

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners:                    Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Dwight D. Keen

In the Matter of the Application of Kansas City        )  
Power and Light for Certificate of Public                )  
Convenience and Authority to Transact the             ) Docket No. 19-KCPE-062-COC  
Business of an Electric Public Utility, Specifically    )  
in a Portion of Section 6, Township 13 South,         )  
Range 23 East, in Johnson County, Kansas            )

**ORDER AND CERTIFICATE**

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

1.        On August 9, 2018, Kansas City Power & Light (KCP&L) filed an application seeking a Certificate of Convenience and Authority to provide electric service in a residential subdivision located in the City of Lenexa, Johnson County, Kansas, which is described and further delineated as follows:

**JOHNSON COUNTY, KANSAS**

All that part of Canyon Creek Point, 2<sup>nd</sup> Plat Subdivision, located in the NE ¼ of Section 6, Township 13-S, Range 23-E, located in the City of Lenexa, Johnson County, Kansas, as detailed on the map marked as Exhibit A and attached to the application.

The new territory line is to be located at the rear property line of lots 53, 54, 55 and 56 in Section 6, Township 13-S, Range 23-E of Canyon Creek Point, 2<sup>nd</sup> Plat, Subdivision on Sandal St. cul-de-sac.

2. The territory described in paragraph no. 1 above is in an area where the service territories of KCP&L and Westar Energy, Inc. (Westar) border and encompass a new residential subdivision, with 80 planned residences located in the KCP&L certified territory and four residences in the Westar certified territory. Based on an agreement between KCP&L and Westar, Westar has filed a companion application seeking authority to cease service to the area, as proposed in Docket No. 19-WSEE-057-CCS.

3. The residential subdivision is located a half mile from Westar's currently located facilities and due to proximity of the KCP&L operations, it is more practicable for KCP&L to provide electric service to the entire subdivision. In addition, because their current service territories border within a single residential subdivision, an operating consideration involving possible confusion over which customers are to be served respectively by KCP&L and Westar is a factor in the two utilities reaching an agreement to have KCP&L serve the entire subdivision.

4. The Commission Staff (Staff) submitted a Report and Recommendation dated August 24, 2018, which is attached and referred to by reference in this Order. Staff reviewed the KCP&L application and determined that the legal descriptions and maps provided are accurate. The Staff concludes the legal description will not be in conflict with the Commission's Certificate records. Staff submits the application is in the public interest and should be granted. In addition, it proposes on approval of the application to have the updated territorial descriptions as further delineated in paragraph no. 1 updated and reflected in the Commission's certified territory map.

5. The Commission finds and concludes the Staff Report and Recommendation shall be accepted and the KCP&L application should be approved and will promote the public convenience.

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

A. The Application of the Kansas City Power and Light Company, is hereby granted and it is permitted to transact the business of an electric utility in the territory described in Finding No. 1 herein.

B. The Commission's certified territory map shall be updated in accordance with the legal descriptions and maps provided in the application and as further delineated in paragraph no. 1 above.

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>1</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.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 09/06/2018



\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

wah

<sup>1</sup> K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

# STATE OF KANSAS



CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

PHONE: 785-271-3100  
FAX: 785-271-3354  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.  
SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

## REPORT AND RECOMMENDATION UTILITIES DIVISION

**TO:** Chair Shari Feist Albrecht  
Commissioner Jay Scott Emler  
Commissioner Dwight D. Keen

**FROM:** Jason Kerr, Electric Utility Engineering Technician  
Leo Haynos, Chief Engineer  
Jeff McClanahan, Director of Utilities

**DATE:** August 24, 2018

**SUBJECT:** 19-WSEE-057-CCS  
In the Matter of the Application of Westar Energy, Inc. for Authority to Cease Transacting the Business of an Electric Public Utility Specifically in Portions of Section 6, Township 13-S, Range 23-E, Johnson County, Kansas.

19-KCPE-062-COC  
In the Matter of the Application of Kansas City Power & Light Company for Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility, Specifically in Portions of Section 6, Township 13 South, Range 23 East, in Johnson County, Kansas.

### **EXECUTIVE SUMMARY:**

Westar Energy, Inc. (Westar) is seeking the approval of the Commission to cease operating as an electric utility in a small tract of land in Johnson County, Kansas. Kansas City Power and Light, (KCP&L) seeks a Certificate of Public Convenience and Authority in this tract of land.

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction.

**BACKGROUND:**

On August 6, 2018, Westar filed an Application to Cease in Docket 19-WSEE-057-CCS. In Docket 19-KCPE-062-COC, KCP&L filed an Application for a Certificate of Public Convenience and Authority on August 9, 2018.

Westar and KCP&L share a boundary line through a new residential subdivision, 80 of the planned homes are in KCP&L's certified territory and the remaining 4 homes will be within Westar's certified territory. At this point, the homes are under construction and no customers are currently receiving electric service.

Westar's closest facilities to extend power to the four lots is approximately 1/2 mile away. Due to the proximity between the two facilities and to eliminate confusion for employees and customers, Westar and KCP&L have mutually agreed that KCP&L should serve as the electric public utility for this entire subdivision.<sup>1</sup>

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. Notwithstanding the mandated single electric provider service territories, RESA also provides that retail electric suppliers can enter into agreements to amend boundaries between their facilities. The agreements are filed in the form of Certificates and, if approved by the Commission, Certificates to amend territory are issued.

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>2</sup>

**ANALYSIS:**

Staff has reviewed the Applications and determined that the legal descriptions and maps provided with the Applications are accurate. Staff has also confirmed that the attached legal description, marked attachment A, is not in conflict with the Commission's Certificate records.

Staff recommends that the Commission find that public convenience will be promoted by the granting of this Application.

The Commission action date is February 1, 2019.

**RECOMMENDATION:**

Staff recommends that the Commission grant this Application. Upon approval, the updated territory descriptions will be reflected in the Commission's certified territory map.

---

<sup>1</sup> K.S.A. 66-1,171

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

ATTACHMENT A  
Legal Description of Territory Trade Between  
Kansas City Power & Light Company and Westar Energy, Inc.  
Docket No. 19-WSEE-057-CCS and 19-KCPE-062-COC

JOHNSON COUNTY

All that part of Canyon Creek Point, 2nd Plat Subdivision, located in the NE 1/4 of 06-13-23 located in the City of Lenexa, Johnson County, Kansas as detailed on the map marked **Exhibit A** and attached hereto.

KCP&L and Westar Energy propose that the new territory line be at the rear property line of lots 53, 54, 55 and 56 in Section 06 Township 13 Range 23 of Canyon Creek Point, 2nd Plat, Subdivision on Sandal St. cul-de-sac.

**CERTIFICATE OF SERVICE**

19-KCPE-062-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 09/07/2018.

ROBERT J. HACK, LEAD REGULATORY COUNSEL  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST 19TH FLOOR (64105  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2787  
rob.hack@kcpl.com

ROGER W. STEINER, CORPORATE COUNSEL  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST 19TH FLOOR (64105  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2787  
roger.steiner@kcpl.com

WALKER HENDRIX, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
w.hendrix@kcc.ks.gov

CATHRYN J. DINGES, CORPORATE COUNSEL  
WESTAR ENERGY, INC.  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
Fax: 785-575-8136  
cathy.dinges@westarenergy.com

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe