

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

In the Matter of the Joint Application of)
Sunflower Electric Power Corporation and Prairie)
Land Electric Cooperative, Inc., for Approval of)
Continuation of 34.5 kV Formula-Based Rates.) Docket No.
)
)

DIRECT TESTIMONY OF

JAMES BRUNGARDT

**ON BEHALF OF
SUNFLOWER ELECTRIC POWER CORPORATION**

August 11, 2025

Direct Testimony of James Brungardt

1 **Q: Please state your name.**

2 A: My name is James Brungardt.

3 **Q: By whom are you employed and what is your business address?**

4 A: I am employed by Sunflower Electric Power Corporation ("Sunflower"). My
5 business address is 301 W. 13th Street, Hays, Kansas.

6 **Q: What is your present position at Sunflower?**

7 A: I am the Manager of Regulatory Relations.

8 **Q: Please describe your education, experience and employment history.**

9 A: I received my Bachelor of Business Administration with concentrations in
10 finance and marketing from Fort Hays State University. Prior to joining
11 Sunflower, I worked for Midwest Energy, Inc. ("Midwest Energy") as a
12 system operator. During my time at Midwest Energy I became a certified
13 Reliability Coordinator through the North American Electric Reliability
14 Corporation. I joined Sunflower in 2012 as a Regulatory Affairs
15 Administrator where I worked closely with Sunflower management to
16 complete a variety of regulatory projects and rate case filings. I was
17 promoted to my current position in July 2016. During my time at Sunflower
18 I have been heavily involved in numerous rate and regulatory filings with
19 both the Kansas Corporation Commission and the Federal Energy
20 Regulatory Commission.

21 **Q: What is the purpose of your testimony?**

22 A: The purpose of my testimony is to provide:

23 An explanation of the reasons for Sunflower's involvement in this

1 proceeding with Prairie Land Electric Cooperative, Inc. ("Prairie Land" or
2 "Member").

3

4 **Sunflower as a Joint Applicant**

5

6 **Q: Does Sunflower own any portion of the 34.5 kV sub-transmission**
7 **facilities that are the subject of the formula-based rate applied for in**
8 **this docket?**

9 A: No.

10 **Q: Why then, is Sunflower a joint applicant in this proceeding?**

11 A: The answer to that question requires a review of the historical background
12 of the 34.5 kV sub-transmission facilities that are the subject of these
13 formula-based rates ("34.5 kV Facilities"). On January 1, 2020, Sunflower
14 and Mid-Kansas Electric Company, Inc. (formerly known as Mid-Kansas
15 Electric Company, LLC) ("Mid-Kansas"), merged, with Sunflower as the
16 surviving entity, all pursuant to Docket No. 19-SEPE-054-MER ("19-054
17 Docket"). Mid-Kansas had previously agreed to serve as the single point
18 of contact for the Kansas Electric Power Cooperative, Inc. ("KEPCo") and
19 the Kansas Power Pool ("KPP") for wholesale local access delivery
20 service ("LADS") provided over the 34.5 kV Facilities, and more
21 specifically, as the single consolidated billing agent for each Mid-Kansas
22 Members' local access charge ("LAC") under the LADS tariff. As of the
23 date of merger of Sunflower and Mid-Kansas, service over the 34.5 kV

1 Facilities was provided to all wholesale LADS customers pursuant to the
2 terms of the Mid-Kansas Open Access Transmission Tariff (“OATT”).
3 Pursuant to the Settlement Agreement in the 19-054 Docket, as approved
4 by the Commission, the Mid-Kansas OATT is to remain in effect upon
5 merger, with Sunflower serving as the “Transmission Provider” under the
6 Mid-Kansas OATT.¹

7 **Q: Please give a historical overview of how that arrangement came to**
8 **be.**

9 A: On February 23, 2007, the Commission issued an Order Adopting
10 Stipulation and Agreement in Docket No. 06-MKEE-524-ACQ, approving
11 the transfer of Aquila, Inc. d/b/a Aquila Networks – WPK’s (“WPK”)
12 generation, transmission and local distribution facilities located in Kansas
13 to Mid-Kansas. Those assets were operated by WPK as a vertically
14 integrated utility. However, on December 21, 2007, the Commission
15 issued an Order Approving Spin-Down of Distribution Assets in Docket
16 No. 08-MKEE-099-MIS, approving the transfer of certain Mid-Kansas
17 assets to the six Mid-Kansas members.

18 **Q: Did the transfer of assets in Docket No. 08-MKEE-099-MIS include the**
19 **34.5 kV Facilities?**

20 A: Yes.

21 **Q: Are the 34.5 kV Facilities “transmission facilities” as per Attachment**

¹ Unanimous Settlement Agreement, Docket No. 19-SEPE-054-MER, ¶17 (filed as Exhibit A to Joint Motion for Approval of Unanimous Settlement Agreement on March 5, 2019); Order Approving Unanimous Settlement Agreement, Docket No. 19-SEPE-054-MER (filed March 28, 2019).

