

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

In the Matter of the Notice of Exemption
Pursuant to K.S.A. 66-104(e)
Of Ensign Wind, LLC

Docket No. 15-____-____-WND

_____/

**NOTICE OF ENSIGN WIND, LLC'S
EXEMPTION PURSUANT TO K.S.A. 66-104(e)**

Ensign Wind, LLC ("Ensign Wind") hereby provides notice to the Kansas Corporation Commission ("Commission" or "KCC") of its decision to opt out of public utility regulation pursuant to K.S.A. 66-104(e) ("Notice"). In support of its Notice, Ensign Wind states as follows:

I. INTRODUCTION

1. Ensign Wind is a limited liability company organized and existing under the laws of the state of Delaware, and is registered as a foreign limited liability company in good standing the State of Kansas. Ensign Wind is a wholly-owned, indirect subsidiary of NextEra Energy Resources, LLC.

II. PROJECT DESCRIPTION

2. Ensign Wind owns and operates a 99-megawatt ("MW") wind generation facility consisting of 43 2.3-MW Siemens turbines ("Project"). The Project is located in Gray County, Kansas and has been in commercial operation since 2012.

3. All power produced by Ensign Wind is sold at wholesale pursuant to a long-term Power Purchase Agreement with Kansas City Power and Light Company. Ensign Wind will not sell power at retail.

III. DEFINITION OF PUBLIC UTILITY AND NOTICE OF DECISION TO OPT OUT OF PUBLIC UTILITY REGULATION

4. K.S.A. 66-104(a) states in pertinent part:

The term "public utility," as used in this act, shall be construed to mean every corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages in or through any part of the state, or the conveyance of oil and gas through pipelines in or through any part of the state, except pipelines less than 15 miles in length and not operated in connection with or for the general commercial supply of gas or oil, and all companies for the production, transmission, delivery or furnishing of heat, light, water or power.

5. Because Ensign Wind is a company "for the production, transmission, delivery or furnishing of heat, light, water, or power," it falls within the definition of "public utility" under K.S.A. 66-104(a).

6. However, K.S.A. 66-104(e) allows otherwise jurisdictional entities the option of exempting from the definition of public utility its facilities and activities related to generation, marketing, and sale of electricity from an electric generation facility that is:

- 1) newly constructed and placed in service on or after January 1, 2001, in accordance with K.S.A. 66-104(e)(1); and
- 2) privately owned and operated and not placed in the rate base of either an electric public utility subject to rate regulation by the KCC, nor any cooperative or municipally owned or operated electric utility, in accordance with K.S.A. 66-104(e)(2)(A) through (C).

7. The Project was constructed and placed in service on or after January 1, 2001, is privately owned and operated, and not placed in the rate base of a KCC-rate regulated public utility or any cooperative or municipally owned or operated electric utility.

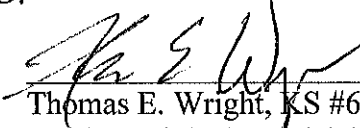
8. Accordingly, Ensign Wind hereby confirms to the KCC that it has opted out of public utility regulation pursuant to K.S.A. 66-104(e).

WHEREFORE, Ensign Wind respectfully submits to the Commission this Notice of Exemption pursuant to K.S.A. 66-104(e).

Respectfully submitted,

MORRIS LAING EVANS BROCK & KENNEDY,
CHTD.

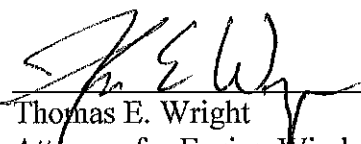
By:


Thomas E. Wright, KS #6115
Email: twright@morrislaing.com
C. Michael Lennen, KS #
Email: mlennen@morrislaing.com
800 SW Jackson, Suite 1310
Topeka, KS 66612-1216
T: (785) 232-2662 F: (785) 232-9983
Attorneys for Ensign Wind, LLC

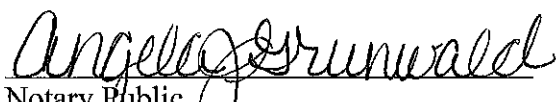
VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

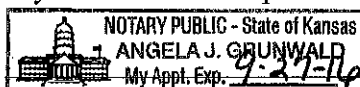
I, Thomas E. Wright, being duly sworn, on oath state that I am counsel for Ensign Wind, LLC, that I have read the foregoing Notice and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief.


Thomas E. Wright
Attorney for Ensign Wind, LLC

The foregoing Application was subscribed and sworn to before me, this 11th day of February, 2015.


Notary Public

My Commission Expires:

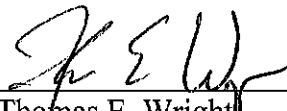


CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading has been mailed, First Class, postage prepaid, this 11th day of February, 2015.

Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027

Jeff McClanahan
Utilities Division Director
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027



Thomas E. Wright