

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

In the Matter of Kansas Electric Power Cooperative, Inc. Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.	) ) ) )	Docket No. 13-KEPE-462-CPL
In the Matter of Kansas City Power & Light Company's Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.	) ) ) )	Docket No. 13-KCPE-463-CPL
In the Matter of Westar Energy, Inc. and Kansas Gas & Electric Co., d/b/a Westar Energy's Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.	) ) ) ) )	Docket No. 13-WSEE-464-CPL
In the Matter of Empire District Electric Company's Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.	) ) ) )	Docket No. 13-EPDE-465-CPL
In the Matter of Midwest Energy, Inc.'s Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.	) ) ) )	Docket No. 13-MDWE-466-CPL
In the Matter of Sunflower Electric Cooperative, Inc.'s Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.	) ) ) )	Docket No. 13-SEPE-467-CPL
In the Matter of Kansas City Kansas Board of Public Utilities' Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.	) ) ) )	Docket No. 13-KCKE-468-CPL

**NOTICE OF FILING OF STAFF REPORT AND RECOMMENDATION**

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) files the attached Report and Recommendation (R&R) and states as follows:

1. Staff hereby files the attached R&R regarding the Kansas Renewable Energy Standards Act (RESA) and utility compliance for the year 2015. In its R&R, Staff reports that all Kansas utilities have sufficient capacity to meet 2015 RESA requirements. Therefore, Staff concludes all affected utilities met their renewable capacity and reporting requirements, and no Commission action is necessary at this time.

WHEREFORE Staff requests the Commission accept its Report and Recommendation for informational purposes and for such further relief as the Commission deems just and proper.

Respectfully submitted,



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**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

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

**FROM:** Jon Wilson, Research Economist  
Josh Frantz, Research Economist  
Luis Solorio, Senior Research Economist  
Lana Ellis, Economics and Rates Deputy Chief  
Robert Glass, Economics and Rates Chief  
Jeff McClanahan, Director of Utilities

**DATE:** October 5, 2015

**SUBJECT:** Renewable Energy Standards Act and Utility Compliance for the Year 2015

**EXECUTIVE SUMMARY**

The Renewable Energy Standards Act (RESA) requires all affected utilities have a certain amount of renewable generation capacity. For 2015, the capacity requirement is 10% of the average of each company's previous three-year retail peak demand. In addition, affected utilities are required to file Compliance Reports with the Kansas Corporation Commission (Commission). In accordance with the requirements, Compliance Reports were submitted to the Commission by the following Kansas utilities: Westar Energy, Inc. and Kansas Gas and Electric Company (Westar); Kansas City Power and Light (KCP&L); the Empire District Electric Company (Empire); the Sunflower Electric Power Corporation (Sunflower); Midwest Energy, Inc. (Midwest); and Kansas Electric Power Cooperative, Inc. (KEPCo). Kansas City Kansas Board of Public Utilities (BPU) is not an affected utility but voluntarily submitted an annual report for the fourth year.

Commission Staff reviewed the filed Reports to determine whether all affected utilities have met the requirements set by the statutes and regulations. Based on its analysis, Commission Staff has concluded that all affected utilities have met their 2015 RESA requirements and no further Commission action is required.

**BACKGROUND**

The RESA was the first part of Kansas House Bill 2369 which became law on May 22, 2009.<sup>1</sup> For 2015, the RESA requires all investor-owned and cooperatively-owned utilities in the State of Kansas to generate or purchase electricity generated from renewable resources and the renewable

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<sup>1</sup> K.S.A 66-1256, *et. seq.*

generation capacity must equal 15% of their three-year average retail peak demand.<sup>2</sup> Municipal utilities are exempt from these requirements.

