

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

In the Matter of the Notice Exemption       )  
Pursuant to K.S.A 66-104(e)                    )  
Of SoCore 2016 ProjectCo 8 LLC                )

Docket No. 17-SOCE-334-WND

**NOTICE OF EXEMPTION OF SOCORE 2016 PROJECTCO 8 LLC**  
**PURSUANT TO K.S.A. 66-104(E)**

SoCore 2016 ProjectCo 8 LLC ("SoCore") hereby provides notice to the Kansas Corporation Commission ("Commission" or "KCC") of its decision to opt out of public utility regulation pursuant to K.S.A. 66-104(e) ("Notice"). In support of its Notice, SoCore states as follows:

**I. INTRODUCTION**

1. SoCore is a limited liability company organized and existing under the laws of the State of Delaware, and is registered as a foreign limited liability company in good standing in the State of Kansas. (See **Exhibit A**, attached hereto)

**II. PROJECT DESCRIPTION**

2. SoCore is developing and will construct, own and operate a photovoltaic energy system (solar farm) on an approximately 7-acre parcel of land in Reno County, Kansas near the city of South Hutchinson ("SoCore Project"). (See **Exhibit B** for a map of the Project site). All aspects of the SoCore Project, including the solar array, will be constructed on privately-owned land pursuant to a long-term lease, easement, and/or right-of-way agreement with the respective

landowner. In light of these privately negotiated lease and easement arrangements, SoCore will neither request nor require condemnation authority in order to obtain land use rights for the SoCore Project. The SoCore Project is close in proximity to a utility substation and adjacent utility distribution line owned by Westar Energy. The Project will interconnect to the electrical grid through Westar's distribution line.

3. The SoCore Project will have a nameplate capacity of approximately 1.02 MW and commercial operation is currently planned for mid-2017. SoCore has secured an offtake agreement for the project's output. The SoCore Project will not sell any power at retail.

4. SoCore has applied for and secured a Special Use Permit from the City of South Hutchinson in order to construct the Project.

### **III. DEFINITION OF PUBLIC UTILITY AND NOTICE OF DECISION TO OPT OUT OF PUBLIC UTILITY REGULATION**

5. K.S.A. 66-104(a) states in pertinent part as follows:

The term "public utility," as used in this act, shall be construed to mean every corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages in or through any part of the state, or the conveyance of oil and gas through pipelines in or through any part of the state, except for pipelines less than 15 miles in length and not operated in connection with or for the general commercial supply of gas or oil, and all companies for the production, transmission, delivery or furnishing of heat, light, water, or power.

6. K.S.A. 66-104(e) states as follows:

*At the option of an otherwise jurisdictional entity, the term "public utility" shall not include any activity or facility of such entity as to the generation, marketing and sale of electricity generated by an electric generation facility or addition to an electric generation facility which:*

- (1) is newly constructed and placed in service on or after January 1, 2001; and
- (2) is not in the rate base of:

- (A) An electric public utility that is subject to rate regulation by the state corporation commission;

- (B) any cooperative, as defined by K.S.A. 17-4603 and amendments thereto, or any nonstock member-owned cooperative corporation incorporated in this state; or

- (C) a municipally owned or operated electric utility.

(Emphasis supplied.)

7. In the Commission's December 27, 2007 Final Order in Docket No. 08-WSEE-309-PRE, it stated that the Commission may not have jurisdiction or authority over the developers that own the [renewable energy generation] and sell power to Westar through PPAs, and referred to K.S.A. 66-104(e), which provides that, at the option of an otherwise jurisdictional entity, the term "public utility" shall not include certain activities or entities as specified in the statute. (See, December 27, 2007 Final Order, at ¶ 65.) (Emphasis supplied.)

#### **IV. NOTICE BY SOCORE**

8. Because SoCore intends to build generation capacity in Kansas, it falls within the definition of "public utility" as stated in K.S.A. 66-104(a), as it will "own, control, operate or manage, except for private use, any equipment, plant or generating machinery," and is a company engaged in "the production, transmission, delivery or furnishing of heat, light, water, or power."

9. However, at the option of an "otherwise jurisdictional entity," K.S.A. 66-104(e) indicates that the term public utility shall not include "any activity or facility of such entity as to the generation, marketing and sale of electricity generated by an electric generation facility or addition to an electric generation facility" which meets the requirements of subsection (e) of the statute.

