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20150226115320
Filed Date: 02/26/2015
State Corporation Commission
of Kansas

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Shari Feist Albrecht, Chair
Jay Scott Emler, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

MEMORANDUM

To: Neysa Thomas, Acting Secretary
From: Andrew French, Litigation Counsel
Date: February 26, 2015
Re: 15-BUKW-373-WND

Dear Ms. Thomas,

K.S.A. 66-104(a) provides a definition of "public utility" and subjects such public utilities to regulation by the Kansas Corporation Commission (Commission). K.S.A. 66-104(e) provides for an exemption from regulation for certain generation facilities which are placed in service on or after January 1, 2001, and are not in the rate base of an electric public utility, cooperative, or municipally owned electric utility. This exemption is available "at the option of an otherwise jurisdictional utility."

On February 20, 2015, Buckeye Wind Energy, LLC, filed a notice to the Commission of its decision to opt out of public utility regulation pursuant to K.S.A. 66-104(e). The notice was docketed as 15-BUKW-373-WND. Commission Staff believes the notice is an appropriate method for Buckeye Wind Energy to exercise its option to exempt itself from public utility status. However, there is no process in the statute or regulations for Commission action regarding the exemption. Therefore, this docket may be closed without further action by the Commission.

Respectfully submitted,

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CERTIFICATE OF SERVICE

15-BUKW-373-WND

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing docket was served via electronic service this 26th day of February, 2015, to the following:

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/s/ Vicki Jacobsen

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