

3. The Project will have approximately 20 MW of nameplate total capacity and will interconnect to Sunflower Electric Power Corporation's transmission facilities in Stanton County, Kansas. All output from the Project will be sold to Mid-Kansas Electric Company, Inc.

under a power purchase agreement having a term of approximately 25 years. Johnson Corner will not sell any power at retail.

4. Johnson Corner has worked with the residents and government officials to ensure a positive local reception to the Project.

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

5. In the Commission's Final Order in Docket No. 08-WSEE-309-PRE issued on December 27, 2007, it stated the Commission may not have jurisdiction or authority over the developers that own the wind farms and sell power to Westar through PPAs and referred to K.S.A. 66-104(e), which provides that, *at the option of an otherwise jurisdictional entity*, the term "public utility" shall not include certain activities or entities as specified in the statute.

6. 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.

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.)

#### IV. NOTICE BY JOHNSON CORNER SOLAR I, LLC

7. Because Johnson Corner intends to build generation capacity in Kanas, it would fall 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 it is a company “for the production, transmission, delivery or furnishing of heat, light, water or power.” However, as an “otherwise jurisdictional entity,” K.S.A. 66-104(e) indicates 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.

The Project meets the requirements of subsection (e) of K.S.A. 66-104 in that it 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).

8. As such, at its option, Johnson Corner is exempt from the definition of a public utility pursuant to the opportunity to opt out of regulation contained in K.S.A. 66-104(e). Johnson Corner hereby provides notice to the Commission of its decision to opt out of public utility regulation pursuant to K.S.A. 66-104(e). Because Johnson Corner has opted out of public utility regulation, then it is likewise exempt from the application of the statutes contained in the



Kansas Public Utility Act (Chapter 60), including but not limited to the following statutes, as each of these statutes, by its specific terms, applied only to jurisdiction entities: K.S.A. 66-131, permit to transact business in the State of Kansas as a public utility required; K.S.A. 66-1,177, *et seq.*, the electric transmission line siting act; K.S.A. 66-183, guidelines for stringing wires along or across streets, highways, or public places; and K.A.R. 52-12-1, *et seq.*, the Commission's wire-stringing regulations. Similar notices of exemption were previously filed by Cloud County Wind Farm, LLC, Docket No. 08-CCWE-1008-WND and Shooting Star Wind Project, LLC, Docket No. 14-SSWE-133-WND.

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



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Martin M. Loring  
Husch Blackwell LLP  
4801 Main St.  
Suite 1000  
Kansas City, Missouri 64112  
[Martin.Loring@huschblackwell.com](mailto:Martin.Loring@huschblackwell.com)  
Attorney for Johnson Corner Solar I, LLC

KS# 20840

**VERIFICATION**

STATE OF MISSOURI, COUNTY OF Jackson, ss:

Martin M. Loring of lawful age, being first duly sworn on oath, states:

That he is the attorney for Johnson Corner Solar I, LLC, named in the foregoing Notice of Johnson Corner Solar I, LLC Exemption Pursuant to K.S.A. 66-104(e), and is duly authorized to make this affidavit; that he has read the foregoing Notice, and knows the contents thereof; and that the facts set forth therein are true and correct.

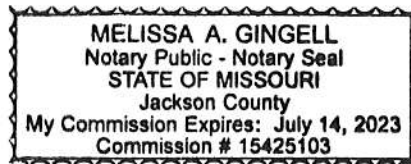
Martin M. Loring  
Martin M. Loring

SUBSCRIBED AND SWORN to before me this 17th day of September, 2019.

Melissa A. Gingell  
Notary Public

Appointment/Commission Expires:

July 14, 2023

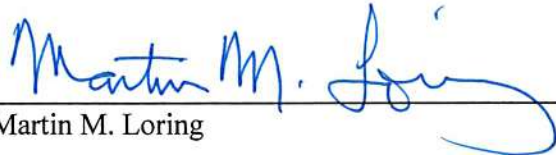


**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been faxed, hand-delivered and/or mailed, postage prepaid, this 17<sup>th</sup> day of September, 2019, addressed to:

Amber Smith  
Chief Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Jeff McClanahan  
Director Utility Operations  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

  
\_\_\_\_\_  
Martin M. Loring

**EXHIBIT A**

*(Attached)*

**STATE OF KANSAS**  
**OFFICE OF**  
**SECRETARY OF STATE**  
**SCOTT SCHWAB**

I, SCOTT SCHWAB, Secretary of State of the state of Kansas, do hereby certify, that according to the records of this office.