Kansas Senate Bill No. 91 (SB 91) was signed into law May 28, 2015, and amends or repeals certain provisions of RESA. Under SB 91, certain sections of RESA were repealed effective July 1, 2015, and certain sections will be repealed effective January 1, 2016.<sup>3</sup> After January 1, 2016, the RESA capacity requirements of 10%, 15%, and 20% by 2011, 2015, and 2020, respectively, are repealed. SB 91 replaced the requirements with a voluntary capacity goal of 20% by the year 2020.<sup>4</sup>

The Commission can impose penalties for failure to comply with the RESA under its rules and regulations. However, the Commission has the discretion to consider mitigating circumstances in imposing penalties. Under no circumstances shall the costs of administrative penalties be recovered from Kansas retail customers.<sup>5</sup> Also, the Commission shall exempt an affected utility from administrative penalties if the affected utility demonstrates that the utility's investment in renewable energy resources required to meet the renewable portfolio requirement has resulted in an increase of the utility's total revenue requirement by one percent or greater.<sup>6</sup>

Pursuant to K.A.R. 82-16-2(b), each utility shall submit a report to the Commission detailing that utility's compliance with the portfolio standards established by the Act. A generation and transmission (G&T) cooperative may submit a collective report on behalf of the electric distribution cooperatives it represents. As discussed below, each utility has filed a report and has complied with the requirements for calendar year 2015.

#### **ANALYSIS:**

All affected utilities have submitted Compliance Reports to the Commission regarding their compliance with the RESA, as required. The investor-owned utilities (IOUs) submitted reports on their own behalf, and distribution co-ops submitted reports through their respective G&T co-operatives. Specifically, Compliance Reports were submitted from the following affected utilities: Westar; KCPL; Empire; Sunflower; Midwest; and KEPCo.<sup>7</sup> BPU is not an affected utility but voluntarily submitted an annual report for the fourth year in a row.

As discussed below, each utility's capacity requirement and capacity available for compliance have been examined, and Staff has found that all affected utilities have met their RESA requirements. A list of capacity facilities, ownership information, nameplate capacity ratings,

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<sup>2</sup> K.S.A. 66-1258(a).

<sup>3</sup> Pursuant to Sections 8 and 9 of SB 91, K.S.A. 2014 Supp. 66-1259, 66-1260, 66-1261, and 66-1262 were repealed July 1, 2015. Sections 66-1256, 66-1257, and 66-1258 will be repealed January 1, 2016. Further, sections 66-1256, 66-1257, and 66-1259 are also amended effective the date they are repealed.

<sup>4</sup> "The legislature declares that it is in the public interest to promote renewable energy development in order to best utilize the abundant natural resources found in this state. There is hereby established a renewable energy standard for the state. The renewable energy standard shall be a voluntary goal that 20% of a utility's peak demand within the state be generated from renewable energy resources by the year 2020." SB 91, Section 1(b).

<sup>5</sup> K.S.A. 1261(b).

<sup>6</sup> K.S.A. 66-1261(b) and K.S.A. 66-1260(a)(1).

<sup>7</sup> The following Compliance Dockets were created to comply with the RESA Annual Report: 13-KEPE-462-CPL (13-462) for KEPCo; 13-KCPE-463-CPL (13-463) for KCPL; 13-WSEE-464-CPL (13-464) for Westar; 13-EPDE-465-CPL (13-465) for Empire; 13-MDWE-466-CPL (13-466) for Midwest; 13-SEPE-467-CPL (13-467) for Sunflower; and 13-KCKE-468-CPL (13-468) for BPU.

capacity with the in-state multiplier, and capacity counted toward compliance are also provided for each utility in the tables below.

*Westar*

For 2015, Westar's three year average retail peak was 4,670 MW.<sup>8</sup> Therefore, Westar is required to have 467.0 MW of renewable capacity to comply with the RESA this year, which represents a decrease of approximately 2.79% from 2014. Westar's renewable energy resources and capacity are very similar compared to last year. The Company did not add any new renewable energy resources over the past year other than net metered customers.