10. The Project will be:

- (1) newly constructed and placed in service on or after January 1, 2001, in accordance with K.S.A. 66-104(e)(1); and
- (2) privately owned and operated and not placed in the rate base of either an electric public utility subject to rate regulation by the KCC, nor any cooperative or municipally owned or operated electric utility, in accordance with K.S.A. 66-104(e)(2)(A) through (C).

11. As such, SoCore meets the requirements of subsection (e) of the statute and has exercised its option to make itself exempt from the definition of public utility pursuant to the opportunity to opt out of regulation contained in K.S.A. 66-104(e). Accordingly, SoCore hereby provides notice to the Commission of its decision to opt out of public utility regulation pursuant to K.S.A. 66-104(e). Because SoCore has opted out of public utility regulation, it is likewise exempt from the application of the following statutes and regulations, as they by their specific terms, apply only to jurisdictional entities: K.S.A. 66-131, permit to transact business in the State of Kansas as a public utility required; K.S.A. 66-1,177 *et seq.*, the electric transmission line siting act; K.S.A. 66-183, guidelines for stringing wires along or across streets, highways, or public places; and K.A.R. 82-12-1 *et seq.*, the Commission's wire-stringing regulations.

WHEREFORE, SoCore respectfully submits to the Commission this Notice of Exemption pursuant to K.S.A. 66-104(e).

Respectfully submitted,



Alan Claus Anderson KS Bar #18163

Anne E. Callenbach KS Bar #18488

Polsinelli PC

900 W 48<sup>th</sup> Place, Suite 900

Kansas City, MO 64112

Tel: 816.572.4760

Fax: 816.817.6496

[AAnderson@Polsinelli.com](mailto:AAnderson@Polsinelli.com)

[ACallenbach@Polsinelli.com](mailto:ACallenbach@Polsinelli.com)

COUNSEL TO SoCORE 2016 PROJECTCo 8 LLC

VERIFICATION

STATE OF Illinois )  
 ) ss.  
COUNTY OF Cook )

I, Eric Laesebrain, being duly sworn, on oath state that I am SVP, Development for SoCore 2016 ProjectCo 8 LLC, that I have read the foregoing Notice and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief.

SoCore 2016 ProjectCo 8 LLC

By: [Signature]

The foregoing was subscribed and sworn to before me this January 18, 2017.



[Signature]  
Notary Public

My Commission Expires:

8/8/2018

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading has been mailed, postage prepaid, this January 19, 2017, to:

Amy L. Gilbert  
Secretary of the Commission  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Amber Smith  
Chief Litigation Counsel  
Samuel Feather  
Litigation Counsel  
Kansas Corporation Commission  
1500 W. Arrowhead Road  
Topeka, KS 66604-4027

Jeff McClanahan  
Directory of Utility Operations  
Kansas Corporation Commission  
1500 W. Arrowhead Road  
Topeka, KS 66604-4027

A. Allenbach

**STATE OF KANSAS**  
**OFFICE OF**  
**SECRETARY OF STATE**  
**KRIS W. KOBACH**

I, KRIS W. KOBACH, Secretary of State of the state of Kansas, do hereby certify, that according to the records of this office.

Business Entity ID Number: 5044185

Entity Name: SOCORE 2016 PROJECTCO 8 LLC

Entity Type: FOR: LTD LIABILITY COMPANY

State of Organization: DE

Resident Agent: CORPORATION SERVICE COMPANY

Registered Office: 2900 SW WANAMAKER DRIVE SUITE 204, TOPEKA, KS 66614

was filed in this office on August 22, 2016, and is in good standing, having fully complied with all requirements of this office.

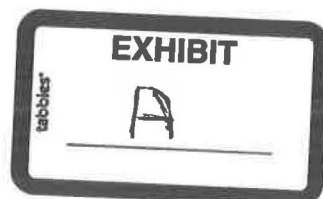
No information is available from this office regarding the financial condition, business activity or practices of this entity.



In testimony whereof I execute this certificate and affix the seal of the Secretary of State of the state of Kansas on this day of January 18, 2017

**KRIS W. KOBACH**  
**SECRETARY OF STATE**

Certificate ID: 904466 - To verify the validity of this certificate please visit <https://www.kansas.gov/bess/flow/validate> and enter the certificate ID number.







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