

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

Before Commissioners: Shari Feist Albrecht  
Jay Scott Emler  
Pat Apple

In the Matter of the Application of Westar Energy, Inc. )  
for a Certificate of Public Convenience and Authority )  
to Transact the Business of an Electric Public Utility )  
Specifically in Portions of Sections 1, 2, 3, 4, 5, 6, 16, ) Docket No. 18-WSEE-363-COC  
17, 21, 25, 27, 28, 29, 30, 34, 35, and 36; Townships 12 )  
South, 13 South, and 13 West; Range 4 East, 5 East and )  
6 East; in the Counties of Dickinson County, Kansas )  
and Geary County, Kansas. )

**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 record, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. BACKGROUND**

1. On February 21, 2018, Westar Energy, Inc. (Westar) filed an Application requesting a Certificate of Convenience and Authority (Certificate) for transmission rights only (TRO) to construct a new double-circuit 115kV transmission line to connect the company's Chapman Junction and Geary County Substations. The legal description of the proposed transmission line route is described in paragraph 2 of Westar's Application and depicted on the maps made attachments to the Application.

2. On March 12, 2018, the Commission Staff (Staff) filed its Report and Recommendation dated March 6, 2018, recommending the Commission grant Westar's Application and issue the company a Certificate for transmission rights only. Attachment 1 of

Staff's Report and Recommendation repeats the legal description for the transmission line route found in paragraph 2 of Westar's Application.

## **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. Westar states that a copy of its Application was served upon DS&O Electric Cooperative, Inc. and Flint Hills Rural Electric Cooperative Assoc., over whose territories Westar's proposed transmission line will pass and Staff indicates that it has received no objection to Westar's Application from either party. 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 Westar to transact the business of a common carrier or public utility.<sup>2</sup>

4. Staff indicates that it has reviewed Westar's Application and confirms that the legal description included in paragraph 2 of Westar's Application and accurately depicted on the maps made attachments to the Application is not in conflict with the Commission's Certificate records. Staff adds that although the Application lists the entire route, the TRO is only needed in Dickinson County, Section 34, Township 12 South, Range 4 East; Section 3, Township 13 South, Range 4 East; and Geary County, Section 29, Township 12 South, Range 6 East. According to Staff, the proposed 115kV transmission line will connect Westar's Geary County Substation to the

---

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

<sup>2</sup> Id.

company's Chapman Junction Substation. The westernmost 7 miles and final ¾ mile of the transmission line requires the new TRO. The remaining segment, a 345kV line will be removed and replaced with a double-circuited 115kV line and stay within the existing easements of the 345kV line. 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 Westar's Application and issuing Westar a Certificate for transmission rights only.<sup>3</sup>

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

5. The Commission adopts Staff's analysis and recommendation of March 6, 2018, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that Westar's Application should be granted, and that the public interest will be promoted by issuing Westar the requested Certificate for transmission rights only.

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

A. The Application filed by Westar Energy, Inc. is hereby granted and a Certificate of Convenience and Authority for transmission rights only is hereby issued to Westar for the transaction of business as an electric public utility in the territory and to the extent described in paragraph 2 of Westar's Application, which description is repeated in Attachment 1 of Staff's Report and Recommendation.

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. 2016 Supp. 77-529(a)(1).

---

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

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.

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

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: 03/15/2018  
\_\_\_\_\_



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

oan

# 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 | PAT APPLE, COMMISSIONER

## REPORT AND RECOMMENDATION UTILITIES DIVISION

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

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

**DATE:** March 6, 2018

**SUBJECT:** 18-WSEE-363-COC  
In the Matter of the Application of Westar Energy, Inc. for a Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility specifically in portions of Sections 1, 2, 3, 4, 5, 6, 16, 17, 21, 25, 27, 28, 29, 30, 34, 35, and 36; Townships 12 South, 13 South, and 13 West; Range 4 East, 5 East and 6 East; in the Counties of Dickinson County, Kansas and Geary County Kansas.

