

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

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

In the Matter of the Application of Ark Valley)
Electric Cooperative Association, Inc. for a)
Certificate of Convenience and Authority to) Docket No. 22-AKVE-513-COC
Transact the Business of an Electric Public Utility)
in the State of Kansas.)
SE4 NE4 Sec. 6, T25S, R6W)

ORDER AND CERTIFICATE

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

1. On July 11, 2022, the Ark Valley Electric Cooperative Association, Inc. (Ark Valley) filed an application seeking a Certificate of Convenience and Authority to provide electric service in an area of Reno County, Kansas, which is described as follows:

The SE 1/4 of the NE 1/4 of Section 06, Township 25 South, Range 06 West.

2. The territory is currently served by Evergy Kansas Central, Inc. (Evergy Central) and is subject to an application seeking to cease the rendition of public utility electric service by Evergy in Docket No. 23-EKCE-235-CCS. The Application has been filed to facilitate the provision of service to a customer in Reno County, Kansas. Evergy has agreed to relinquish authority to permit the extension of electric service by Ark Valley, because Ark Valley can serve the customer more economically and Evergy Central would need to extend service at greater distance and cost.

3. The Commission Staff submitted a Report and Recommendation dated September 21, 2022, which is attached and referred to by reference in this Order. Staff reviewed Ark Valley's Application and determined that the legal descriptions and maps provided are accurate. The Staff concludes the legal description will not be in conflict with the Commission's Certificate records. Staff submits the application is in the public interest and should be granted. In addition, it proposes on approval of the Application to have the updated territorial descriptions as further delineated in paragraph No. 1 updated and reflected in the Commission's certified territory map.

4. The Commission finds and concludes the Staff Report and Recommendation shall be accepted and the Ark Valley Application should be approved and will promote the public convenience.

5. A Certificate of Convenience and Authority allowing Ark Valley to provide electric service in the territory described in Finding No. 1 above should be granted.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of the Ark Valley Electric Cooperative Association, Inc. is hereby granted, and it is permitted to transact the business of an electric utility in the territory described in Finding No. 1 herein.

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).¹

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.

¹ K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 10/04/2022



Lynn M. Retz
Executive Director

wah

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

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

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

DATE: September 21, 2022

SUBJECT: Docket No. - 23-EKCE-235-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 06, Township 24 South, Range 07 West in Reno County, Kansas.

Docket No. - 22-AKVE-513-COC - In the Matter of the Application of Ark Valley Electric Cooperative Association, Inc. for a Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas.
SE4 NE4 Sec6 T25S R6W.

EXECUTIVE SUMMARY:

In Docket 23-EKCE-235-CCS, Evergy Kansas Central, Inc. (Evergy) is seeking approval of the Commission to Cease Operating as an electric utility in a small parcel of land in Reno County. In Docket 22-AKVE-513-COC, Ark Valley Electric Cooperative Association, Inc. (Ark Valley) is requesting a Certificate for this parcel of land.

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction.

BACKGROUND:

On August 18, 2022, Evergy filed the above-captioned Application to Cease in a small parcel of land in Docket 23-EKCE-235-CCS. On July 11, 2022, Ark Valley filed the above-captioned Application for the Certificate for this parcel of land in Docket 22-AKVE-513-COC.

On September 19, 2022, Evergy filed an Amended Application revising their legal description to reflect the single tract of land being transferred to Ark Valley.

A new customer located within the Certified Territory of Evergy, wishes to build a new home. For Evergy to provide service to this location, approximately 1 mile of new distribution line would need to be build and numerous trees would need to be removed.

The certified territory border between Evergy and Ark Valley is adjacent to the building site. Ark Valley has a distribution line adjacent to the property and could easily provide service to the new customer. Evergy and Ark Valley have mutually agreed, subject to Commission approval, that Ark Valley 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.¹ 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.²

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. 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 November 7, 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.

¹ K.S.A. 66-131.

² K.S.A. 66-131.

ATTACHMENT A
Legal Description of Territory Trade Between
Evergy Kansas Central, Inc. and Ark Valley Electric Cooperative Association, Inc.
Docket No. 23-EKCE-235-CCS and 22-AKVE-513-COC

RENO COUNTY, KANSAS

The SE 1/4 of the NE 1/4 of Section 06, Township 25 South, Range 06 West.

CERTIFICATE OF SERVICE

22-AKVE-513-COC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 10/04/2022.

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/S/ KCC Docket Room

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