

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 05 2013

  
ORDER MAILED JUN 05 2013

Patrice Petersen-Klein  
Executive Director

gdd

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

Sam Brownback, Governor

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:** 5-29-13

**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:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
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 05 2013**

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.