### **EXECUTIVE SUMMARY:**

In Docket 18-WSEE- 363-COC, Westar Energy, Inc. (Westar), requests a Certificate for Transmission Rights Only (TRO) to construct a new double circuit 115kV transmission line to connect their Chapman Junction and Geary County Substations.<sup>1</sup>

### **BACKGROUND:**

On February 21, 2018, Westar filed the above-captioned Application for a Certificate for TRO. Westar proposes to build a single-circuit 115kV transmission line connecting their Geary County Substation to their Chapman Junction Substation. The Westernmost 7 miles and final 3/4 mile of the Transmission line will need new TRO. The remaining segment, a 345kV line, will be removed and replaced with a double circuited 115kV line and stay within the existing easements of the 345kV line.

---

<sup>1</sup> EL 39358

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>2</sup>

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>3</sup>

### **ANALYSIS:**

Staff has reviewed Westar's 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. Although the Application lists the entire route, TRO is only needed in Dickinson County, Section 34, Township 12 South, Range 4 East; Section 3, Township 13 South, Range 4 East; and Geary County, Section 29, Township 12 South, Range 6 East. The legal description is included as Attachment 1 to this Report and Recommendation.

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 August 20, 2018.

### **RECOMMENDATION:**

Staff is recommending Westar's Application for Certificate in 18-WSEE-363-COC be granted for Transmission Rights Only.

---

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

<sup>3</sup> K.S.A. 66-131.

ATTACHMENT 1  
Legal Description of Proposed Transmission Line Route  
18-WSEE-363-COC

DICKINSON COUNTY AND GEARY COUNTY, KANSAS

TRANSMISSION RIGHTS ONLY:

**WESTAR ENERGY:**

Westar Energy will be installing a new 115 kV transmission line in Dickinson County, Kansas, beginning in the Westar Energy certified electric service area. The Western section of the route will begin at the existing Chapman Junction, in the Southwest 1/4 of Section 17, Township 12 South, Range 4 East. From the Chapman Junction substation, the line extends North then Northeast through the Southwest 1/4 of Section 17, Township 12 South, Range 4 East; and then turns East and enters the Southeast 1/4 of Section 17 South, Range 4 East. The line continues East through the South 1/2 of Section 16, Township 12 South, Range 4 East, then turns South along the East edge of the Southeast 1/4 of Section 16, Township 12 South, Range 4 East. The line continues South and enters the East side of the East 1/2 of Section 21, Township 12 South, Range 4 East and then enters the East side of the Northeast 1/4 of Section 28, Township 12 South, Range 4 East. From the Southeast corner of the Northeast 1/4 of Section 28, Township 12 South, Range 4 East the line turns East and enters the South side of the Northwest 1/4 of Section 27, Township 12 South, Range 4 East. From the Southeast corner of the Northwest 1/4 of Section 27, Township 12 South, Range 4 East the line turns Southeast and enters the Southwest corner of the Northeast 1/4 of Section 27, Township 12 South, Range 4 East then enters the Southeast 1/4 of Section 27, Township 12 South, Range 4 East. In the Southeast 1/4 of Section 27, Township 12 South, Range 4 East the line turns South and continues into the Northeast 1/4 of Section 34, Township 12 South, Range 4 East. From the Northeast 1/4 of Section 34, Township 12 South, Range 4 East the line continues South into the Southeast 1/4 of Section 34, Township 12 South, Range 4 East and turns South Southeast and exits the Westar Energy service territory.

