

**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 Joint Application of )  
Sunflower Electric Power Corporation and ) Docket No. 25-SEPE-035-CON  
Prairie Land Cooperative, Inc. for Approval of )  
the City of Herndon Firm Energy, Capacity, )  
and Load Following Agreement. )

**ORDER APPROVING STAFF’S REPORT AND RECOMMENDATION**

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:

1. On July 1, 2024, Sunflower Electric Power Corporation (Sunflower”) and Prairie Land Electric Cooperative, Inc. (“Prairie”) filed a Joint Application with the Commission requesting approval of the City of Herndon Firm Energy, Capacity, and Load Following Agreement (“Herndon Agreement”) between Sunflower, Prairie and the City of Herndon.<sup>1</sup>

2. On November 12, 2024, Commission Staff filed confidential and redacted versions of its Report and Recommendation (“Report”), which recommended approval of the Herndon Agreement.<sup>2</sup>

3. While Sunflower and Prairie have elected to be exempt from Commission jurisdiction, regulation, supervision and control pursuant to K.S.A. 66-104d(f), the sale of power for resale to non-member-owners remains subject to Commission regulation. The Herndon Agreement is a contract for the sale of power for resale between Sunflower, Prairie and the City

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<sup>1</sup> Sunflower Joint Application (July 1, 2024).

<sup>2</sup> Staff’s Report and Recommendation, (November 12, 2024).

of Herndon (a non-member-owner), and therefore the subject matter of the agreement is subject to Commission Jurisdiction. The Commission finds it has jurisdiction over the Herndon Agreement.

4. The Commission finds adoption of Staff's Report and findings are appropriate. The Commission finds the Herndon Agreement will ultimately benefit all the parties involved.

5. After review of Staff's Report, the Application and the Herndon Agreement, the Commission concludes the Herndon Agreement is just and reasonable.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The Commission hereby adopts Staff's Report and Recommendation dated November 12, 2024.

B. The Herndon Agreement is approved.

C. 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>3</sup>

D. 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.

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 12/31/2024



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Lynn M. Retz  
Executive Director

PJH

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<sup>3</sup> K.S.A. 66-118b; K.S.A. 77-503 (c) and K.S.A. 77-531(b).

## CERTIFICATE OF SERVICE

25-SEPE-035-CON

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 12/31/2024.

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