

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Susan K. Duffy, Chair  
Dwight D. Keen  
Andrew J. French

In the Matter of the Application of Bluestem )  
Electric Cooperative, Inc. for a Certificate of )  
Convenience and Authority to Transact the )  
Business of an Electric Public Utility in the State ) Docket No. 20-BECE-465-COC  
of Kansas. A portion of )  
Section 21, Township 07 South, Range 09 East in )  
Pottawatomie 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 May 12, 2020, the Bluestem Electric Cooperative, Inc. (Bluestem) filed an application seeking a Certificate of Convenience and Authority to provide electric service in an area of Pottawatomie County, Kansas, which is described as follows:

The Northwest 1/4 of the Northeast 1/4, Section 21, Township 07  
South, Range 09 East, in Pottawatomie County, Kansas.

2. The territory is currently served by Evergy Kansas Central, Inc. (Evergy) at the time of the filing of the Application, and is subject to an application seeking to cease the rendition of public utility electric service by Evergy in Docket No. 20-EKCE-353-CCS.

3. The Commission Staff (Staff) submitted a Report and Recommendation dated July 21, 2020, which is attached and referred to by reference in this Order. Staff reviewed the Bluestem 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. The Staff determined that for Bluestem has facilities that can economically be extended some 500 feet to serve one customer with single-phase line in the current Evergy service territory, whereas Evergy would have to extend facilities approximately 3300 feet, and would be unable to recover its capital expenses in rendering electric service to the customer. Staff notes both parties are in agreement with the transfer of territory to economically allow service to be provided. 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.

4. The Commission finds and concludes the Staff Report and Recommendation shall be accepted and the Bluestem Application should be approved and will promote the public convenience.

5. A Certificate of Convenience and Authority allowing Bluestem to provide electric service in the territory described in Finding No. 1 above should be granted.

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

A. The Application of the Bluestem Electric Cooperative, Inc. 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. 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>

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

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

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 07/30/2020



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Lynn M. Retz  
Executive Director

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Susan K. Duffy, Chair  
Dwight D. Keen, Commissioner  
Andrew J. French, Commissioner

Laura Kelly, Governor

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Susan K. Duffy  
Commissioner Dwight D. Keen  
Commissioner Andrew J. French

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

**DATE:** July 21, 2020

**SUBJECT:** 20-EKCE-353-CCS  
In the Matter of the Application of Evergy Kansas Central, Inc. for Authority to Cease transacting the business of an Electric Public Utility specifically, in Section 21, Township 07 South, Range 09 East in Pottawatomie County, Kansas.

20-BECE-465-COC  
In the Matter of the Application of Bluestem Electric Cooperative, Inc. for a Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas.  
A portion of Section 21, Township 07 South, Range 09 East, in Pottawatomie County, Kansas.

**EXECUTIVE SUMMARY:**

In Docket 20-EKCE-353-CCS, Evergy Kansas Central, Inc. (Evergy) is seeking approval of the Commission to cease operating as an electric utility in a small tract of certified territory in Pottawatomie County. In Docket 20-BECE-465-COC, Bluestem Electric Cooperative, Inc. (Bluestem) is requesting a Certificate for this tract of certified territory.

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

**BACKGROUND:**

On February 12, 2020, Evergy filed the above-captioned Application to Cease in Docket No. 20-EKCE-353-COC. On May 12, 2020, Bluestem filed the above-captioned Application for a Certificate in Docket No. 20-BECE-465-COC.

Bluestem certified territory is adjacent to the territory described above. To serve this new customer Evergy would have to build approximately 5/8 mile worth of single-phase line. Bluestem has a single-phase line located approximately 500 feet west of the building location.

Evergy believes the maintenance and construction cost would not be recovered from the amount of electricity the new resident would use.

Evergy and Bluestem have mutually agreed, subject to the Commission's approval, that Bluestem should serve as the electric provider in the territory described above.<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.

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 both Applications and has confirmed the legal descriptions included in both Applications are accurately depicted on the map attached to each Application. Staff also confirmed the legal description is not in conflict with the Commission's Certificate records. The legal description is included as Attachment A to this Report and Recommendation.

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

The Commission action date is August 10, 2020.

**RECOMMENDATION:**

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction. Upon approval, the updated territory descriptions will be reflected in the Commission's certified territory map.

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<sup>1</sup> K.S.A. 66-1,175

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

ATTACHMENT A  
Legal Description of Territory Trade Between  
Evergy Kansas Central, Inc. and Bluestem Electric Cooperative, Inc.  
Docket No. 20-EKCE-353-CCS and 20-BECE-465-COC

POTTAWATOMIE COUNTY, KANSAS

The Northwest 1/4 of the Northeast 1/4, Section 21, Township 07 South, Range 09 East, in  
Pottawatomie County, Kansas.

## CERTIFICATE OF SERVICE

20-BECE-465-COC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 07/30/2020.

THAD DONNELLY  
BLUESTEM ELECTRIC COOPERATIVE, INC.  
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/S/ DeeAnn Shupe  
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DeeAnn Shupe