

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

Before Commissioners: Susan K. Duffy, Chair  
Dwight D. Keen  
Andrew J. French

In the Matter of the Application Sedgwick County )  
Electric Cooperative Association, Inc. for a )  
Certificate of Convenience and Authority to )  
Transact the Business of an Electric Public Utility ) Docket No. 23-SGWE-872-COC  
in the State of Kansas. Specifically in Section 02, )  
Township 28 South, Range 02 West in Sedgwick )  
County, Kansas. )

**ORDER AND CERTIFICATE**

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:

1. On May 30, 2023, the Sedgwick County Electric Cooperative Association, Inc., (Sedgwick) filed an application seeking a Certificate of Convenience and Authority to provide electric service in an area of Sedgwick County, Kansas, which is described as follows:

**SEDGWICK COUNTY, KANSAS**

The South 1/2 of the Northwest 1/4, and the North 1/2 of the Southwest 1/4, of Section 02, Township 28 South, Range 02 West.

2. The territory is currently served by Evergy Kansas Central, Inc., (Evergy Central) and is subject to an application seeking to cease the rendition of public utility electric service by Evergy in Docket No. 23-EKCE-819-CCS. The Application has been filed to facilitate the provision of service to a customer building in Sedgwick County, where Sedgwick's facilities are situated in a closer proximity and the customer may be served more economically by Sedgwick. Evergy has agreed to relinquish authority to permit the extension of electric service by Sedgwick.

3. The Commission Staff submitted a Report and Recommendation dated June 5, 2023, which is attached and referred to by reference in this Order. Staff reviewed Sedgwick's Application and determined that the legal descriptions and maps provided are accurate. The Staff concludes the legal description will not be in conflict with the Commission's Certificate records. Staff submits the Application is in the public interest and should be granted. In addition, it proposes on approval of the Application to have the updated territorial descriptions as further delineated in paragraph No. 1 updated and reflected in the Commission's certified territory map.

4. The Commission finds and concludes the Staff Report and Recommendation shall be accepted, and the Sedgwick Application should be approved and will promote the public convenience.

5. A Certificate of Convenience and Authority allowing Sedgwick to provide electric service in the territory described in Finding No. 1 above should be granted.

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

A. The Application of the Sedgwick County Electric Cooperative Association, Inc., is hereby granted, and it is permitted to transact the business of an electric utility in the territory described in Finding No. 1 herein.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>1</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.

---

<sup>1</sup> K.S.A. 66-118b; K.S.A. 77-503(c); and K.S.A. 77-531(b).

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

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 06/15/2023

A handwritten signature in cursive script, reading "Lynn M. Retz".

---

Lynn M. Retz  
Executive Director

bwb

Susan K. Duffy, Chair  
Dwight D. Keen, Commissioner  
Andrew J. French, Commissioner

Laura Kelly, Governor

## **REPORT AND RECOMMENDATION UTILITIES DIVISION**

**TO:** Susan K. Duffy, Chair  
Dwight D. Keen, Commissioner  
Andrew J. French, Commissioner

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

**DATE:** June 5, 2023

**SUBJECT:** Docket No. - 23-EKCE-819-CCS - In the Matter of the Application of Evergy Kansas Central, Inc. for Authority to Cease Transacting the Business of an Electric Public Utility Specifically, in Section 02, Township 28 South, Range 02 West in Sedgwick County, Kansas.

Docket No. - 23-SGWE-872-COC - In the Matter of the Application of Sedgwick County Electric Cooperative Association, Inc. for a Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas.

Specifically, in Section 2, Township 28 South, Range 02 West in Sedgwick County Kansas

### **EXECUTIVE SUMMARY:**

In Docket 23-EKCE-819-CCS, Evergy Kansas Central, Inc. (Evergy Central) is seeking approval of the Commission to Cease Operating as a small tract of land in Sedgwick County. In Docket 23-SGWE-872-COC, Sedgwick County Electric Cooperative Association, Inc. (Sedgwick County) is requesting a Certificate for this tract of land.

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction.

## **BACKGROUND:**

On May 22, 2023, Evergy Central filed the above-captioned Application to Cease in a small tract of land in Docket 23-EKCE-819-CCS. On May 30, 2023, Sedgwick County filed the above-captioned Application for the Certificate for the tract of land in Docket 23-SGWE-872-COC.

A customer is looking to build a home which is located within Evergy Central's certified territory. Due to Evergy's expense for extending service and extensive tree trimming cost, the customer would have to pay approximately \$50,000 more for Evergy Central to serve than it would for Sedgwick County, which has existing facilities adjacent to the building location. Both Evergy Central and Sedgwick County have mutually agreed, subject to Commission approval, that Sedgwick County should serve as the electric provider for this customer.

The Commission has jurisdiction to grant a Certificate to any public utility seeking to transact business in the State of Kansas.<sup>1</sup> 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. Notwithstanding the mandated single electric provider service territories, RESA also provides that retail electric suppliers can enter into agreements to amend boundaries between their facilities. The agreements are filed in the form of Certificates and, if approved by the Commission, Certificates to amend territory are issued.

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.<sup>2</sup>

## **ANALYSIS:**

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

Staff recommends that the Commission find that public convenience will be promoted by the granting of this Application.

The Commission action date is November 26, 2023.

## **RECOMMENDATION:**

Staff recommends that the Commission grant these Applications and find that public convenience will be promoted by this transaction. Upon approval, the updated territory descriptions will be reflected in the Commission's certified territory map.

---

<sup>1</sup> K.S.A. 66-131.

<sup>2</sup> K.S.A. 66-131.

ATTACHMENT A  
Legal Description of Territory Trade Between  
Evergy Kansas Central, Inc. and Sedgwick County Electric Cooperative Association, Inc.  
Docket No. 23-EKCE-819-CCS and 23-SGWE-872-COC

SEDGWICK COUNTY, KANSAS

The tract of land is located in the South 1/2 of the Northwest 1/4 and North 1/2 of the Southwest 1/4 of Section 02, Township 28 South, Range 02 West.

## **CERTIFICATE OF SERVICE**

23-SGWE-872-COC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 06/15/2023.

SCOTT AYRES, GENERAL MANAGER / CEO  
SEDGWICK COUNTY ELECTRIC COOPERATIVE ASSN.,  
INC  
1355 S 383RD ST WEST  
PO BOX 220  
CHENEY, KS 67025-0220  
sayres@sedgwickcountyelectric.coop

BRETT BERRY, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
b.berry@kcc.ks.gov

CATHRYN J. DINGES, SR DIRECTOR & REGULATORY  
AFFAIRS COUNSEL  
EVERGY KANSAS CENTRAL, INC  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
cathy.dinges@evergy.com

/S/ KCC Docket Room  
\_\_\_\_\_  
KCC Docket Room