

**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 Mid-Kansas )  
Electric Company, LLC for Certificate of )  
Convenience and Authority to Transact the )  
Business of an Electric Public Utility in the ) Docket No. 17-MKEE-329-COC  
State of Kansas Transmission Rights Only, )  
Crossing the Certified Territory of the )  
Victory Electric Cooperative Association, Inc. )

**ORDER GRANTING CERTIFICATE OF CONVENIENCE AND AUTHORITY FOR  
TRANSMISSION RIGHTS ONLY**

The above captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. BACKGROUND**

1. On January 23, 2017, Mid-Kansas Electric Company, LLC (Mid-Kansas) filed an Application requesting a Certificate of Convenience and Authority (Certificate) for transmission rights only along the route of a new 115kV transmission line proposed for construction in Gray County. The proposed line is to be approximately nine miles in length and Mid-Kansas contends that the requested Certificate is necessary because the route of the line crosses territory certificated to Victory Electric Cooperative Assn., Inc. (Victory). Consequently, Mid-Kansas requests a Certificate for transmission rights only to transact the business of an electric public utility within the following described territory:

This project involves the construction of approximately 9 miles of new 115kV, 3 phase, steel monopole electric transmission line. The project extends from a connection to an existing transmission line in the NW/4 of S9-T26S-R29W and heads east through the N/2 of the N/2 of the following sections, township, and

range: S9, 10, and 11-T26S-R29W, crossing over into the S/2 of the S/2 of S2-T26S-R29W for a single span, then back into S11-T26S-R29W, continuing east into the NW/4 of S12-T26-29W. The transmission line then turns south in the NW/4 of S12-T26S-R29W. The line continues south along the W/2 of the W/2 of S12-T26S-R29W before turning east in the S2 of the S/2 of S12-T26S-R29W, and continuing east through S7, 8, 9,10, and 11-T26S-R28W. The line then turns south and enters the N/2 of the N/2 of S14-T26S-R28W and ends, all of the 6<sup>th</sup> P.M. in Gray County, Kansas.

2. On March 23, 2017, the Commission Staff (Staff) filed its Report and Recommendation dated March 20, 2017, recommending the Commission grant Mid-Kansas' Application and issue the company a Certificate for transmission rights only.

## **II. LEGAL STANDARDS**

3. KSA 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. 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 serve its own certificated customers. Staff confirms that Victory has been provided notice and Staff has received no objection or comment in response to Mid-Kansas' filing. The Commission has authority to grant a Certificate to any public utility seeking to transact business in the State of Kansas.<sup>1</sup> The statutory standard of review in this matter is whether the public convenience will be promoted by the proposed project and by permitting Mid-Kansas to transact the business of a common carrier or public utility.<sup>2</sup>

4. Staff indicates that it has reviewed Mid-Kansas' Application and confirms that the legal description included in paragraph 1 above is accurately depicted on the map made an attachment to Mid-Kansas' Application and is not in conflict with the Commission's Certificate

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<sup>1</sup> K.S.A. 66-131.

<sup>2</sup> Id.

records. According to Staff, the proposed line will provide a new delivery point to Victory, increasing Victory's capacity. It is anticipated that improved reliability will be achieved for existing and new irrigation load being served by the Victory 34.5kV system. Based on the foregoing information and the absence of any objection, Staff recommends the Commission find that the public convenience will be promoted by the granting of Mid-Kansas' Application and issuing Mid-Kansas a Certificate for transmission rights only.<sup>3</sup>

### **III. FINDING AND CONCLUSION**

5. The Commission adopts Staff's analysis and recommendation of March 20, 2017, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that Mid-Kansas' Application should be granted, and that the public interest will be promoted by issuing Mid-Kansas the requested Certificate for transmission rights only.

