

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

Before Commissioners:                    Andrew J. French, Chairperson  
   Dwight D. Keen  
   Annie Kuether

In the Matter of the Application of Evergy    )  
Kansas Central, Inc. for a Certificate of Public    )  
Convenience and Authority to Transact the    ) Docket No. 24-EKCE-870-COC  
Business of an Electric Public Utility Defined    )  
as Neosho to Crawford 69 kV Transmission    )  
Line Rebuild from Labette County, Kansas to    )  
Crawford County, Kansas                            )

**ORDER GRANTING APPLICATION OF EVERGY KANSAS CENTRAL, INC.  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND AUTHORITY TO  
TRANSACTION THE BUSINESS OF AN ELECTRIC PUBLIC UTILITY**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and determination. Having examined its files and records, the Commission finds and concludes:

**I. BACKGROUND**

1. On June 17, 2024, Evergy filed an Application requesting the Commission issue a Certificate of Public Convenience and Authority granting Evergy Kansas South, Inc. (“Evergy”), a public utility as defined in K.S.A. 66-104, the right to transact the business of an electric public utility through a portion of the certified territory of Heartland Rural Electric Cooperative, Inc. (“Heartland”), in Labette County, Kansas and Crawford County, Kansas.<sup>1</sup>

2. On July 24, 2024, Evergy filed an amended Application correcting typographical errors made in its Application filed June 17, 2024.<sup>2</sup>

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<sup>1</sup> Application of Evergy Kansas Central, Inc., Docket No. 24-EKCE-870-COC (June 17, 2024).

<sup>2</sup> Revised Application of Evergy Kansas Central, Inc., Docket No. 24-EKCE-870-COC (July 24, 2024) (“Revised Application”).

3. In its Revised Application, Evergy explained that it seeks a new Transmission Rights Only Certificate (“TRO Certificate”) in Heartland certified territory defined as the Neosho to Crawford 69 kV Transmission Line Rebuild, described as:

**LABETTE COUNTY, KANSAS TO CRAWFORD COUNTY, KANSAS**

The route is described from its southwestern to northeastern extent.

Evergy Kansas South, Inc.:

The transmission line rebuild begins in its existing easement in the SW/4 of the NW/4 of Section 14, Township 31 South, Range 21 East and continues in northeasterly direction crossing into the NE/4 of the NW/4 of Section 14 where it enters the Heartland Rural Electric Cooperative.

Heartland Rural Electric Cooperative, Inc.:

The line continues crossing the NE/4 of Section 14 and crossing from Labette County into Crawford County, KS where it continues and crosses the north section line of 14, close to the NE corner, and crosses the SE corner of Section 11, Township 31 South, Range 21 East then crossing into the SW corner of Section 12 continuing in a NE direction and right before reaching the SE/4 of Section 12 the route turns in a slightly more northerly direction where the partial reroute begins and shortly after, in approximately 350 feet, enters the Evergy Kansas South, Inc. territory.

Evergy Kansas, South, Inc.:

The line continues in a NE direction from the SW corner of the N/2 of the SW/4 of Section 12 until crossing and reaching the south border of the NE/4 of Section 12 where the line enters the Heartland Rural Electric Cooperative.

Heartland Rural Electric Cooperative, Inc.:

The line then turns straight east for approximately 1,500 feet along the southern border of the NE/4 of Section 12, Township 31 South, Range 21 East where it reaches the SW corner of the NW/4 of Section 7, Township 31 South, Range 22 East, where the reroute ends, and it turns NE again along the existing route in the SW corner of the NW/4 of Section 7 and continues NE across the NW/4 of Section 7, Township 31 South, Range 22 East and enters the Evergy Kansas South territory in the middle of the west border of the NE/4 of Section 7.

Evergy Kansas South, Inc.:

From the midpoint of the west border of the NE/4 of Section 7, Township 31 South, Range 22 East the line continues NE where it ends at the Crawford substation located in the NE corner of Section 7.