As shown in Table 1, Westar currently possesses 672.0 MW of renewable generation through a combination of purchase power agreements (PPAs), direct ownership, and net metering. All of these facilities are located within the State of Kansas, making them eligible for the in-state multiplier, resulting in 739.2 MW of capacity for compliance.<sup>9</sup> KEPCo receives credit for 16.0 MW of Westar's renewable capacity under the terms of their PPA.<sup>10</sup> When the in-state multiplier is added, KEPCo's portion is 17.6. Accordingly, Staff has excluded 17.6 MW of capacity from Westar's renewable generation portfolio. In addition, 10.5 MW for Westar's Remaining Generation Formula Rate (GFR) Customers and 4.2 MW for Westar's RENEW Tariff (11.6 MW and 4.6 MW respectively with the in-state multiplier) were excluded. This results in a total of 705.4 MWs of renewable capacity available for compliance.

Westar has a total of 705.4 MW, excluding the 33.8 MW discussed above. Thus, Westar has sufficient renewable energy capacity to meet this year's RESA requirement. A list of Westar's facilities, ownership information, nameplate capacity, Kansas jurisdictional allocation, and total capacity for compliance are provided in Table 1 below.<sup>11</sup>

<sup>8</sup> 13-464, July 31, 2015 – Renewable Energy Portfolio Report (2015 RESA Report 13-464), ¶ 4.

<sup>9</sup> This includes a 10% in-state multiplier per K.S.A. 66-1258 (3) (C).

<sup>10</sup> 13-462, Renewable Energy Standards Report for Kansas Electric Power Cooperative, Inc. July 22, 2015 (2015 RESA Report 13-462), Section 2.

<sup>11</sup> 2015 RESA Report 13-464, Table 1, p. 3.

**Table 1**

<b>Westar's Renewable Energy Resources</b>				
<b>Facility</b>	<b>Ownership</b>	<b>Nameplate Capacity</b>	<b>With Multiplier</b>	<b>Kansas Allocation</b>
Post Rock Wind Farm	PPA	201	221.1	221.1
Ironwood Wind Farm	PPA	167.9	184.7	184.7
Meridian Way	PPA	96	105.6	105.6
Flat Ridge 1	PPA	50	55.0	55.0
Flat Ridge 2	Westar	50	55.0	55.0
Central Plains	Westar	99	108.9	108.9
Rolling Meadows	PPA	05.6	06.2	06.2
Net Metered Systems	Customer	2.5	2.7	2.7
<b>Total Renewable Capacity</b>		<b>672.0</b>	<b>739.2</b>	<b>739.2</b>
KEPCo allocated GFR	GFR/PPA	-16.0	-17.6	-17.6
Other GFRs allocated	GFR/PPA	-10.5	-11.6	-11.6
RENEW Tariff	Green Tariff	-4.2	-4.6	-4.6
<b>Total Renewable Capacity for Compliance</b>		<b>641.3</b>	<b>705.4</b>	<b>705.4</b>

### **KCPL**

KCPL's 2015 Kansas three year average retail peak demand is 1,617 MW.<sup>12</sup> Therefore, KCPL is required to possess 161.7 MW of renewable capacity for compliance this year.<sup>13</sup> This represents a decrease of approximately 2.65% from the 2014 compliance period. Like Westar, KCPL's renewable energy resources and capacity are very similar compared to last year. As shown in Table 2, KCPL currently possesses 380.4 MW of renewable generation from Spearville 1, Spearville 2, Spearville 3, and Cimarron II.<sup>14</sup> In addition, KCPL possesses approximately 0.601 MW of net metered systems for a total of 240.5 MW of capacity allocated to Kansas for compliance.<sup>15</sup> Thus, KCPL has met its renewable energy resource requirement. A list of KCPL's facilities, ownership information, nameplate capacity, Kansas jurisdictional allocation, and total capacity for compliance are provided in Table 2 below.<sup>16</sup>

KCPL's parent company, Great Plains Energy Incorporated, entered into a 20-year PPA with EDF Renewable Energy for Slate Creek, a 150 MW wind facility. As stated in KCPL's 2014

<sup>12</sup> 13-463, Aug. 1, 2015, Renewable Energy Portfolio Report (2015 RESA Report 13-463), Table 5.

<sup>13</sup> 13-463, 2015 RESA Report 13-463, Table 5, p. 11.