#### **IT IS, THEREFORE, BY THE COMMISSION CONSIDERED AND CERTIFIED:**

A. That the Application filed by Mid-Kansas Electric Company, LLC is hereby granted and a Certificate of Convenience and Authority for transmission rights only is hereby issued to Mid-Kansas for the transaction of business as an electric public utility in the territory and to the extent described in paragraph 1 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.


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<sup>3</sup> Report and Recommendation, p. 2.

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

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: **MAR 28 2017**

  
Amy L. Green  
Secretary to the Commission

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**Order Mailed Date**

**MAR 29 2017**

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

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

**FROM:** Gary Dawdy, Utility Engineer II  
Leo Haynos, Chief Engineer  
Jeff McClanahan, Director of Utilities

**DATE:** March 20, 2017

**SUBJECT:** 17-MKEE-329-COC  
In the Matter of the Application of Mid-Kansas Electric Company, LLC  
for a Certificate of Convenience and Authority to Transact the Business of  
an Electric Public Utility in the State of Kansas, Transmission Rights  
Only, Crossing the Certified Territory of the Victory Electric Cooperative  
Association, Inc.

**BACKGROUND:**

On January 23, 2017, Mid-Kansas Electric Company, LLC (Mid-Kansas) filed the above captioned Application requesting a Certificate for Transmission Rights Only along the route of a new 115 kV transmission line proposed to be constructed in Gray County. The line is approximately nine miles in length. Mid-Kansas contends transmission rights are necessary because the route of the line is proposed to be constructed in an area certificated to Victory Electric Cooperative Assn., Inc. (Victory). Victory has been provided notice and Staff has received no objection or comment regarding the filing.

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. 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 serve its own certificated customers.

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>1</sup>

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<sup>1</sup> K.S.A. 66-131.

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>2</sup>

**ANALYSIS:**

Staff has reviewed Mid-Kansas' Application and has confirmed the legal description included in the Application is accurately depicted on the map attached to the Application. Staff also confirmed the legal description is not in conflict with the Commission's Certificate records. The legal description is included as Attachment 1 to this Report and Recommendation.

Through informal discussions with Mid-Kansas, it is Staff's understanding the proposed line will provide a new delivery point to Victory Electric. The new line will increase capacity for Victory and is expected to improve reliability for existing and new irrigation load being served by the Victory 34.5kV system.

Based on the above information and having received no objection from the certificated utility whose territory the proposed line will pass through, Staff recommends that the Commission find that public convenience will be promoted by the granting of this Application.

The Commission action date is July 22, 2017.

**RECOMMENDATION:**

Staff is recommending Mid-Kansas' Application for Certificate in 17-MKEE-329-COC be granted for Transmission Rights Only.

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<sup>2</sup> K.S.A. 66-131.

ATTACHMENT 1  
Legal Description of Proposed Transmission Line Route  
17-MKEE-329-COC

GRAY COUNTY

This project involves the construction of approximately 9 miles of new 115 kV, 3 phase, steel monopole electric transmission line. The project extends from a connection to an existing transmission line in the NW/4 of S9-T26S-R29W and heads east through the N/2 of the N/2 of the following sections, township, and range: S9, 10, and 11-T26S-R29W, crossing over into the S/2 of the S/2 of S2-T26S-R29W for a single span, then back into S11-T26S-R29W, continuing east into the NW/4 of S12-T26S-R29W.

The transmission line then turns south in the NW/4 of S12-T26S-R29W. The line continues south along the W/2 of the W/2 of S12-T26S-R29W before turning east in the S/2 of the S/2 of S12-T26S-R29W, and continuing east through S7, 8, 9, 10, and 11-T26S-R28W. The line then turns south and enters the N/2 of the N/2 of S14-T26S-R28W and ends, all of the 6th P.M. in Gray County, Kansas. A map depicting the above description is shown as Exhibit A in the Application.

## CERTIFICATE OF SERVICE

17-MKEE-329-COC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on **MAR 28 2017**.

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/S/ DeeAnn Shupe  
DeeAnn Shupe

Order Mailed Date  
**MAR 29 2017**