4. In its Application, Evergy stated that it is proposing to relocate a small segment and rebuild an approximately 3.25-mile segment of the existing 69 kilovolt (kV) transmission line in Labette and Crawford Counties just west and north of McCune, Kansas.<sup>3</sup> Evergy stated that this is a continuation of previous projects to upgrade equipment due to age and to increase reliability to connect to a future upgraded station.<sup>4</sup> Evergy stated that the line will be located within a 100-foot right-of-way.<sup>5</sup>

5. Commission Staff's ("Staff") Report and Recommendation ("R&R") on the instant matter is attached hereto as **Attachment A**. In its R&R, Staff recommended that the Commission grant Evergy's Application and find that the public convenience will be promoted by this transaction.<sup>6</sup>

## II. LEGAL STANDARDS

6. Pursuant to K.S.A. 66-131, the Commission has the jurisdiction to grant a Certificate of Public Convenience and Necessity to any public utility seeking to transact business in the State of Kansas.<sup>7</sup>

7. The statutory standard for granting a Certificate under K.S.A. 66-131 is whether the public convenience and necessity will be promoted by the transaction of the proposed project and by permitting the Applicant to transact the business of a common carrier or public utility.<sup>8</sup>

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<sup>3</sup> See Revised Application, p. 2.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Staff's Report and Recommendation (October 16, 2024) ("Staff's R&R" or "R&R").

<sup>7</sup> See K.S.A. 66-131(a) ("No person or entity seeking to construct electric transmission lines as defined in K.S.A. 66-1,177, and amendments thereto... 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.").

<sup>8</sup> See *id.*

### III. FINDINGS AND CONCLUSIONS

8. Staff has reviewed Evergy's Application and has confirmed that: (1) the legal descriptions included in the Application are accurately depicted on the map attached to the Application, and (2) a TRO Certificate will be required for the area that will be re-routed.<sup>9</sup>

9. In its R&R, Staff recommended the Commission find that the public convenience and necessity will be promoted by granting Evergy a TRO Certificate for the portion of the line described in the Application because the TRO Certificate is necessary for Evergy to continue to upgrade aging infrastructure and to increase reliability in the project area.<sup>10</sup>

10. Based on the foregoing information and the absence of any objection, the Commission hereby adopts Staff's findings, conclusions and recommendations.<sup>11</sup> The Commission concludes that the public convenience and necessity will be promoted by granting Evergy a TRO Certificate for the portion of the line described in the Application.

#### **THEREFORE, THE COMMISSION ORDERS:**

A. Evergy's Application is granted pursuant to K.S.A. 66-131.

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).<sup>12</sup>

#### **BY THE COMMISSION IT IS SO ORDERED.**

French, Chair; Keen, Commissioner; Kuether, Commissioner

Dated: 11/21/2024  
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CRM/MKH



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Lynn M. Retz  
Executive Director

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<sup>9</sup> Staff's R&R, p. 2.

<sup>10</sup> *Id.*

<sup>11</sup> Staff's R&R

<sup>12</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

# **ATTACHMENT A**

Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Annie Kuether, Commissioner

Laura Kelly, Governor

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Annie Kuether, Commissioner

**FROM:** Jason Kerr, Utility Engineering Technician  
Paul Owings, Deputy Chief Engineer  
Jeff McClanahan, Director of Utilities

**DATE:** October 16, 2024

**SUBJECT:** Docket No. 24-EKCE-870-COC - In the Matter of the Application of Evergy Kansas Central, Inc. for a Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility defined as Neosho to Crawford 69kV Transmission Line rebuild from Labette County, Kansas to Crawford County, Kansas.

**EXECUTIVE SUMMARY:**

In Docket 24-EKCE-870-COC, Evergy Kansas South, Inc. (Evergy) requests a new Transmission Rights Only Certificate (TRO Certificate) through a portion of the certified territory of Heartland Rural Electric Cooperative, Inc. (Heartland), in Labette and Crawford County Kansas.

Staff recommends that the Commission find that public convenience will be promoted by the granting of a TRO Certificate for the portion of the line described in Attachment A to this Application.

**BACKGROUND:**

On June 17, 2024, Evergy filed the above-captioned Application for a TRO Certificate in Labette and Crawford County, Kansas. On July 24, 2024, Evergy filed an amended Application correcting a few typographical errors.

