

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

Before Commissioners:      Shari Feist Albrecht, Chair  
                                 Jay Scott Emler  
                                 Pat Apple

In the Matter of the Election of Victory      )  
Electric Cooperative Association, Inc. to Self-      )      Docket No. 14-VICE-565-DRC  
Regulate Pursuant to 2013 Supp. K.S.A. 66-      )  
104d.

**ORDER AFFIRMING VICTORY ELECTRIC COOPERATIVE ASSOCIATION, INC.'s  
ELECTION TO DEREGULATE**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1.      On June 6, 2014, Victory Electric Cooperative Association, Inc. (Victory) notified the Commission that its members, by majority vote, elected to be exempt from the jurisdiction, regulation, and control of the Commission pursuant to K.S.A. 66-104d.<sup>1</sup> Victory provided verified results of the election.<sup>2</sup>

2.      On August 11, 2014, Victory filed a Notice of Special Meeting verifying, that on March 22, 2014, Victory provided written notice to its members regarding a public meeting to be held on April 22, 2014, for the purpose of discussing self-regulation.<sup>3</sup>

3.      On August 25, 2014, Victory provided Proof of Mailing and Certificate of Service certifying that Victory mailed to its members the Consumer Advisory letter on March 14, 2014,

<sup>1</sup> Notice of Self-Regulation (June 6, 2014) ("Notice").

<sup>2</sup> Filed (June 6, 2014).

<sup>3</sup> Notice of Special Meeting (March 22, 2014).

and provided the affidavit of mailing to the Citizens' Utility Ratepayer Board on March 26, 2014, both as specified in Commission Docket No. 13-MKEE-447-MIS.

4. In its Notice, Victory stated that the proposal to self-regulate passed by the affirmative vote of two-thousand three hundred and thirty one (2,331) in favor and eight hundred and twenty eight (828) against. Inasmuch as the members voting in favor of the proposition constitute a majority of the members voting, Victory will no longer be subject to the jurisdiction, regulation, supervision, and control of the Commission, except as specified in K.S.A. 2013 Supp. 66-104d.

5. K.S.A. 2013 Supp. 66-104d(b) permits an electric cooperative that would otherwise be jurisdictional to the Commission to elect to be exempt from the jurisdiction, regulation, supervision, and control of the Commission, provided that the directives contained in subsection (c) of K.S.A. 2013 Supp. 66-104d are followed. The Commission notes that K.S.A. 2013 Supp. 66-104d(f) enumerates circumstances under which an electric cooperative, notwithstanding its election to deregulate, remains subject to the continuing jurisdiction of the Commission. A deregulated cooperative may also be subject to the jurisdiction of the Commission under K.S.A. 2013 Supp. 66-104d(g) and (j).

6. The Commission finds that notice was properly given to members in accordance with K.S.A. 66-104d(c)(2), that Victory has complied with the provisions of K.S.A. 2013 Supp. 66-104d pertaining to an electric cooperative's election to deregulate, and that Victory's election to deregulate is hereby affirmed.

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

A. As of the date this Order is issued, pursuant to K.S.A. 2013 Supp. 66-104d, Victory Electric Cooperative Association, Inc. is exempt from the jurisdiction, regulation,

supervision, and control of the Commission, subject to the Commission's continuing jurisdiction under K.S.A. 2013 Supp. 66-104d(f) and further subject to any Commission jurisdiction which may arise under K.S.A. 2013 Supp. 66-104d(g) and (j).

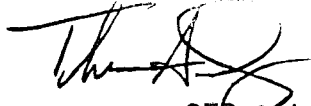
B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date of service of this Order in which to petition the Commission for reconsideration of any issue or issues decided herein.<sup>4</sup>

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.

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

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: SEP 23 2014

  
ORDER MAILED SEP 24 2014  
Thomas A. Day  
Acting Executive Director

SF/tc

<sup>4</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(I).

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET  
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
DAVID H. SNAPP, ATTORNEY DAVID H. SNAPP, LC 100 MILITARY PLZ STE 211 DODGE CITY, KS 67801-4945		
SAMUEL FEATHER, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED **SEP 24 2014**

The Docket Room hereby certified that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.