

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Notice of Exemption)
Of Wild Plains Wind Project, LLC) Docket No. 25- WPWE - 139 -WND
Pursuant To K.S.A. 66-104(e))

NOTICE OF EXEMPTION OF WILD PLAINS WIND PROJECT, LLC PURSUANT TO K.S.A. 66-104(e)

COMES NOW, Wild Plains Wind Project, LLC (“Wild Plains Wind” or “Applicant”) and hereby provides notice to the State Corporation Commission of the State of Kansas (“Commission” or “KCC”) of its decision to opt out of public utility regulation pursuant to K.S.A. 66-104(e). In support of its Notice, the Applicant states and alleges as follows:

I. INTRODUCTION

1. Wild Plains Wind is a limited liability company, organized and existing under the laws of the State of Delaware, in good standing in all respects. (*See Exhibit A*, attached hereto).

2. Wild Plains Wind has developed, constructed, and will own and operate a wind energy project on an approximately 18,000-acre site located approximately 28 miles south of Wichita in Sumner County, Kansas (the “Wild Plains Wind Project”). (*See Exhibit B* for a map of the Project location). All Wild Plains Wind Project facilities will be constructed on privately-owned land pursuant to either wind leases, transmission easements, or parcels purchased by Wild Plains Wind in fee simple pursuant to agreements with the respective landowners. In light of these privately negotiated lease and easement arrangements, Wild Plains Wind will neither request nor require condemnation authority in order to obtain land use rights for the Wild Plains Wind Project. The point of interconnection for the Wild Plains Wind Project is Evergy Kansas Central, Inc.’s

(“Evergy”) Wild Plains 345 kV Substation. There is no generation tie line associated with the Project.

3. The Wild Plains Wind Project will have a nameplate capacity of approximately 300 MW and the Project went into commercial operation on February 7, 2025. Wild Plains Wind has secured a long-term Purchase Power Agreement for the output of the facility. Wild Plains Wind will not sell any power at retail.

4. Wild Plains Wind has worked diligently with residents and local government officials to ensure a positive local reception for the Wild Plains Wind Project, and has executed a Road Use and Maintenance Agreement, Decommissioning Agreement, and a County Contribution Agreement with Sumner County.

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

5. K.S.A. 66-104(a) states in pertinent part as follows:

The term “public utility,” as used in this act, shall be construed to mean every corporation, company, individual, association of persons, heirs, 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 for 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.

6. K.S.A. 66-104(e) states as follows:

At the option of an otherwise jurisdictional entity, the term “public utility” shall not include any activity or facility of such entity as to the generation, marketing and sale of electricity generated by an electric generation facility or addition to an electric generation facility which:

- (1) is newly constructed and placed in service on or after January 1, 2001; and
- (2) is not in the rate base of:

- (A) an electric public utility that is subject to rate regulation by the state corporation commission;
- (B) any cooperative, as defined by K.S.A. 17-4603 and amendments thereto, or any nonstock member-owned cooperative corporation incorporated in this state; or
- (C) a municipally owned or operated electric utility.

(Emphasis added).

7. In the Commission's December 27, 2007 Final Order in Docket No. 08-WSEE-309-PRE, it concluded that the Commission may not have jurisdiction or authority over the developers that own wind farms and sell power to a utility Westar Energy Inc. through power purchase agreements.

III. NOTICE BY APPLICANT

8. Because the Applicant is building generation capacity in Kansas, it falls within the definition of "public utility" as stated in K.S.A. 66-104(a), as it will "own, control, operate or manage, except for private use, any equipment, plant or generating machinery," and is a company engaged in "the production, transmission, delivery or furnishing of heat, light, water, or power."

9. However, at the option of an "otherwise jurisdictional entity," K.S.A. 66-104(e) indicates that the term public utility shall not include "any activity or facility of such entity as to the generation, marketing and sale of electricity generated by an electric generation facility or addition to an electric generation facility" which meets the requirements of subsection (e) of the statute.

