

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

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

In the Matter of the Application of Westar)
Energy, Inc. for a Certificate of Convenience)
and Authority to Transact the Business of)
an Electric Public Utility Specifically in) Docket No. 18-WSEE-238-COC
Portions of Sections 7, 8, 9, 10, and 12;)
Township 18 South; Ranges 12 East and)
13 East; in Lyon County, Kansas.)

**ORDER GRANTING CERTIFICATE OF CONVENIENCE AND AUTHORITY FOR
TRANSMISSION RIGHTS ONLY**

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

I. BACKGROUND

1. On December 12, 2017, Westar Energy, Inc. (Westar Energy) filed an Application requesting a Certificate of Convenience and Authority (Certificate) for transmission rights only along the route of a new 34.5kV overhead subtransmission line proposed for construction in Lyon County. The proposed line is to be approximately five miles in length and Westar Energy contends that the requested Certificate is necessary because the route of the line crosses territory certificated to Lyon-Coffey Electric Cooperative, Inc. (Lyon-Coffey). Consequently, Westar Energy requests a Certificate for transmission rights only to transact the business of an electric public utility within the following described territory:

TRANSMISSION RIGHTS ONLY:

Westar requests transmission rights only to remove and rebuild a 34.5kV overhead subtransmission line beginning at a point at the Southeast corner of Section 10; thence continuing West through Sections 9, 8 and 7 in Township 19 South, Range 13 East; thence continuing West through Section 12 to a point in the Southwest Corner of Section 12, Township 19 South, Range 12 East; all in Lyon County; as shown on Exhibit A attached to Westar's Application.

2. On January 8, 2018, the Commission Staff (Staff) submitted its Report and Recommendation dated January 4, 2018, recommending the Commission grant Westar Energy's Application and issue the company a Certificate for transmission rights only.

II. LEGAL STANDARDS

3. KSA 66-1,170 et seq., the Retail Electric Suppliers Act (RESA), requires the State of Kansas to be divided into electric service territories in which only one retail electric supplier is established for a given territory. If a retail electric supplier receives Commission approval, RESA allows it to extend distribution or transmission facilities through the territory of another supplier provided the supplier building through the territory only uses the proposed line to serve its own certificated customers. Staff confirms that Lyon-Coffey has been provided notice and Staff has received no objection or comment in response to Westar Energy's filing. The Commission has authority to grant a Certificate to any public utility seeking to transact business in the State of Kansas.¹ The statutory standard of review in this matter is whether the public convenience will be promoted by the proposed project and by permitting Westar Energy to transact the business of a common carrier or public utility.²

4. Staff indicates that it has reviewed Westar Energy's Application and confirms that the legal description included in paragraph 1 above is accurate as well as is the route depicted on

¹ K.S.A. 66-131.

² Id.

Exhibit A to the Application, neither of which conflict with the Commission's Certificate records. According to Staff, the route of the proposed 34.5kV line is along a five-mile stretch of Old Highway 50 in Lyon County. A road project requires that Westar Energy's existing 34.5kV line be removed from the south side of the road and relocated on the north side of the road. The new route will remain in the area certified to Lyon-Coffey Electric Cooperative, Inc. (Lyon-Coffey). Lyon-Coffey has been provided notice and Staff has received no objection or comment regarding Westar Energy's filing. Based on the foregoing information and the absence of any objection, Staff recommends the Commission find that the public convenience will be promoted by the granting of Westar Energy's Application and issuing Westar Energy a Certificate for transmission rights only.³

III. FINDING AND CONCLUSION

5. The Commission adopts Staff's analysis and recommendation of January 4, 2018, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that Westar Energy's Application should be granted, and that the public convenience will be promoted by issuing Westar Energy the requested Certificate for transmission rights only.

IT IS, THEREFORE, BY THE COMMISSION CONSIDERED AND CERTIFIED:

A. That the Application filed by Westar Energy, Inc. on December 12, 2017, is hereby granted and a Certificate of Convenience and Authority for Transmission Rights Only is hereby issued to Westar Energy in the territory and to the extent described in paragraph 1 above.

B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by

³ Report and Recommendation, pages 1 and 2.

