 14 South, Range 2 West to the middle of Section 13, Township 14 South, Range 2 West. The line then angles slightly Northeast and turns North again through the middle of the Northeast 1/4 of Section 13, Township 14 South, Range 2 West entering the Southeast 1/4 of Section 12, Township 14 South, Range 2 West. It then turns back Northwest and directly North along the half section line in Section 12, Township 14 South, Range 2 West. The line continues into Section 1, Township 14 South, Range 2 West along the half section line where it exits the DS&O Electric Cooperative, Inc. service territory.

**DS&O Electric Cooperative, Inc.:**

The line enters the DS&O service territory in the North 1/2 of Section 23, Township 13 South, Range 2 West along the half section line. The line then continues North along the half section line through Section 14, Township 13 South, Range 2 West; Section 11, Township 13 South, Range 2 West; Section 2,

Township 13 South, Range 2 West; Section 35, Township 12 South, Range 2 West, and Section 26, Township 12 South, Range 2 West before exiting the DS&O service territory in the South 1/2 of Section 23, Township 12 South, Range 2 West.

**DS&O Electric Cooperative, Inc.:**

The line enters the DS&O territory in the Northwest 1/4 of Section 10, Township 12 South, Range 2 West where it continues North to the Southwest 1/4 of Section 3, Township 12 South, Range 2 West. The line then turns slightly Northeast to the center of the section where it then turns back North again. The line continues North along the eastern edge of the West 1/2 of Section 34, Township 11 South, Range 2 West, Section 27, Township 11 South, Range 2 West, and enters the Southern boundary of Section 22, Township 11 South, Range 2 West at the half section line. The line then turns slightly Northeast through Section 22, Township 11 South, Range 2 West to the extreme Northeast corner of the section, before turning North along the Eastern boundary of Section 15, Township 11 South, Range 2 West and the Western boundary of Section 14, Township 11 South, Range 2 West. The single circuit line terminates just South of the intersection between Section 15, Section 14, Section 10, and Section 11 in Township 11 South, Range 2 West.

As shown in detail on maps attached and marked Exhibit 1 through Exhibit 6 in the application.

4. Public convenience will be promoted by permitting Applicant to transact the business of an electric public utility in the territory and to the extent described in Finding No. 3 herein, and the application should be granted for transmission rights only and a Certificate issued in accordance with the provisions of K.S.A. 2014 Supp. 66-131.

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

A. That the application in the instant docket is granted for transmission rights only and Westar Energy, Inc. is permitted to transact the business of an electric public utility in the territory and to the extent described in Finding No. 3 herein.

B. A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing, and

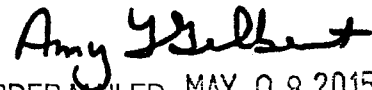
three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529.

C. The Commission retains jurisdiction of the subject matter and parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO CERTIFICATED.

Albrecht, Chair.; Emler, Commissioner; Apple, Commissioner

Dated:           MAY 07 2015          



ORDER MAILED MAY 08 2015

Amy L. Gilbert  
Secretary

gdd

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Pat Apple

**FROM:** Gary Dawdy, Utility Engineer II  
Leo Haynos, Chief Engineer  
Jeff McClanahan, Director of Utilities

**DATE:** April 28, 2015

**SUBJECT:** 15-WSEE-398-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 1, 2, 3, 10, 11, 12, 13, 14, 15, 21, 22, 23, 24, 25, 26, 27, 34, and 35; Townships 11 South, 12 South, 13 South, 14 South, and 15 South; Range 2 West, in the Counties of Ottawa and Saline, KS

**BACKGROUND:**

On August 29, 2013, Westar was issued an Order in 13-WSEE-676-MIS, which granted Westar siting authority on Westar's portion of the Summit to Elm Creek Project. The line is 345 Kv and 29 miles in length.

On transmission projects such as the Elm Creek line, in addition to a siting permit, electric utilities are also required to secure a Certificate for Transmission Rights Only, where the route of the line extends through other electric supplier's certificated areas.

On March 10, 2015, Westar Energy, Inc. (Westar) filed an Application for Certificate for Transmission Rights Only in Docket No. 15-WSEE-398-COC, as captioned above, to cover a portion of the route of the line extending through DS&O Electric Cooperative, Inc.'s (DS&O) territory.

**ANALYSIS:**

Pursuant to K.S.A. 2014 Supp. 66-131, the Commission has jurisdiction to grant a certificate to a 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 each and every retail electric supplier to obtain a certificate from the Commission.

The statutory standard of review in this matter is whether the “public convenience will be promoted by the transaction of said business and permitting said applicants to transact the business of a common carrier or public utility in this state.” K.S.A. 2014 Supp. 66-131. Further, single electric certification shall be the standard in Kansas under K.S.A. 66-1,170 et seq.

Under **66-1,173. Rights and responsibilities of suppliers; exceptions.** Every retail electric supplier shall have the exclusive right and responsibility to furnish retail electric service to all electric consuming facilities located within its certified territory, and shall not furnish, make available, render or extend its retail electric service to a consumer for use in electric consuming facilities located within the certified territory of another retail electric supplier except that:

(a) Any retail electric supplier, with the approval of the commission, may extend distribution or transmission facilities through the certified territory of another retail electric supplier, if such extension is necessary for such supplier to connect with any of its facilities or those of others to serve consumers within its own certified territory; and

(b) station power shall not be deemed to be retail electric service for the purposes of this act.

The siting permit granted in the August 29, 2013, Siting Order was granted with the modifications proposed in the Crawford Alternative, Mahoney Alternative, Wolf Alternative #3, Cooper Alternative #2, Brown Alternative, Johnson Alternative #2, and Johnson Alternative #3.

These alternatives modified the original proposed route and are set out in detail in the Siting Order. These alternatives have been incorporated in the legal description included in the above-captioned Transmission Rights Application.

Westar is requesting a Certificate for Transmission Rights Only on the portion of the route of the line where it extends through areas certificated to DS&O. DS&O has been provided notice and Staff has received no objection or comment regarding the Application. Staff believes public convenience will be promoted by granting this transmission rights authority.

The Commission action date is September 6, 2015.

**RECOMMENDATION:**

Staff is recommending that Westar’s Application for Certificate in 15-MDWE-398-COC be granted for Transmission Rights Only.

MAY 07 2015

KANSAS CORPORATION COMMISSION  
AMY L. GILBERT, SECRETARY

DOCKET NO.: 15-WSEE-398-COC

ORDER DATE:

NAME AND ADDRESS

NO. OF  
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ORDER MAILED MAY 08 2015

The Docket Room hereby certifies that on \_\_\_\_\_, a true and correct copy of the attached was deposited in the United States Mail, postage prepaid, addressed to the above persons.