

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

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

In the Matter of the Application of City of Winfield, KS for      )  
Permission to Cease Operating as a(n) Electric Public Utility in      )      15-WNFE-583-CCS  
the State of Kansas. T-32-S, R-6-E, Section 25 and T-32-S, R-      )  
6-E, Section 36      )

ORDER

NOW, the above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas ("Commission"). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1.      On June 1, 2015, City of Winfield, Kansas ("Applicant") filed an application seeking to cease operating as an electric public utility in a portion of Cowley County, Kansas. Applicant is an electric public utility as defined by K.S.A. 2014 Supp. 66-104. A public hearing was neither requested nor held on this Application.

2.      Specifically, Applicant requests permission to cease operating in the territory described as follows:

COWLEY COUNTY

T32S, R6E, E 1/2 of the SW qtr of section 25, and the T32S, R6E, E 1/2 of the NW qtr of section 36, and the T32S, R6E, E1/2 of the W1/2 of the NW qtr of section 36.

3.      Public convenience will be promoted by allowing Applicant to cease operating as an electric public utility in the territory described in Finding No. 2 above and granting The Caney Valley Electric Cooperative Association, Inc., in Docket No. 15-CYVE-591-COC, a

Certificate to serve as an electric public utility in that territory. This application, therefore, should be granted and an Order issued to Applicant to cease operation.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The application filed herein is granted and City of Winfield, Kansas is permitted to cease operating as an electric public utility in the territory described in Finding No. 2 herein.

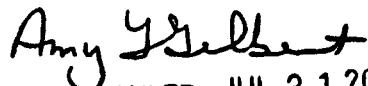
B. A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing, and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529.

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 ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JUL 30 2015

  
**ORDER MAILED JUL 31 2015**

Amy L. Gilbert  
Secretary to the Commission

gdd

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Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Sam Brownback, Governor

## REPORT AND RECOMMENDATION UTILITIES DIVISION

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

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

**DATE:** July 20, 2015

**SUBJECT:** 15-CYVE-591-COC  
In the Matter of the Application of The Caney Valley Electric Cooperative Association, Inc. for Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas. Twp. 32S, R6E, Sec. 25 & Twp. 32S, R6E, Sec 36

15-WNFE-583-CCS  
In the Matter of the Application of City of Winfield, KS for Permission to Cease Operating as an Electric Public Utility in the State of Kansas.  
T-32-S, R-6-E, Section 25 and T-32-S, R-6-E, Section 36

### **BACKGROUND:**

On June 1, 2015, City of Winfield, Kansas (City) filed an Application to Cease in Docket No. 15-WNFE-583-CCS and on June 15, 2015, Caney Valley Electric Cooperative Association, Inc. (Caney Valley) filed a Companion Application for Certificate in Docket No. 15-CYVE-591-COC.

### **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.

In addition, 66-1,175 states:

Notwithstanding the exclusive right of retail electric suppliers to provide service within the certified territories established pursuant to this act, a retail electric supplier may enter into an agreement with another retail electric supplier for the establishment of boundaries between territories other than the boundaries established pursuant to this act or providing electric service to electric consuming facilities as between such retail electric suppliers. Any agreement entered into pursuant to this section shall be subject to approval by the corporation commission. If so approved, the commission shall issue certificates accordingly.

The City is requesting authority to cease in a small tract of electric territory located in Cowley County. This territory exchange will provide Caney Valley with Certificate authority to serve a new electric customer. Caney Valley can provide a more economical service to this area because of closer existing facilities.

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

The Commission action date is November 28, 2015.

**RECOMMENDATION:**

Staff is recommending that Caney Valley's Application for Certificate in 15-CYVE-591-COC and the City's Cease Operation Application in 15-WNFE-583-CCS both be granted.

**JUL 30 2015**

KANSAS CORPORATION COMMISSION  
AMY L. GILBERT, SECRETARY

DOCKET NO.: 15-WNFE-583-COC

ORDER DATE:

NAME AND ADDRESS

NO. OF  
COPIES

Beth Wilke, Mayor  
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Winfield, KS 67156

Allen A. Zadorozny, Manager  
CANEY VALLEY ELEC. COOP. ASSN., INC.  
401 Lawrence  
PO Box 308  
Cedar Vale, KS 67024

**ORDER MAILED JUL 31 2015**

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.