Evergy is requesting a new TRO Certificate for approximately 2000 feet of a 3.25 mile segment of the existing 69kV Transmission Line just west of McCune, Kansas in Section 12, Township 31 South, Range 12 East. This project is a continuation of previous projects to upgrade aging

infrastructure and to increase reliability in the area. The line will be located within a 100-foot right-of-way.

**ANALYSIS:**

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.<sup>1</sup> If a retail electric supplier receives Commission approval, RESA allows it to extend distribution or transmission facilities through the territory of another supplier provided the supplier building through the territory only uses the proposed line to provide necessary service to its own certificated customers.<sup>2</sup>

The Commission has authority to grant a Certificate of Convenience and Necessity to any public utility seeking to transact business in the State of Kansas.<sup>3</sup>

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.<sup>4</sup> The TRO Certificate is necessary for Evergy to continue to upgrade aging infrastructure and to increase reliability in the Project area.

On August 05, 2024, Evergy provided a Google Earth .KMZ file of the 69kV rebuild / reroute. Staff confirmed that the .KMZ file matches both the map and the legal description attached to Evergy's Application. Staff confirmed that a TRO Certificate will be required for the area that will be rerouted.

**RECOMMENDATION:**

Because a TRO Certificate is necessary for Evergy to continue efforts to upgrade aging infrastructure and increase reliability in the Project area, Staff recommends that the Commission find that public convenience will be promoted by granting a TRO Certificate for the portion of the line described in Attachment A to this Application.

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<sup>1</sup> K.S.A. 66-1,172.

<sup>2</sup> K.S.A. 66-1,173.

<sup>3</sup> K.S.A. 66-131.

<sup>4</sup> K.S.A. 66-131.

ATTACHMENT A  
Legal Description of Proposed 69kV Transmission Line Rebuild  
Evergy Kansas South, Inc. d/b/a Evergy Kansas Central, Inc.  
Docket No. 24-EKCE-870-COC

LABETTE AND CRAWFORD COUNTY, KANSAS

TRANSMISSION RIGHTS ONLY:

The route is described in a southeast direction from its northernmost to southernmost extent.

Evergy Kansas South, Inc.:

The transmission line rebuild begins in its existing easement in the SW/4 of the NW/4 of Section 14, Township 31 South, Range 21 East and continues in northeasterly direction crossing into the NE/4 of the NW/4 of Section 14 where it enters the Heartland Rural Electric Cooperative.

Heartland Rural Electric Cooperative, Inc.:

The line continues crossing the NE/4 of Section 14 and crossing from Labette County into Crawford County, KS where it continues and crosses the north section line of 14, close to the NE corner, and crosses the SE corner of Section 11, Township 31 South, Range 21 East then crossing into the SW corner of Section 12 continuing in a NE direction and right before reaching the SE/4 of Section 12 the route turns in a slightly more northerly direction where the partial reroute begins and shortly after, in approximately 350 feet, enters the Evergy Kansas South, Inc. territory.

Evergy Kansas South, Inc.:

The line continues in a NE direction from the SW corner of the N/2 of the SW/4 of Section 12 until crossing and reaching the south border of the NE/4 of Section 12 where the line enters the Heartland Rural Electric Cooperative.

Heartland Rural Electric Cooperative, Inc.:

The line then turns straight east for approximately 1,500 feet along the southern border of the NE/4 of Section 12, Township 31 South, Range 21 East where it reaches the SW corner of the NW/4 of Section 7, Township 31 South, Range 22 East, where the reroute ends, and it turns NE again along the existing route in the SW corner of the NW/4 of Section 7 and continues NE across the NW/4 of Section 7, Township 31 South, Range 22 East and enters the Evergy Kansas South territory in the middle of the west border of the NE/4 of Section 7.

Evergy Kansas South, Inc.:

From the midpoint of the west border of the NE/4 of Section 7, Township 31 South, Range 22 East the line continues NE where it ends at the Crawford substation located in the NE corner of Section 7.



**CERTIFICATE OF SERVICE**

24-EKCE-870-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 11/21/2024.

DAN AVERY, DIRECTOR OF OPERATIONS  
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/S/ KCC Docket Room  
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KCC Docket Room