

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

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

In the Matter of the Application of Westar)
Energy, Inc. to Cease Transacting the)
Business of an Electric Public Utility,) Docket No. 17-WSEE-386-CCS
Specifically in Portions of Section 33,)
Township 6 South, Range 17 East, in)
Atchison County, Kansas.)

**ORDER GRANTING APPLICATION TO CEASE TRANSACTING
THE BUSINESS OF AN ELECTRIC PUBLIC UTILITY**

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:

I. BACKGROUND

1. On February 20, 2017, Westar Energy, Inc. (Westar) filed an Application requesting to cease transacting the business of an electric public utility in a portion of Atchison County, Kansas. Westar is an electric public utility as defined in K.S.A. 2015 Supp. 66-104. A public hearing was neither requested nor held on Westar's Application.

2. Westar requests the Commission issue an Order granting Westar the authority to cease operating as an electric public utility in the following described territory to wit:

A tract of land described as the Southwest ¼ of the Southwest ¼ of Section 33, Township 6 South, Range 17 East, in Atchison County, Kansas, as detailed on the map marked Exhibit A, attached to and made a part of the Application.

3. On April 11, 2017, the Commission Staff (Staff) submitted its Report and

Recommendation dated April 11, 2017, recommending the Commission grant Westar's Application and grant Westar's request to cease operating as an electric public utility in the territory described in paragraph 2 above.

II. LEGAL STANDARDS AND DISCUSSION

4. 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. K.S.A. 2015 Supp. 66-131(a) provides in part that:

No person or entity seeking to construct electric transmission lines as defined in K.S.A. 66-1,177, and amendments thereto, or common carrier or public utility, including that portion of any municipally owned utility defined as a public utility by K.S.A. 66-104, and amendments thereto, governed by the provisions of this act shall transact business in the state of Kansas until it shall have obtained a certificate from the corporation commission that public convenience and necessity will be promoted by the transaction of said business and permitting said applicants to transact the business of a common carrier or public utility in this state...

5. According to Staff, Westar and Brown-Atchison Electric Cooperative Assn., Inc. (Brown-Atchison) are proposing to exchange approximately forty acres of electric service territory in Atchison County in order to better serve the needs of a customer planning to build a new home in the area. This territory trade is being requested to permit Brown-Atchison to connect a new residential customer. Westar would have to cross through rock and tree conditions in order to extend facilities to the new location. This would result in significantly higher extension costs. Brown-Atchison has existing facilities nearby. There are currently no existing customers in the area being exchanged. Correspondingly, Brown-Atchison, on February 7, 2017, filed an Application in Docket No. 17-BRAE-357-COC requesting a Certificate of Convenience and Authority to transact the business of an electric public utility in the territory described in paragraph 2

above. Concluding, Staff determines that the public convenience will be promoted by the requested territory exchange and recommends the Commission grant the Applications of both Westar and Brown-Atchison.¹

III. FINDING AND CONCLUSION

6. The Commission adopts Staff's analysis and recommendation of April 11, 2017, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that Westar's Application should be granted, and that the public convenience and necessity will be promoted by issuing an Order authorizing Westar to cease operating as an electric public utility in the territory described in paragraph 2 above.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Application of Westar Energy, Inc. is hereby granted and Westar is authorized to cease transacting the business of an electric public utility in the territory described in paragraph 2 above.

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. K.S.A. 66-118b; K.S.A. 2015 Supp. 77-529(a)(1).

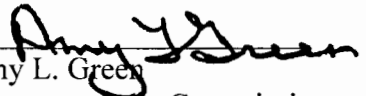
C. The Commission retains jurisdiction over the subject matter and the parties for the Purpose of entering such further order or orders, as it may deem necessary.

¹ Report and Recommendation, page 2.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: APR 25 2017


Amy L. Green
Secretary to the Commission

sls

EMAILED

APR 25 2017

CERTIFICATE OF SERVICE

17-WSEE-386-CCS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

Electronic Service on APR 25 2017.

JIM CURRIE, GENERAL MANAGER
BROWN-ATCHISON ELEC. COOP. ASSN., INC.
1712 CENTRAL
PO BOX 230
HORTON, KS 66439
Fax: 785-486-3910
jcurrie@baelectric.com

STEPHAN SKEPNEK, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
s.skepnek@kcc.ks.gov

CATHRYN J. DINGES, SENIOR CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathy.dinges@westarenergy.com

/S/ DeeAnn Shupe
DeeAnn Shupe

EMAILED

APR 25 2017