<sup>14</sup> 2015 RESA Report 13-463, Table 6, p. 13.

<sup>15</sup> This allocation includes the Kansas multiplier.

<sup>16</sup> 2015 RESA Report 13-463, p. 13.

RESA Report, the facility's resources had not been assigned. The facility has since been assigned entirely to KCPL. Slate Creek is expected to have a Commercial Operating Date of no later than December 31, 2015, and is not counted for compliance this year.<sup>17</sup>

**Table 2**

<b>KCPL's Renewable Energy Resources</b>				
<b>Facility</b>	<b>Ownership</b>	<b>Nameplate Capacity</b>	<b>With Multiplier</b>	<b>Kansas Allocation</b>
Spearville 1 and 2	KCPL	148.5	163.4	69.6
Spearville 3	PPA	100.8	110.9	47.3
Cimarron II	PPA	131.1	144.2	61.5
CNPPID Hydro	PPA	61.5	61.5	61.5
Net Metered Systems	Customer	0.546	00.546	0.601
<b>Total MW Capacity</b>		<b>442.4</b>	<b>480.6</b>	<b>240.5<sup>18</sup></b>

### ***Empire***

Empire's Kansas jurisdictional average retail peak for the last three years was 58.1 MW, which requires the Company to possess 5.81 MW of renewable generation this year.<sup>19</sup> This represents a decrease of approximately 3.33% from 2014. Empire's renewable energy resources and capacity are identical compared to last year. As shown in Table 3, Empire currently has a PPA for 150.00 MW of wind from Elk River, PPAs for 105.00 MW of wind from Meridian Way, and owns 16.00 MW of hydroelectric generation in Missouri. Of this 271.00 MW of capacity, only 5.28 MW (5.81 MW with multiplier) of Elk River's capacity is allocated toward Kansas compliance. Thus, Empire also met its renewable energy resource requirement. A list of Empire's facilities, ownership information, nameplate capacity, Kansas jurisdictional allocation, and total capacity for compliance are presented in Table 3 below.<sup>20</sup>

<sup>17</sup> Docket 13-KCPE-463-CPL, 2015 Annual Renewable Energy Standard Report (RESA Report 13-463), p. 4.

<sup>18</sup> Slight difference in total reported in compliance filing is due to rounding.

<sup>19</sup> 2015 RESA Report 13-465, p. 6.

<sup>20</sup> 2015 RESA Report 13-465, p. 7 and Exhibit 1.

**Table 3**

<b>Empire's Renewable Energy Resources</b>				
<b>Facility</b>	<b>Ownership</b>	<b>Nameplate Capacity</b>	<b>With Multiplier</b>	<b>Kansas Allocation</b>
Elk River	PPA	150	165	5.81
Meridian Way	PPA	105.00	115.50	0
Ozark Beach	Empire	16.00	16.00	0
<b>Total MW Capacity</b>		<b>271.00</b>	<b>296.50</b>	<b>5.81</b>

***Sunflower<sup>21</sup>***

Sunflower had a three year average retail peak of 749 MW, requiring it to have 74.9 MW of renewable generation for purposes of RESA compliance in 2015.<sup>22</sup> This represents a decrease of approximately 1.19% from 2014. Sunflower's renewable energy resources and capacity are identical to last year. As shown in Table 4, Sunflower currently has 253.66 MW of renewable generation acquired through PPAs. Thus, Sunflower also met its renewable energy resource requirement. A list of Sunflower's facilities, ownership information, nameplate capacity, Kansas jurisdictional allocation, and total capacity counted toward compliance are presented in Table 4 below.<sup>23</sup>

**Table 4**

<b>Sunflower's Renewable Energy Resources</b>				
<b>Facility</b>	<b>Ownership</b>	<b>Nameplate Capacity</b>	<b>With Multiplier</b>	<b>Kansas Allocation</b>
Smoky Hills I	PPA	50.2	55.2	55.2
Smoky Hills II	PPA	23.7	26.1	26.1
Gray County	PPA	50.2	55.2	55.2
Shooting Star	PPA	103.5	113.9	113.9
Western Hydro	PPA	03.3	3.3	3.3
<b>Total MW Capacity</b>		<b>230.9</b>	<b>253.7</b>	<b>253.7</b>