**DS&O Electric Cooperative, Inc.:**

The line continues South Southeast entering DS&O certified electric service area in the Southeast 1/4 of Section 34, Township 12 South, Range 4 East. The line turns South and enters the East side of the Northeast 1/4 of Section 3, Township 13 South, Range 4 East then into the East side of the Southeast 1/4 of Section 3, Township 13 South, Range 4 East where it will begin routing as a double circuit with an existing transmission line. From this point to the Geary County substation the line will remain a double circuit line where one structure will support both the existing and the new transmission line. From the East side of Southeast 1/4 of Section 3, Township 13 South, Range 4 East, the line turns East and enters the South 1/2 of Section 2, Township 13 South, Range 4 East then into the South 1/2 of Section 1, Township 13 South, Range 4 East. The line continues East into the Southwest 1/4 of Section 6, Township 13 South, Range 5 East then into the Northeast 1/4 of Section 6, Township 13 South, Range 5 East then into the North 1/2 of Section 5, Township 13 South, Range 5 East. The line continues East into the Northwest 1/4 of Section 4, Township 13 South, Range 5 East then turns East Northeast and enters the Northeast 1/4 of Section 4, Township 13 South, Range 5 East and crosses the Northwest corner of the Northwest 1/4 of Section 3, Township 13 West, Range 5 East. From the Northwest 1/4 of Section 3, Township 13 West, Range 5 East the line enters the Southwest 1/4 of

Section 34, Township 12 South, Range 5 East and continues into the Southeast 1/4 of Section 34, Township 12 South, Range 5 East then into the Southwest 1/4 of Section 35, Township 12 South, Range 5 East. The line continues East Northeast from the Southwest 1/4 of Section 35, Township 12 South, Range 5 East and crosses the Northwest corner of the Southeast 1/4 of Section 35, Township 12 South, Range 5 East then into the Northeast 1/4 of Section 35, Township 12 South, Range 5 East. From the Northeast 1/4 of Section 35, Township 12 South, Range 5 East the line enters the North 1/2 of Section 36, Township 12 South, Range 5 East and turns Northeast on the East side of the North 1/2 of Section 36, Township 12 South, Range 5 East. The line continues Northeast and crosses the Southeast corner of the Southeast 1/4 of Section 25, Township 12 South, Range 5 East and into the Southwest 1/4 of Section 30, Township 12 South, Range 6 East. In the Southeast 1/4 of Section 30, Township 12 South, Range 6 East the line exits the DS&O territory.

**Flint Hills Rural Electric Cooperative:**

The line enters Flint Hills certified electric service territory in the Southwest 1/4 of Section 30, Township 12 South, Range 6 East and continues Northeast. The line enters the Northwest 1/4 of Section 30, Township 12 South, Range 6 East and turns East into the Northeast 1/4 of Section 30, Township 12 South, Range 6 East then enters the Northwest 1/4 of Section 29, Township 12 South, Range 6 East and then the Northeast 1/4 of Section 29, Township 12 South, Range 6 East. Both the Northeast 1/4 and the Southeast 1/4 of Section 29, Township 12 South, Range 6 East are owned by Westar Energy and the Geary County substation is located on this property. The new transmission line route ends at the Geary County substation.



**CERTIFICATE OF SERVICE**

18-WSEE-363-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 03/16/2018.

CHARALES GOECKEL, GENERAL MANAGER  
FLINT HILLS RURAL ELECTRIC COOP. ASSN., INC.  
1564 S 1000 RD  
PO BOX B  
COUNCIL GROVE, KS 66846  
Fax: 620-767-6311  
cgoeckel@flinthillsrec.com

LARRY D. IRICK, VP, GENERAL COUNSEL &  
CORPORATE SECRETARY  
WESTAR ENERGY, INC.  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889

OTTO NEWTON, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604  
Fax: 785-271-3167  
o.newton@kcc.ks.gov  
\*\*\*Hand Delivered\*\*\*

TIM POWER, MANAGER  
DS&O ELECTRIC COOPERATIVE, INC.  
201 DAKOTA DR.  
PO BOX 286  
SOLOMON, KS 67480-2086  
Fax: 785-655-2805  
tpower@dsoelectric.com

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