

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Jay Scott Emler, Chairman  
Shari Feist Albrecht  
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 ) 16-WSEE-492-COC  
Sections 3, 10, 11, and 14; Township 3 Ranges 14 East; in Nemaha )  
County, KS )

CERTIFICATE

NOW, there comes on for consideration and determination by the State Corporation Commission, the application of Westar Energy, Inc. (Applicant) as captioned above, for a Certificate of Convenience and Authority in a portion of Nemaha County. After giving due consideration to the application and being fully advised in the premises, the Commission finds and concludes that:

1. Applicant is a public utility under the provisions of K.S.A. 2014 Supp. 66-104.
2. The application in this docket was filed with this Commission on May 2, 2016. A public hearing was neither requested nor held on this application.
3. Applicant requests a Certificate to transact the business of an electric public utility in the territory described as follows:

NEMAHA COUNTY

Transmission Rights Only

Westar requests transmission rights for a 3 phase, 4 wire, 115 kV transmission line beginning at a point on an existing Westar Energy owned 115kV line in the Southwest 1/4 of Section 14, Township 3 South, Range 14 East said point being on the East right-of-way line of 'W' Road: thence extending North parallel to 'W' Road approximately 3/4 mile into the Southwest 1/4 of Section 11; thence crossing 'W' Road to the West side of the road; thence continuing North through

Section 10 and Section 3 to the South line of 144th Road; all in Nemaha County Kansas, as shown on Exhibit A, in the application.

4. Public convenience will be promoted by permitting Applicant to transact the business of electric public utility in the territory and to the extent described in Finding No. 3 herein, and the application should be granted for transmission rights only and a Certificate issued in accordance with the provisions of K.S.A. 2014 Supp. 66-131.

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

A. That the application in the instant docket is granted for transmission rights only and Westar Energy, Inc. is permitted to transact the business of an electric public utility in the territory and to the extent described in Finding No. 3 herein.

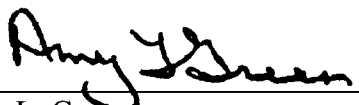
B. A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing, and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529.

C. The Commission retains jurisdiction of the subject matter and parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO CERTIFICATED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: JUN 07 2016

  
\_\_\_\_\_  
Amy L. Green  
Secretary to the Commission

gdd

Order Mailed Date

JUN 08 2016

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

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

**FROM:** Gary Dawdy, Utility Engineer II  
Leo Haynos, Chief Engineer  
Jeff McClanahan, Director of Utilities

**DATE:** May 17, 2016

**SUBJECT:** 16-WSEE-492-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 3, 10, 11, and 14; Township 3 Ranges 14 East; in Nemaha County, KS

**BACKGROUND:**

On May 2, 2016, Westar Energy, Inc. (Westar) filed an Application for Certificate for Transmission Rights Only in Docket No. 16-WSEE-492-COC, as captioned above.

**ANALYSIS:**

Pursuant to K.S.A. 2014 Supp. 66-131, the Commission has jurisdiction to grant a certificate to a public utility seeking to transact business in the State of Kansas. K.S.A. 66-1,170 et seq. the Retail Electric Suppliers Act (RESA) requires each and every retail electric supplier to obtain a certificate from the Commission.

The statutory standard of review in this matter is whether the “public convenience will be promoted by the transaction of said business and permitting said applicants to transact the business of a common carrier or public utility in this state.” K.S.A. 2014 Supp. 66-131. Further, single electric certification shall be the standard in Kansas under K.S.A. 66-1,170 et seq.

Under, 66-1,173, every retail electric supplier shall have the exclusive right and responsibility to furnish retail electric service to all electric consuming facilities located within its certified territory, and shall not furnish, make available, render or extend its retail electric service to a consumer for use in electric consuming facilities located within the certified territory of another retail electric supplier except that:

(a) Any retail electric supplier, with the approval of the commission, may extend distribution or transmission facilities through the certified territory of another retail electric supplier, if such extension is necessary for such supplier to connect with any of its facilities or those of others to serve consumers within its own certified territory; and

(b) Station power shall not be deemed to be retail electric service for the purposes of this act.

Westar is requesting a Certificate for Transmission Rights Only along the route of a new 115 kV transmission line. The line is approximately 2.5 miles in length and transmission rights are necessary because the line is proposed to be constructed in an area certificated to City of Sabetha, Kansas. The City has been provided notice and Staff has received no objection or comment from the City.

Staff recommends that the Commission find that public convenience will be promoted by the granting of these Applications.

The Commission action date is October 29, 2016.

**RECOMMENDATION:**

Staff is recommending Westar's Application for Certificate in 16-WSEE-492-COC be granted for Transmission Rights Only.

KANSAS CORPORATION COMMISSION  
AMY L. GREEN, SECRETARY

DOCKET NO.: 16-WSEE-492-COC

ORDER DATE: **JUN 07 2016**

NAME AND ADDRESS

NO. OF  
COPIES

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**Order Mailed Date**

**JUN 08 2016**

The Docket Room hereby certifies that on \_\_\_\_\_, a true and correct copy of the attached was deposited in the United States Mail, postage prepaid, addressed to the above persons.