<sup>21</sup> Sunflower is operated jointly with Mid Kansas Electric Company, LLC (MKEC) as a G&T co-operative. Its member distribution co-ops are Lane-Scott Electric Co-op, Inc.; Pioneer Electric Co-op, Inc.; Prairie Land Electric Co-op, Inc.; Victory Electric Co-op Association, Inc.; Western Co-op Electric Association, Inc.; Wheatland Electric Co-op, Inc.; and Southern Pioneer Electric Company.

<sup>22</sup> 13-467, Sunflower Electric Power Corporation 2015 Renewable Energy Standards Act Report (2015 RESA Report 13-467), Section 4.

<sup>23</sup> 2015 RESA Report 13-467, Section 2.



### **Midwest**

Midwest had a three year average retail peak demand for the previous three years of 340 MW, requiring it to have 34.0 MW of renewable generation this year.<sup>24</sup> This represents a decrease of approximately 1.73% from 2014. Midwest's energy resources and capacity are very similar compared to last year. As shown in Table 5, Midwest currently has 51.9 MW of renewable capacity. When the in-state multiplier is applied, the capacity available for compliance increases to 56.8.<sup>25</sup> Thus, Midwest meets the 2015 RESA requirement. A list of Midwest's facilities, ownership information, nameplate capacity, Kansas jurisdictional allocation, and total capacity counted toward compliance are presented in Table 5 below.

Midwest purchased 1 MW of solar energy by entering into a Purchase Power Agreement (PPA) with Clear Air Collective in March 2014. The capacity was not listed on the Renewable Energy Resources Table since the production costs occurred after December 2014. However, without the solar PPA listed, Midwest has abundant renewable resources to meet its 2015 requirement.

**Table 5**

<b>Midwest's Renewable Energy Resources</b>				
<b>Facility</b>	<b>Ownership</b>	<b>Nameplate Capacity</b>	<b>With Multiplier</b>	<b>Kansas Allocation</b>
Smoky Hill I	PPA	25	27.5	27.5
Smoky Hill II	PPA	24	26.4	26.4
Fed Hydro	PPA	2.9	2.9	2.9
<b>Total MW Capacity</b>		<b>51.9</b>	<b>56.8</b>	<b>56.8</b>

### **KEPCo<sup>26</sup>**

KEPCo had a three year average retail peak of 440 MW, requiring it to possess 44.0 MW of renewable generation for 2015 compliance.<sup>27</sup> This represents a decrease of approximately 1.79% from 2014. KEPCo's renewable energy resources and capacity are very similar compared to last year. As shown in Table 6, KEPCo has PPAs for 113 MW of renewable generation—13 MW of hydro from the Western Power Administration (WAPA) and 100 MW of hydro from the Southwestern Power Administration (SWPA). In addition, KEPCo receives credit for 16.0 MW of renewable capacity (including Kansas multiplier) from a GFR with Westar, resulting in 129 MW total renewable capacity with the in-state multiplier. Thus, KEPCo has sufficient renewable

<sup>24</sup> 13-466, Annual Report to the Kansas Corporation Commission Renewable Energy Standard Compliance (2014 RESA Report 13-466), Table 4.

<sup>25</sup> 2014 RESA Report 13-466, Table 4.

