

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 Larned for a)
Certificate of Convenience and Authority to Transact the)
Business of an Electric Public Utility in the State of Kansas.) 15-LRNE-412-COC
Portions of Section 7, Township 22 South, Range 16 West in)
Pawnee County, Kansas.)

CERTIFICATE

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 March 13, 2015, City of Larned, Kansas ("Applicant") filed an application seeking a Certificate of Convenience and Authority to provide electric service to a portion of Pawnee County, Kansas as required by K.S.A. 2014 Supp. 66-131. 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 a Certificate in the territory described as follows:

PAWNEE COUNTY

T22S, R16W

All of the territory in Section 7 north of the Arkansas River described as follows:

The S ½ and the S ½ of NE ¼ and S ½ of SE ¼ of NW ¼ and SE ¼ of SW ¼ of NW ¼ north of the Arkansas River in Section 7 as shown on the map attached to the application.

3. The territory described in Finding No. 2 above is currently served by Midwest Energy, Inc. Pursuant to Docket No. 15-MDWE-390-CCS, Midwest Energy, Inc. requests permission to cease operating as an electric public utility in that territory.

4. Public convenience will be promoted by allowing Applicant to provide electric service in the territory described in Finding No. 2 above. The application, therefore, should be granted and a Certificate issued to Applicant in accordance with the provisions of K.S.A. 2014 Supp. 66-131.

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

The application filed herein is granted and City of Larned, Kansas is permitted to transact the business of an electric public utility in the territory described in Finding No. 2 herein.

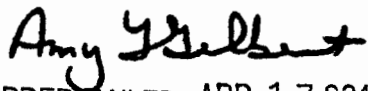
A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing, and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529.

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 CERTIFICATED.

Albrecht, Chair.; Emler, Commissioner; Apple, Commissioner

Dated: APR 16 2015


ORDER MAILED APR 17 2015
Amy Gilbert
Secretary

gdd

**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: April 7, 2015

SUBJECT: 15-MDWE-390-CCS
In the Matter of the Application of Midwest Energy, Inc. for Permission to Cease Operating as an Electric Public Utility in Portions of Section 7, Township 22 South, Range 16 West in Pawnee County, Kansas.

15-LRNE-412-COC
In The Matter of the Application of City of Larned for a Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas. Portions of Section 7, Township 22 South, Range 16 West in Pawnee County, Kansas.

BACKGROUND:

On March 4, 2015, Midwest Energy, Inc. (Midwest) filed an Application to Cease in Docket No. 15-MDWE-390-CCS and on March 13, 2015, City of Larned, Kansas (City) filed a Companion Application for Certificate in Docket No. 15-LRNE-412-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 is the standard in Kansas established under RESA.

Midwest and the City are exchanging a portion of one section of electric territory located in Pawnee County. The City's existing electric facilities are better positioned to provide three-phase electric service to oil and gravel mining loads located in the area being exchanged. Public convenience will be promoted by the approval of these filings.

RESA allows retail electric suppliers to enter into an agreement to modify boundaries between their respective service territories with the condition that such agreements are subject to Commission approval.¹

The Commission action date is August 31, 2015.

RECOMMENDATION:

Staff is recommending that the City's Application for Certificate in 15-LRNE-412-COC and Midwest's Cease Operation Application in 15-MDWE-390-CCS both be granted.

¹ K.S.A. 661,175: 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.

APR 16 2015

KANSAS CORPORATION COMMISSION

Amy Gilbert SECRETARY

DOCKET NO.: 15-LRNE-412-COC

ORDER DATE:

NAME AND ADDRESS

NO. OF
COPIES

Lane Massey, City Manager
CITY OF LARNED
City Hall 417 Broadway
PO Box 70
Larned, KS 67550

Pat Parke, Vice President Customer Service
MIDWEST ENERGY, INC.
1330 Canterbury Rd
PO Box 898
Hays, KS 67601-0898

ORDER MAILED APR 17 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.