Business Entity ID Number: 5225875

Entity Name: JOHNSON CORNER SOLAR I LLC

Entity Type: FOR: LTD LIABILITY COMPANY

State of Organization: DE

Resident Agent: CORPORATION SERVICE COMPANY

Registered Office: 2900 SW Wanamaker Drive Suite 204, TOPEKA, KS 66614

was filed in this office on August 31, 2018, 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 execute this certificate and affix the seal of the Secretary of State of the state of Kansas on this day of August 21, 2019

**SCOTT SCHWAB**  
**SECRETARY OF STATE**

Certificate ID: 1111276 - To verify the validity of this certificate please visit <https://www.kansas.gov/bess/flow/validate> and enter the certificate ID number.



# Delaware

The First State

Page 1

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "JOHNSON CORNER SOLAR I, LLC" IS DULY FORMED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-FIRST DAY OF AUGUST, A.D. 2019.

AND I DO HEREBY FURTHER CERTIFY THAT THE SAID "JOHNSON CORNER SOLAR I, LLC" WAS FORMED ON THE TWENTY-FIFTH DAY OF OCTOBER, A.D. 2017.

AND I DO HEREBY FURTHER CERTIFY THAT THE ANNUAL TAXES HAVE BEEN PAID TO DATE.



6592460 8300

SR# 20196641046

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

A handwritten signature of Jeffrey W. Bullock in black ink, written over a horizontal line.

Jeffrey W. Bullock, Secretary of State

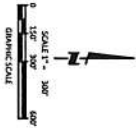
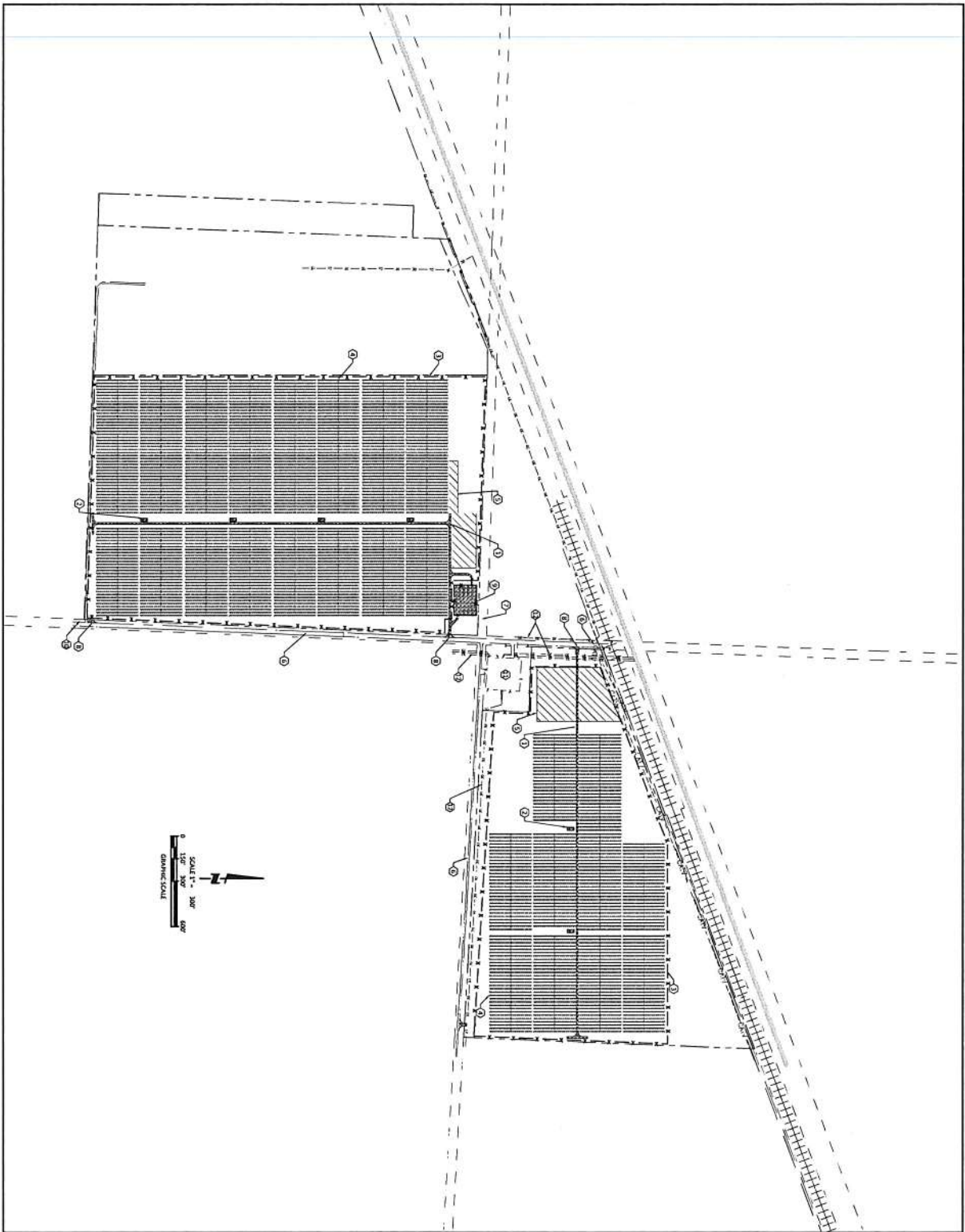
Authentication: 203449848

