

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

Before Commissioners:     Andrew J. French, Chairperson  
                                  Dwight D. Keen  
                                  Susan K. Duffy

In the Matter of the Application of Evergy     )  
Kansas Central, Inc. for Authority to Cease     )  
Transacting the Business of an Electric     )     Docket No. 22-EKCE-037-CCS  
Public Utility Specifically, in Section 10,     )  
Township 16 South, Range 04 West, in     )  
Saline County, Kansas.                     )

**ORDER GRANTING APPLICATION TO CEASE TRANSACTING  
THE BUSINESS OF AN ELECTRIC PUBLIC UTILITY**

The above captioned matter comes before the State Corporation Commission of the State of Kansas. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

1.     On July 16, 2021, Evergy Kansas Central, Inc. (Evergy Central) filed an Application requesting to cease transacting the business of an electric public utility in territory situated within Saline County, Kansas. Evergy Central is an electric public utility as defined in K.S.A. 66-104. A public hearing was neither requested nor held on Evergy's Application.

2.     Evergy Central requests the Commission issue an Order granting it authority to cease transacting the business of an electric public utility in the following described territory, to wit:

The North 1/2 of the Southeast 1/4 of Section 10, Township 16 South, Range 04 West, Saline County, Kansas.

3.     On November 22, 2021, DSO Electric Cooperative, Inc. (DSO) filed an Application with the Commission in Docket No. 22-DSOE-229-COC seeking to serve the area proposed to be ceded by Evergy Central in paragraph no. 2 above. The Evergy Central Application indicates

Evergy Central and DSO are in agreement regarding service to the area and the benefit of serving a customer by DSO, in an area where the electric customer has requested electric service that may be served more economically by DSO, which maintains electric service near the border of the customer's property, and where Evergy facilities would need to be extended at a greater distance and cost.

4. On November 23, 2021, the Commission Staff submitted its Report and Recommendation to the Commission, recommending Evergy Central's Application be granted and its request to cease operating as an electric public utility in the territory described in paragraph 2 above be approved. The Staff Report and Recommendation indicates it would be more economical for DSO to serve a customer than for the customer to be served by Evergy. The customer indicates it would be a financial burden to bear the cost of having Evergy Central extend its facilities at a greater distance than facilities maintained by DSO.

5. Pursuant to K.S.A. 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 also provides that retail electric suppliers may enter into agreements to amend boundaries between their facilities. The agreements are subject to Commission approval, and if so approved, the Commission shall issue a certificate accordingly.<sup>1</sup>

6. Staff states that it has reviewed the Application of Evergy Central and determines that the legal description and map provided with these filings are accurate and not in conflict with

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<sup>1</sup> K.S.A. 66-1,175.

the Commission's Certificate records. Staff recommends the Commission grant Evergy Central's Application and find that the public convenience will be promoted by this transaction. Upon approval, the updated territory description will be reflected in the Commission's certified territory map.<sup>2</sup>

7. The Commission adopts Staff's analysis and recommendation of November 23, 2021, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that Evergy Central's Application should be granted, and that the public convenience will be promoted by issuing an Order authorizing Evergy Central to cease transacting the business of an electric public utility in the territory described in paragraph 2 above.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The Application of Evergy Kansas Central, Inc. is hereby granted and Evergy Kansas Central is authorized to cease transacting the business of an electric public utility in the territory described in paragraph 2 above.

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).<sup>3</sup>

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.**

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 12/16/2021



Lynn M. Retz  
Executive Director

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<sup>2</sup> Report and Recommendation at 2 (July 14, 2021).

<sup>3</sup> K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chairperson, Andrew J. French  
Commissioner, Dwight D. Keen  
Commissioner, Susan K. Duffy

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

**DATE:** November 23, 2021

**SUBJECT:** Docket No. - 22-EKCE-037-CCS - In the Matter of the Application of Evergy Kansas Central, Inc. for Authority to Cease Transacting the Business of an Electric Public Utility specifically, in Section 10, Township 16 South, Range 04 West, in Saline County, Kansas.

Docket No. - 22-DSOE-229-COC - In the Matter of the Application of DSO Electric Cooperative, Inc. for a Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas. Specifically, in Section 10, Township 16 South, Range 04 West, in Saline County, KS.

**EXECUTIVE SUMMARY:**

In Docket 22-EKCE-037-CCS, Evergy Kansas Central, Inc. (Evergy Central) is seeking approval of the Commission to cease operating as an electric utility in a small tract of certified territory in Saline County. In Docket 22-DSOE-229-COC, DSO Electric Cooperative, Inc. (DSO) 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 July 16, 2021, Evergy Central filed the above-captioned Application to Cease in Docket 22-EKCE-037-CCS. On November 22, 2021, DSO filed the above-captioned companion Application for the Certificate in Docket 22-DSOE-229-COC.

A new customer's building site is located on the border of the certified territory between Evergy Central and DSO. Evergy Kansas' nearest facilities are approximately 2100 feet away, DSO has facilities 540 feet away. The customer alleges Evergy Central's construction cost would create a financial burden for the customer compared to the construction cost from DSO.

DSO and Evergy Central have mutually agreed, subject to the Commission's approval, that DSO should serve as the electric provider for this customer.

The Commission has jurisdiction to grant a Certificate to any public utility seeking to transact business in the State of Kansas.<sup>1</sup> 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 also provides that retail electric suppliers can enter into agreements to amend boundaries between their facilities. The agreements are filed in the form of Certificates and, if approved by the Commission, Certificates to amend territory are issued.

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.<sup>2</sup>

### **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. The legal description is included as Attachment A to this Report and Recommendation.

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

The Commission action date is January 12, 2022.

### **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.

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<sup>1</sup> K.S.A. 66-131

<sup>2</sup> K.S.A. 66-131.

ATTACHMENT A  
Legal Description of Territory Trade Between  
Evergy Kansas Central, Inc. and DSO Electric Cooperative, Inc.  
Docket No. 22-EKCE-037-CCS and 22-DSOE-229-COC

SALINE COUNTY, KANSAS

The North 1/2 of the Southeast 1/4 of Section 10, Township 16 South, Range 04 West, Saline County, Kansas.

## **CERTIFICATE OF SERVICE**

22-EKCE-037-CCS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 12/16/2021.

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/S/ DeeAnn Shupe  
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DeeAnn Shupe