

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

In the Matter of the General Investigation to                     )  
Examine the Effect of Kansas Senate Bill No.                 ) Docket No. 16-GIME-258-GIE  
91 Regarding Renewable Energy Standards                     )

**COMMENTS IN RESPONSE TO COMMISSION STAFF'S  
REPORT AND RECOMMENDATION**

COMES NOW Sunflower Electric Power Corporation ("Sunflower") and Mid-Kansas Electric Company, LLC ("Mid-Kansas"), and pursuant to the January 5, 2016 Order Opening Docket, and in response to the Commission Staff's ("Staff") Notice of Filing Staff's Report and Recommendation (the "R&R"), filed February 15, 2016, Sunflower and Mid-Kansas submit the following comments:

**Clarification on compliance with K.A.R. 82-16-2 for utilities that have elected to  
self-regulate pursuant to K.S.A. 66-104d**

1. The R&R recommends specific changes to K.A.R. 82-16-2 whereby "[e]ach utility making efforts to attain the goal in K.S.A. 2015 Supp. 66-1256 and seeking recovery of reasonable costs incurred as a result of attaining the voluntary 20 percent goal as prescribed by K.S.A 2015 Supp. 66-1259 shall submit a report to the commission detailing that utility's efforts to attain the voluntary goal . . . ."<sup>1</sup> K.A.R. 82-16-2 then details specific information that must be included in such report.<sup>2</sup>

2. Both Sunflower and Mid-Kansas have elected to self-regulate pursuant to K.S.A. 66-104d. Nevertheless, under K.S.A. 66-104d(f), Sunflower and Mid-Kansas remain subject to the Commission's jurisdiction with respect to the certified service

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<sup>1</sup> Notice of Filing Staff's Report and Recommendation, Docket No. 16-GIME-258-GIE, at p. A-5 (filed February 15, 2016)(emphasis added).

<sup>2</sup> *Id.*

territory of a cooperative; charges, fees or tariffs for transmission services; sales of power for resale, other than sales between a cooperative and its member-owners; and wire stringing and transmission line siting. However, the “reasonable costs incurred as a result of attaining the voluntary 20 percent goal” would be recovered by Sunflower and Mid-Kansas in a non-jurisdictional rate charged to the Sunflower and Mid-Kansas member-owners.

3. But for the fact that the reasonable cost is related to a renewable energy resource, Sunflower and Mid-Kansas would not need Commission approval to recover such costs in their non-jurisdictional rate charged to their member-owners. Sunflower and Mid-Kansas seek clarification as to whether each must file the report required by K.A.R. 82-16-2 before it can recover the “reasonable costs incurred as a result of attaining the voluntary 20 percent goal” given their status as a self-regulated cooperatives pursuant to K.S.A. 66-104d.

**Clarification on compliance with K.A.R. 82-16-4 for utilities that have elected to self-regulate pursuant to K.S.A. 66-104d**

4. K.A.R. 82-16-2(b) allows a generation and transmission cooperative to submit a collective report on behalf of the electric distribution cooperatives it represents. The R&R then recommends that under K.A.R. 82-16-4, in conjunction with the reports required by K.A.R. 82-16-2, an affected utility shall calculate the revenue requirement for each capacity resource used to attain the renewable energy goal.

5. Except for Southern Pioneer Electric Company (“Southern Pioneer”), all Sunflower and Mid-Kansas member-owners have also elected to self-regulate pursuant to K.S.A. 66-104d. Therefore, just as the Sunflower and Mid-Kansas rates to member-

owners are non-jurisdictional, the retail revenue requirements for the Sunflower and Mid-Kansas member-owners are also non-jurisdictional (except for Southern Pioneer). Further, Staff states that “the Commission will no longer submit a report of the annual statewide retail rate impact of renewable energy to the Kansas legislature.”<sup>3</sup>

6. But for the fact that a portion of Sunflower’s and Mid-Kansas’ member-owners (except for Southern Pioneer) retail revenue requirement is related to a renewable energy resource, those member-owners would not need Commission approval of the calculation of their retail revenue requirement. In addition, the Commission will no longer submit a report of the annual statewide retail rate impact of renewable energy to the Kansas legislature. Therefore, Sunflower and Mid-Kansas additionally ask for clarification as to whether each must, in conjunction with the report required in 82-16-2, calculate the retail revenue requirement for its member-owners that have self-regulated pursuant to K.S.A. 66-104d and therefore have non-jurisdictional retail revenue requirements.

**Clarification of whether filing a report pursuant to K.A.R 82-16-2 is the only way to attain the 20 percent voluntary goal**

7. Prior to Kansas Senate Bill No. 91, the 20% renewable energy standard was *required*, and carried penalties for non-compliance. After, it is simply *voluntary*. Because it is now voluntary, Sunflower and Mid-Kansas seek clarification as to whether submitting the report pursuant to 82-16-2 is the only way to confirm that a utility is meeting the voluntary 20% goal. Or, can a utility meet the goal without submitting a

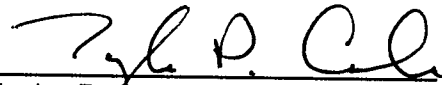
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<sup>3</sup> *Id.* at p. 3.

report to the Commission and hold itself out to the general public as having met the voluntary 20% goal?

WHEREFORE, Sunflower and Mid-Kansas request that the Commission take notice of and consider their comments in this matter and for such other and further relief as may be appropriate.

Respectfully submitted,



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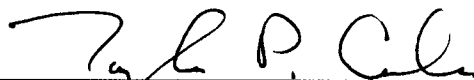
**Attorney for Sunflower Electric  
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Electric Company, LLC**

**VERIFICATION**

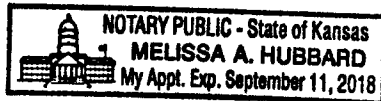
STATE OF KANSAS            )  
COUNTY OF BARTON    ) ss:

Taylor P. Calcara, of lawful age, being first duly sworn on oath, states:

That he is an attorney for Sunflower Electric Power Corporation and Mid-Kansas Electric Company, LLC; that he has read the above and foregoing comments and knows the contents thereof; and that the statements contained therein are true.

  
Taylor P. Calcara

SUBSCRIBED AND SWORN to before me this 1st day of March, 2016.

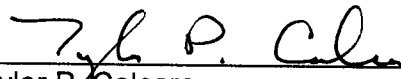


  
Notary Public

Commission Expires: \_\_\_\_\_

### CERTIFICATE OF SERVICE

I do hereby certify that on the 1st day of March, 2016, I electronically filed via the Kansas Corporation Commission's Electronic Filing System a true and correct copy of the above and foregoing comments with a copy e-mailed to:

  
Taylor P. Calcara

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