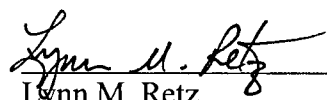
mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

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 CERTIFICATED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JAN 11 2018


Lynn M. Retz
Secretary to the Commission

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Order Mailed Date

JAN 12 2018

Utilities Division
1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3220
Fax: 785-271-3357
<http://kcc.ks.gov/>

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

Sam Brownback, Governor

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chairman Pat Apple
Commissioner Shari Feist Albrecht
Commissioner Jay Scott Emler

FROM: Jason Kerr, Electric Utility Engineering Technician
Leo Haynos, Chief Engineer
Jeff McClanahan, Director of Utilities

DATE: January 4, 2018

SUBJECT: 18-WSEE-238-COC
In the Matter of the Application of Westar Energy, Inc. for a Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility Specifically in Portions of Sections 7, 8, 9, 10 and 12; Township 18 South; Ranges 12 East and 13 East; in Lyon County, Kansas.

EXECUTIVE SUMMARY:

In Docket 18-WSEE-238-COC Westar Energy, Inc. (Westar) requests a Certificate for Transmission Rights Only along a 5 mile stretch of Old Highway 50 in Lyon County, Kansas. A road project requires the 34.500kV line to be moved from the south side of the road to the north side.

BACKGROUND:

On December 12, 2017, Westar filed the above-captioned Application requesting a Certificate for Transmission Rights Only. Westar proposes to remove an existing 3 phase 34.500 kV overhead subtransmission line from the south side of Old Hwy 50 and rebuild the line on the north side of the highway. The route will remain in the area certified to Lyon-Coffey Electric Cooperative, Inc. (Lyon-Coffey). Lyon-Coffey has been provided notice and Staff has received no objection or comment regarding this filing.

K.S.A. 66-1,170 et seq., the Retail Electric Suppliers Act (RESA), requires the state of Kansas to be divided into electric service territories in which only one retail electric supplier is established for a given territory. If a retail electric supplier receives Commission approval, RESA allows it to extend distribution or transmission facilities

through the territory of another supplier provided the supplier building through the territory only uses the proposed line to serve its own certificated customers.

The Commission has authority to grant a certificate of convenience and necessity to any public utility seeking to transact business in the State of Kansas.¹

The statutory standard of review in this matter is whether the public convenience will be promoted by the transaction of the proposed project and by permitting the applicants to transact the business of a common carrier or public utility.²

ANALYSIS:

Staff has reviewed Westar's Application and has confirmed the legal description included in the Application is accurately depicted on the map attached to the Application. Staff also confirmed the legal description is not in conflict with the Commission's Certificate records. The legal description is included as Attachment 1 to this Report and Recommendation.

This Report and Recommendation is in reference to EL 39326.

Based on the above information and having received no objection from the certificated utility whose territory the proposed line will pass through, Staff recommends that the Commission find that public convenience will be promoted by the granting of this Application.

The Commission action date is June 12, 2017.

RECOMMENDATION:

Staff is recommending Westar's Application for Certificate in 18-WSEE-238-COC be granted for Transmission Rights Only.

¹ K.S.A. 66-131.

² K.S.A. 66-131.

ATTACHMENT 1
Legal Description of Proposed Transmission Line Route
18-WSEE-238-COC

LYON COUNTY, KANSAS

TRANSMISSION RIGHTS ONLY:

Westar requests transmission rights to remove and rebuild a 34.5kV overhead subtransmission line beginning at a point at the Southeast corner of Section 10; thence continuing West through Sections 9, 8 and 7 in Township 19 South, Range 13 East; thence continuing West through Section 12 to a point in the Southwest corner of Section 12, Township 19 South, Range 12 East; all in Lyon County, Kansas.

CERTIFICATE OF SERVICE

18-WSEE-238-COC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

first class mail/hand delivered on JAN 11 2018.

CATHRYN J. DINGES, SENIOR CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathy.dinges@westarenergy.com

CRAIG LAMPSON, LINE SUPERINTENDENT
CANEY VALLEY ELEC. COOP. ASSN., INC.
401 LAWRENCE
PO BOX 308
CEDAR VALE, KS 67024
Fax: 620-758-2926
craig@caneyvalley.com

OTTO NEWTON, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604
Fax: 785-271-3167
o.newton@kcc.ks.gov
Hand Delivered

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

JAN 12 2018