

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

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

In the Matter of the Informational Filing of)
Mid-Kansas Electric Company, LLC to)
Provide Notification of a Wholesale Contract) Docket No. 14-MKEE-354-CON
for the Purchase of Energy.)

ORDER CLOSING DOCKET

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined the files, the Commission finds and concludes as follows:

1. On January 28, 2014, Mid-Kansas Electric Company, LLC (Mid-Kansas) furnished to the Commission, for informational purposes, its contract between Mid-Kansas and Abengoa Bioenergy Biomass of Kansas, LLC, (Abengoa) for the purchase of wholesale energy from Abengoa.

2. Mid-Kansas is a cooperative exempt from the Commission's jurisdiction, with limited exception, pursuant to K.S.A. 2013 Supp. 66-104d. On November 22, 2013, Mid-Kansas filed its Notice of Election to Deregulate in Docket No. 14-MKEE-253-DRC, and on January 7, 2014, the Commission acknowledged and affirmed Mid-Kansas' election.¹

3. Staff reviewed Mid-Kansas' informational filing to ensure the subject contract did not fall within the Commission's retained jurisdiction over deregulated cooperatives pursuant to K.S.A. 2013 Supp. 66-104d(f). Staff determined the contract was not subject to Commission

¹ Order Affirming Mid-Kansas Electric Company, LLC's Election to Deregulate (Jan. 7, 2014).

approval, and submitted its findings in a Report and Recommendation, dated August 26, 2014. Staff's Report and Recommendation is attached hereto and incorporated by reference.

4. In its Report and Recommendation, Staff finds no Commission action is necessary and recommends this docket be closed.

5. Upon review of Staff's Report and Recommendation, the Commission adopts Staff's Report and Recommendation, and finds that no Commission action is necessary and this docket should be closed.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

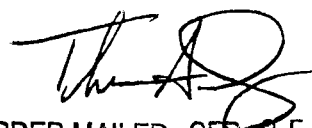
(A) Mid-Kansas' informational filing is acknowledged and this docket is closed.

(B) The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein.²

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Com.; Apple, Com.;

Dated: SEP 04 2014



ORDER MAILED SEP 05 2014

Thomas A. Day
Acting Executive Director

AS

² K.S.A. 66-118b; K.S.A. 2013 Supp. 77-529(a)(1).

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Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

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

FROM: Tyler Page, Research Economist
Luis Solorio, Senior Research Economist
Lana Ellis, Deputy Chief of Economics and Rates
Bob Glass, Chief of Economics and Rates
Jeff McClanahan, Director of Utilities

DATE: August 26, 2014

SUBJECT: Docket No. 14-MKEE-354-CON: In the Matter Of the Informational Filing of Mid-Kansas Electric Company, LLC to Provide Notification of a Wholesale Contract for the Purchase of Energy.

EXECUTIVE SUMMARY:

Mid-Kansas Electric Company, LLC submitted an information filing to provide notification of confidential contracts entered into by Mid-Kansas for the purchase of wholesale energy from Abengoa Bioenergy Biomass of Kansas, LLC. However, Mid-Kansas is exempt from Commission jurisdiction, regulation, supervision, and control as provided in K.S.A. 2013 Supp. 66-104d(b), except to the extent of jurisdiction and authority retained pursuant to K.S.A. 2013 Supp. 66-104d(f). The contracts submitted in this docket do not fall under this exception. Therefore, no Commission action is necessary and Staff recommends Docket No. 14-MKEE-354-CON be closed.

BACKGROUND:

Mid-Kansas Electric Company, LLC (Mid-Kansas) submitted an informational filing on January 28, 2014, with the Kansas Corporation Commission (Commission) to provide notification of confidential contracts entered into by Mid-Kansas for purchase of wholesale energy from Abengoa Bioenergy Biomass of Kansas, LLC (ABBK). In Docket No. 14-MKEE-253-DRC, Mid-Kansas filed its Deregulation Notice with the Commission. The Commission affirmed Mid-Kansas' Deregulation Notice in that Docket, making them exempt from the jurisdiction,

regulation, supervision, and control of the Commission effective January 07, 2014, subject to the Commission's continuing jurisdiction under K.S.A. 66-104d(f) and any Commission jurisdiction which may arise under K.S.A. 66-104d(g) and (j).

ANALYSIS:

Because Mid-Kansas has obtained a majority vote to opt out of Commission regulation pursuant to K.S.A. 66-104d(c)(4), Mid-Kansas is exempt from Commission jurisdiction, regulation, supervision, and control as provided in K.S.A. 66-104d(b), except to the extent of jurisdiction and authority retained pursuant to K.S.A. 66-104d(f). Docket No. 14-MKEE-354-CON does not fall within the exceptions provided in K.S.A. 66-104d(f). Since Mid-Kansas is exempt from Commission jurisdiction, regulation, supervision, and control, Staff recommends closing Docket No. 14-MKEE-354-CON.

RECOMMENDATION:

Mid-Kansas is exempt from Commission jurisdiction, regulation, supervision, and control as provided in K.S.A. 66-104d(b), except to the extent of jurisdiction and authority retained pursuant to K.S.A. 2012 Supp. 66-104d(f). Docket No. 14-MKEE-354-CON does not fall within the exceptions provided, therefore no Commission action is necessary and Staff recommends this docket be closed.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
AMBER SMITH, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		
RENEE K. BRAUN, CORPORATE PARALEGAL, SUPERVISOR MID-KANSAS ELECTRIC COMPANY, LLC 301 W 13TH ST PO BOX 980 HAYS, KS 67601		
JAMES BRUNGARDT, REGULATORY AFFAIRS ADMINISTRATOR MID-KANSAS ELECTRIC COMPANY, LLC 301 W 13TH ST PO BOX 980 HAYS, KS 67601		
MARK D. CALCARA, ATTORNEY WATKINS CALCARA CHTD. 1321 MAIN ST STE 300 PO DRAWER 1110 GREAT BEND, KS 67530		
TAYLOR P. CALCARA, ATTORNEY WATKINS CALCARA CHTD. 1321 MAIN ST STE 300 PO DRAWER 1110 GREAT BEND, KS 67530		

ORDER MAILED **SEP 05 2014**

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.