THE STATE CORPORATION COMMISSION

OF THE STATE OF KANSAS

Before Commissioners:

Mark Sievers, Chairman

Thomas E. Wright, Commissioner Shari Feist Albrecht, Commissioner

In the Matter of the Application of Butler Rural Electric)	
Cooperative Association, Inc. for Permission to Cease)	
Operating as an Electric Utility in the State of Kansas. E/2 of)	13-BTRE-680-CCS
the SW/4 and the SE/4 of Section 15, Township 25S, Range 4E)	
in Butler County, Kansas)	

ORDER

NOW, the above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas ("Commission"). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

- 1. On May 6, 2013, Butler Rural Electric Cooperative Association, Inc. ("Applicant") filed an application seeking to cease operating as electric public utility in a portion of Butler County, Kansas. Applicant is an electric public utility as defined by K.S.A. 2012 Supp. 66-104. A public hearing was not held on the Instant Application.
- 2. Specifically, Applicant requests permission to cease operating in the territory described as follows:

BUTLER COUNTY

A tract of land described as the East 1/2 of the Southwest 1/4 and the Southeast 1/4 of Section 15, Township 25 South, Range 4 East as detailed on the map marked Exhibit A in the application.

3. Public convenience will be promoted by allowing Applicant to cease operating as an electric public utility in the territory described in paragraph 2 above and granting Kansas Gas and Electric Company dba Westar Energy, in Docket No. 13-KG&E-609-COC, a Certificate to

serve as an electric public utility in that territory. The application, therefore, should be granted and a Certificate issued to Application in accordance with the provisions of K.S.A. 66-131.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The application filed herein is granted and Butler Rural Electric Cooperative Association, Inc. is permitted to cease operating as electric public utility in the territory described

in Finding No. 2 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.

2012 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.

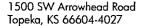
BY THE COMMISSION IT IS SO ORDERED.

Sievers, Chmn.; Wright, Com.; Albrecht, Com.

Dated: **JUN 0 5 2013**

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Patrice Petersen-Klein Executive Director





Phone: 785-271-3100 Fax: 785-271-3354 http://kcc.ks.gov/

Sam Brownback, Governor

Mark Sievers, Chairman Thomas E. Wright, Commissioner Shari Feist Albrecht, Commissioner

STATE CORPORATION COMMISSION

REPORT AND RECOMMENDATION UTILITIES DIVISION

MAY 29 2013

PATRICE PETERSEN-KLEIN EXECUTIVE DIRECTOR

TO:

Chairman Mark Sievers

Commissioner Thomas E. Wright Commissioner Shari Feist Albrecht

FROM:

Gary Dawdy, Utility Engineer II

Michael Wegner, Chief of Energy Operations

Jeff McClanahan, Director of Utilities

DATE:

May 28, 2013

DATE SUBMITTED TO EXECUTIVE DIRECTOR:	5/29/13
DATE SUBMITTED TO LEGAL:	5-27-13
DATE SUBMITTED TO COMMISSIONERS:	5/29/13

SUBJECT:

13-KG&E-609-COC

In the Matter of the Application of Kansas Gas and Electric Company, Doing Business as Westar Energy, for a Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility Specifically in a Portion of Section 15, Township 25 South, Range 4 East, in Butler County,

Kansas

13-BTRE-680-CCS

In the Matter of the Application of Butler Rural Electric Cooperative Association, Inc. for Permission to Cease Operating as an Electric Utility in the State of Kansas. E/2 of the SW/4 and the SE/4 of Section 15, Township 25S, Range 4E in Butler County, Kansas

BACKGROUND

Kansas Gas and Electric Company (KG&E) filed an Application for Certificate in Docket No. 13-KG&E-609-COC on April 3, 2013. On April 11, 2013, KG&E filed an Amended Application in Docket No. 13-KG&E-609-COC. Butler Rural Electric Cooperative Association, Inc. (Butler Rural) filed a companion Cease Operation Application on May 6, 2013, in Docket No. 13-BTRE-680-CCS.

ANALYSIS

There are no customers currently being served by Butler Rural in the small tract of electric territory being exchanged in these Applications. The customer involved has underground service from KG&E that has been in existence since 1974. Butler Rural has determined it would be a hardship for this customer to be served by Butler Rural and has agreed to release the customer and a small tract of territory to KG&E. Granting these Applications will result in a clean-up of the territory boundary between these two electric suppliers. Given the vintage of this existing service, it was likely that this service was missed when the Retail Electric Suppliers Act (RESA) was implemented after 1976.

The Commission action date is September 30, 2013.

RECOMMENDATION

Staff is recommending that the Amended Application for Certificate in 13-KG&E-609-COC and the Cease Operation Application in 13-BTRE-680-CCS be granted.

cc: Patrice Petersen-Klein, Executive Director Otto Newton, Litigation Counsel Samuel Feather, Litigation Counsel Dana Bradbury, General Counsel PACP PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NO. CERT. COPIES NO. PLAIN COPIES

NAME AND ADDRESS

ROBERT D. SHORT, GEN MGR/CEO BUTLER RURAL ELECTRIC COOPERATIVE ASSN., INC. 216 S VINE ST PO BOX 1242 ELDORADO, KS 67042

OTTO NEWTON, LITIGATION COUNSEL 1500 SW ARROWHEAD ROAD TOPEKA, KS 66604 ***Hand Delivered***

CATHRYN J. DINGES, CORPORATE COUNSEL WESTAR ENERGY, INC. 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889

ORDER MAILED JUN 0 5 2013