1 **AI to the SPP Open Access Transmission Tariff?**

2 A: The Commission concluded in the 11-GIME-597-GIE Docket (“11-597
3 Docket”) that “the 34.5 kV facilities at issue are not ‘transmission facilities’
4 as per Attachment AI” to Southwest Power Pool, Inc.’s (“SPP”) Open
5 Access Transmission Tariff (“SPP OATT”)². The Commission found, in
6 part,

7 that a necessary condition for inclusion of the Member’s
8 facilities in the SPP transmission system and under the SPP
9 OATT is not met because ownership and control of the
10 facilities resides with the MKEC Members who are not
11 members of SPP, and a stipulated finding that the facilities
12 that currently provide or are necessary to provide
13 transmission service to one or more wholesale customers
14 (Member Facilities) are being used to provide “transmission
15 service” under Kansas law and such service must be provided
16 under the Mid-Kansas open access transmission tariff³

17 **Q: If the Member owns the 34.5 kV Facilities, why was there a need for**
18 **Mid-Kansas to be a “billing agent”?**

19 A: In Docket No. 09-MKEE-969-RTS (“09-969 Docket”), KPP and KEPCo
20 requested that the terms and conditions of wholesale LADS service over
21 the 34.5 kV Facilities, including the billing of the Member LAC, be
22 coordinated directly with Mid-Kansas. It was believed that such a
23 structure would coordinate a seamless, nondiscriminatory interface with
24 wholesale LADS customers.⁴ Through continued negotiations with KPP
25 and KEPCo, the following final agreement was reached in Section III.D.
26 paragraph 9 of the Stipulation and Agreement, as approved and

² 11-597 Docket, Order Addressing Joint Motion to Approve Stipulation and Agreement, ¶18.

³ *Id.*

⁴ Docket No. 09-MKEE-969-RTS, Direct Testimony of Larry W. Holloway, Page 17, Lines 3-15.

1 incorporated by reference into the Order Approving Unanimous Stipulation
2 and Agreement in the 09-969 Docket:

3 In order to provide KPP and KEPCo with long term open access
4 transmission service from their sources of supply to their
5 respective delivery points which now exist and may be added on
6 the 34.5-kV and lower-voltage facilities owned by the Mid-Kansas
7 Members, and as a condition of settlement, Mid-Kansas and the
8 Mid-Kansas Members will enter into an agency agreement
9 designating Mid-Kansas as the agent for the Mid-Kansas
10 Members for these purposes. Mid-Kansas, as agent, shall serve
11 as the single point of contact for KEPCo and KPP for all local
12 delivery service on the affected Mid-Kansas Members' 34.5-kV
13 and lower-voltage facilities. . . . Additionally, Mid-Kansas, as
14 agent, will provide single consolidated billing of the Mid-Kansas
15 Members' LAC for KEPCo and KPP.

16
17 (Emphasis added.)

18 **Q: Is that the sole instance where Mid-Kansas agreed to serve as the**
19 **single point of contact for KEPCo and KPP, or other third party**
20 **wholesale LADS customers with respect to the 34.5 kV Facilities?**

21 A: No. Subsequent to the 969 Docket, the same “single point of contact”
22 issues were raised in the 11-597 Docket. The 11-597 Docket centered
23 around the classification of the services provided by the 34.5 kV Facilities.
24 In paragraph 8 of the 11-597 Docket Order Addressing Joint Motion to
25 Approve Stipulation and Agreement, the Commission found that the 34.5
26 kV Facilities that serve a wholesale LADS customer(s) do provide a local
27 “transmission service” regulated by the Commission under Kansas law,
28 but are not classified as “transmission facilities” under Attachment AI of
29 the SPP’s OATT. Because this transmission service over the 34.5 kV
30 Facilities is not administered under the SPP OATT, and Mid-Kansas

1 agreed in the 09-969 Docket to serve as the single point of contact and
2 billing agent for wholesale LADS (“transmission service”) over the 34.5 kV
3 Facilities, Mid-Kansas was obligated to function as the billing agent for this
4 transmission service over the 34.5 kV Facilities, and further agreed to
5 amend its Open Access Transmission Tariff to provide for the *pro forma*
6 terms and conditions under which such service would be administered.

7 **Q: After the 11-597 Docket, did Mid-Kansas file for approval of an**
8 **amended OATT?**

9 A: Yes, the amended Mid-Kansas OATT was initially approved in Docket No.
10 12-MKEE-650-TAR (“12-650 Docket”). Mid-Kansas administers wholesale
11 LADS over the Member-owned 34.5 kV Facilities through the Mid-Kansas
12 OATT, and has since the 12-650 Docket.⁵

13 **Q: If the proposed 34.5 kV FBR for the Member is approved by the**
14 **Commission, how will the corresponding Member-LAC rates actually**
15 **be billed to wholesale LADS customers?**

16 A: As I previously stated, Sunflower administers wholesale LADS under the
17 Mid-Kansas OATT. Prairie Land’s LAC rates, which are set annually by
18 Prairie Land’s individual 34.5 kV FBR, are the charges for wholesale
19 LADS customers under Prairie Land’s LADS tariff, incorporated by
20 reference into the Mid-Kansas OATT. Once set by the Prairie Land’s 34.5
21 kV FBR, Sunflower will bill wholesale LADS customers the adjusted LAC

⁵ The current version of the Mid-Kansas OATT was approved by the Commission on April 29, 2014 in Docket No. 14-MKEE-170-TAR.

Direct Testimony of James Brungardt

1 in accordance with the provisions for LADS under the Mid-Kansas OATT.⁶

2 **Q. Does this conclude your testimony?**

3 **A. Yes, it does.**

⁶ Mid-Kansas bills each Member's LAC pursuant to Schedules 7, 8, and 9 and Attachment H of the Mid-Kansas OATT, as applicable depending on the type of LADS secured by the wholesale LADS customer and as reflected in the wholesale LADS agreements. Once the Member's adjusted LAC is approved by the Commission under the 34.5 kV FBR, the Member's LAC under such schedules and attachment will automatically update accordingly without the need for a separate filing by Mid-Kansas.

VERIFICATION

James Brungardt, being first duly sworn, deposes and says that he is the James Brungardt referred to in the foregoing document entitled "Prefiled Direct Testimony of James Brungardt" before the State Corporation Commission of the State of Kansas and that the statements therein were prepared by him or under his direction and are true and correct to the best of his information, knowledge and belief.



James Brungardt