Date: 08-21-19

**EXHIBIT B**

*(Attached)*

CONSENT. THE INFORMATION SHOWN ON THIS DOCUMENT IS PROPRIETARY AND THE SOLE PROPERTY OF STERLING AND WILSON SOLAR SOLUTIONS, INC. ANY USE OR DISCLOSURE OF THIS INFORMATION IS EXPRESSLY PROHIBITED WITHOUT THE PRIOR WRITTEN CONSENT OF STERLING AND WILSON SOLAR SOLUTIONS, INC.



LEGEND	
---	PROPERTY LINE
---	PROJECT DRIVE LINE
---	EXISTING DRIVEWAY LINE
---	PROPOSED DRIVEWAY LINE

- NOTES:
1. DESIGN BASED ON CLIENT PROVIDED PRELIMINARY INFORMATION. FINAL APPROVAL AND QUANTITIES MAY VARY FOLLOWING FURTHER ANALYSIS.
  2. CURRENT LOCATION OF SOLAR EQUIPMENT IS INDICATIVE ONLY. QUANTITY OF INVERTERS BASED ON 0.9% LOSS/DAYS POWER FACTOR AT P.O.
  3. SEE NOTES:
  1. PAVED ROAD.
  2. INVERTER STATION (TYPICAL) & LOCATION & INCLUDE INVERTERS (TYPICAL) WITH A 24 VOLT AND INVERTER TRANSFORMER, SEE SHEET 10.01.
  3. PERIMETER FENCE (TYPE).
  4. SOLAR ARRAY.
  5. SPACE FOR TRANSMISSION JUNCTION / LOGISTICS WAREHOUSE.
  6. PAVED ROAD.
  7. EXISTING PRIMARY SITE ACCESS ROAD.
  8. PROPOSED SECONDARY SITE ACCESS ROAD.
  9. SITE ENTRANCES.
  10. PAVEMENT.
  11. BEARING.
  12. NO AT THE 135V BUS AT THE TRANSMISSION OWNERS JOHNSON CORNER SUBSTATION.
  13. EXISTING DRIVEWAY LINE.

OVERALL SITE  
PLAN  
E1.01

lightsourcebp



**STERLING & WILSON**  
SOLAR SOLUTIONS, INC.  
1000 N. 10TH STREET, SUITE 100  
JOHNSON CITY, KS 67601  
TEL: 816.255.1000  
WWW.STERLINGANDWILSON.COM

**PATRICK**  
ENGINEERING  
1000 N. 10TH STREET, SUITE 100  
JOHNSON CITY, KS 67601  
TEL: 816.255.1000  
WWW.PATRICKENGINEERING.COM

REV	DESCRIPTION	DATE
A	80% DESIGN SET	06/15/2019
B	80% DESIGN - ISSUED FOR PERMIT	07/02/2019
C	80% DESIGN - ISSUED FOR PERMIT	07/15/2019
D	80% DESIGN - ISSUED FOR PERMIT	08/16/2019

**JOHNSON CORNER  
SOLAR 1, LLC**  
2028 S. ROAD N  
JOHNSON CITY, KS 67855