<sup>26</sup> KEPCo is a G&T co-operative whose membership is comprised of the following nineteen distribution co-ops: Ark Valley Electric Co-op Assn. Inc.; Bluestem Electric Co-op. Inc.; Brown-Atchison Electric Co-op Assn., Inc.; Butler Rural Electric Co-op Assn. Inc.; Caney Valley Electric Co-op Assn., Inc.; CMS Electric Co-op, Inc.; DS&O Electric Co-op, Inc.; Flint Hills Rural Electric Co-op Assn., Inc.; Heartland Rural Electric Co-op, Inc.; Leavenworth-Jefferson Electric Co-op, Inc.; Lyon-Coffey Electric Co-op, Inc.; Ninnescah Electric Co-op Assn., Inc.; Prairie Land Electric Co-op, Inc.; Radiant Electric Co-op, Inc.; Rolling Hills Electric Co-op, Inc.; Sedgwick County Electric Co-op Assn., Inc.; Sumner-Cowley Electric Co-op, Inc.; Twin Valley Electric Co-op, Inc.; and Victory Electric Co-op, Inc.

<sup>27</sup> 2015 RESA Report 13-462, Section 4.

energy resources to meet this year's RESA requirement. A list of KEPCo's facilities, ownership information, nameplate capacity, Kansas jurisdictional allocation, and total capacity available for compliance is provided in Table 6 below.<sup>28</sup>

**Table 6**

<b>KEPCo's Renewable Energy Resources</b>				
<b>Facility</b>	<b>Ownership</b>	<b>Nameplate Capacity</b>	<b>With Multiplier</b>	<b>Kansas Allocation</b>
WAPA	PPA	13	13	13
SWPA	PPA	100	100	100
<b>Total Renewable Capacity</b>		<b>113</b>	<b>113</b>	<b>113</b>
Westar GFR	GFR/PPA	14.6	16.0	16.0
<b>Total Renewable Capacity for Compliance</b>		<b>127.6</b>	<b>129</b>	<b>129</b>

#### ***BPU***

Although BPU is not an affected utility, it voluntarily filed a RESA Report. BPU had a three year average retail peak of 469 MW, which, if it were an affected utility, would require it to possess 46.9 MW of renewable generation for 2015 compliance.<sup>29</sup> A list of BPU's facilities, ownership information, capacity ratings, Kansas jurisdictional allocation, and total MW capacity counted toward compliance are provided in Table 7 below. Kansas Allocation is marked "N/A" because BPU is not an affected utility, but rather voluntarily files its RESA Report.

<sup>28</sup> 2015 RESA Report 13-462, Section 2.

<sup>29</sup> 2015 RESA Report 13-468, RES Capacity Requirements.

**Table 7**

<b>BPU's Renewable Energy Resources</b>				
<b>Facility</b>	<b>Ownership</b>	<b>Nameplate Capacity</b>	<b>With Multiplier</b>	<b>Kansas Allocation</b>
Smoky Hills Wind	PPA	25.2	27.7	N/A
Oak Grove Landfill	PPA	3.6	3.9	N/A
Bowersock Hydro North	PPA	4.7	5.1	N/A
Bowersock Hydro South	PPA	2.3	2.3	N/A
SWPA Hydro	PPA	38.6	38.6	N/A
WAPA Hydro	PPA	4.8	4.8	N/A
<b>Total MW Capacity</b>		<b>76.9</b>	<b>80.1</b>	<b>N/A</b>

**RECOMMENDATION**

Because all utilities have sufficient capacity to meet their 2015 RESA requirements, Staff concludes that all affected utilities met their renewable capacity and reporting requirements. Therefore, no action by the Commission is required.

## CERTIFICATE OF SERVICE

13-KEPE-462-CPL, 13-KCPE-463-CPL, 13-WSEE-464-CPL,  
13-EPDE-465-CPL, 13-MDWE-466-CPL, 13-SEPE-467-CPL, 13-KCKE-468-CPL

I, the undersigned, certify that a true and correct copy of the above and foregoing Notice of Filing of Staff Report and Recommendation was served by electronic service on this 7th day of October, 2015, to the following:

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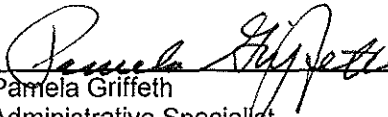
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I, the undersigned, certify that a true and correct copy of the above and foregoing Notice of Filing of Staff Report and Recommendation was served by electronic service on this 7th day of October, 2015, and a hard copy placed in the United States mail to Joseph Jarsulic.

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