10. The Project will be:

- (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).

11. As such, Wild Plains Wind is exercising the option to exempt itself from the definition of “public utility” pursuant to the opportunity to opt out of regulation contained in K.S.A. 66-104(e).¹ Accordingly, the Applicant hereby provides this Notice to the Commission of its decision to opt out of public utility regulation pursuant to K.S.A. 66-104(e). Because the Applicant has opted out of public utility regulation, the Applicant is likewise exempt from the application of the following statutes, as each of these statutes, by their specific terms, apply only to jurisdictional entities: K.S.A. 66-131, permit to transact business in the State of Kansas as a public utility required; and K.S.A. 66-1,177 *et seq.*, the electric transmission line siting act.

12. Pursuant to K.S.A. 66-104(e)(2), an entity that has exercised to exempt itself from regulation is still subject to the Commission’s jurisdiction over wire-stringing, and is therefore required to comply with the K.S.A. 66-183, guidelines for stringing wires along or across streets, highways, or public places; and K.A.R. 82-12-1 *et seq.*, the Commission’s wire-stringing regulations. Wild Plains Wind intends to file the Form EL required by K.A.R. 82-12-1 *et seq.* at the appropriate time, at least ten days prior to commencing construction as required by the Commission’s rules.

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

¹ Similarly situated independent power producers have exercised their option to exempt themselves from the definition of “public utility” by filing notices with the Commission. *See, e.g.*, Docket No. 19-SLWE-323-WND, Notice of Exemption of Soldier Creek Wind, LLC Pursuant to K.S.A. 66-104(e) (Feb. 14, 2019); Docket No. 19-SFWE-204-WND, Notice of Exemption of Solomon Forks Wind Project, LLC Pursuant to K.S.A. 66-104(e) (Nov. 15, 2018); Docket No. 18-PTWE-447-WND, Notice of Exemption of Pratt Wind, LLC Pursuant to K.S.A. 66-104(e) (April 13, 2018); Docket No. 17-CPBE-139-WND, Notice of Exemption of CP Bloom Wind LLC Pursuant to K.S.A. 66-104(e) (Oct. 21, 2016).

Respectfully submitted,

POLSINELLI PC

/s/ Anne E. Callenbach

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ATTORNEYS FOR WILD PLAINS WIND PROJECT, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties below by email, this 31st day of October, 2025.

CARLY MASENTHIN
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
c.masenthin@kcc.ks.gov

/s/ Anne E. Callenbach

Anne E. Callenbach

VERIFICATION

STATE OF MISSOURI

ss:

COUNTY OF JACKSON

I, Anne E. Callenbach, do solemnly, sincerely and truly declare and affirm that I am counsel to Wild Plains Wind Project LLC, that I have read the foregoing pleading and know the contents thereof, and that the facts set forth therein are true and correct to the best of my knowledge and belief, and this I do under the pains and penalties of perjury.

By: /s/ Anne E. Callenbach

Anne E. Callenbach

October 31, 2025

STATE OF KANSAS
OFFICE OF SECRETARY OF STATE
CERTIFICATE OF GOOD STANDING

I, SCOTT SCHWAB, Kansas Secretary of State, certify that the records of this office reveal the following:

Business ID: 4937868

Business Name: WILD PLAINS WIND PROJECT, LLC

Type: Foreign Limited Liability Company

Jurisdiction: Delaware

was filed in this office on July 28, 2015, and is in good standing, having fully complied with all requirements of this office.

No information is available from this office regarding the financial condition, business activity or practices of this entity.



In testimony whereof:
I affix my official certification seal.
Done at the City of Topeka,
on this day October 30, 2025.

SCOTT SCHWAB
KANSAS SECRETARY OF STATE

Legend

-  Turbine
-  POI/Collector Substation
-  Project Boundary



EXHIBIT B

Wild Plains Wind I

