

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

Before Commissioners:      Shari Feist Albrecht – Chair  
   Thomas E. Wright  
   Jay Scott Emler

In the Matter of Kansas Electric Power Cooperative, Inc. Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.      )      Docket No. 13-KEPE-462-CPL  
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In the Matter of Kansas City Power & Light Company's Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.      )      Docket No. 13-KCPE-463-CPL  
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In the Matter of Westar Energy, Inc. and Kansas Gas & Electric Co., d/b/a Westar Energy's Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.      )      Docket No. 13-WSEE-464-CPL  
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In the Matter of Empire District Electric Company's Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE..      )      Docket No. 13-EPDE-465-CPL  
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In the Matter of Midwest Energy, Inc.'s Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.      )      Docket No. 13-MDWE-466-CPL  
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In the Matter of Sunflower Electric Cooperative, Inc.'s Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.      )      Docket No. 13-SEPE-467-CPL  
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In the Matter of Kansas City Kansas Board of Public Utilities' Compliance with the Commission's Order in Docket No. 13-GIME-391-GIE.      )      Docket No. 13-KCKE-468-CPL  
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**ORDER APPROVING STAFF'S REPORT AND RECOMMENDATION**

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

**I. Background**

1. On November 28, 2012, Staff submitted a Report and Recommendation wherein Staff recommended the Commission issue an order directing specified electric utilities to update their August 2012 Renewable Energy Standard (“RES”) reports to reflect the inclusion of retail rate impact information. Staff also requested the Commission to order the inclusion of this information in all submissions going forward, in accordance with K.S.A. 2012 Supp. 66-1260.<sup>1</sup>

2. On December 13, 2012, the Commission granted Staff’s request for an order opening a general investigative docket.<sup>2</sup> The December 2012 Order also ordered the following utilities to file updated RES reports no later than January 16, 2013: Kansas City Power and Light (“KCPL”); Westar Energy, Inc. and Kansas Gas & Electric Co., d/b/a Westar Energy (“Westar”); Empire District Electric Company (“Empire”); Midwest Energy, Inc. (“Midwest”); Sunflower Electric Cooperative, Inc. (“Sunflower”); and, Kansas Electric Power Cooperative, Inc. (“KEPCo”). The Order requested the Kansas City, Kansas Board of Public Utilities (a non-affected utility) to file an updated version of its August 2012 RES report no later than 2013.<sup>3</sup> The Order concluded with directing

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<sup>1</sup> See, Report and Recommendation of the Utilities Division dated November 28, 2012, as an attachment to the Commission’s *Order Opening General Investigation Docket* (December 13, 2012).

<sup>2</sup> *Order Opening General Investigation Docket*, Docket No. 13-GIME-391-GIE (December 13, 2012).

<sup>3</sup> Per the Kansas Renewable Energy Standards Act, an “‘affected utility’ means any electric public utility, as defined in K.S.A. 66-101a, and amendments thereto, but does not include any portion of any municipally owned or operated electric utility.” K.S.A. 2012 Supp. 66-1257(a).

each of the named utilities “going forward, to provide retail rate impact calculations as part of their annual RES reporting.”<sup>4</sup>

3. On January 16, 2013, the Commission opened a compliance docket for each utility named in the December 2013 Order for the purpose of maintaining the confidentiality of each RES report filed.

4. On January 9, 2014, Staff filed a Report and Recommendation (Report) which detailed Staff’s review of the Kansas electric utility’s filings of the 2013 RES compliance reports as required under K.A.R. 82-16-2(b) and K.S.A. 2012 Supp. 66-1258. In its Report, Staff advised that all affected utilities have filed Compliance Reports and have met the Renewable Energy Standards Act (“RESA”) requirements.<sup>5</sup> Staff noted that although the Kansas City, Kansas Board of Public Utilities is not an affected utility under the rules, the utility provider has voluntarily submitted a 2013 annual report.<sup>6</sup>

Staff’s Report also addressed a conflict discovered during the review of the KEPCo and Westar’s reports wherein both companies apparently claimed rights to the same 18 MW of renewable capacity. Because neither utility relied upon the disputed MW’s to meet its compliance requirements, Staff recommended the Commission not recognize this particular capacity until such time as the matter is resolved between the parties.<sup>7</sup> And finally, Staff’s Report recommended that the Commission grant Sunflower’s request to use its 2010 banked RECs and to purchase new RECs to meet the 2011 capacity requirement.<sup>8</sup>

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<sup>4</sup> See, *Order Opening General Investigation Docket*, Ordering clauses B and C (December 13, 2012).

<sup>5</sup> See, *Report and Recommendation of Utilities Division, Compliance Reports*, pp. 3-4 (Filed Jan. 9, 2014).

<sup>6</sup> *Report and Recommendation of Utilities Division*, p.2 (Filed Jan. 9, 2014).

<sup>7</sup> *Id.* at p. 4

<sup>8</sup> *Id.* at p. 7.

5. Additionally, in the Notice of Filing of Staff Report and Recommendation filed on January 9, 2014, Staff requested the Commission to direct the utilities to continue to file their annual RES reports in the individual dockets currently established for the 2013 filings and requested the Commission approve electronic service for each of the dockets captioned herein.

## **II. Findings and Conclusion**

6. The Commission finds Staff review of the 2013 Compliance filings adequate and the recommendations reasonable. The Commission also notes that no responses or objections to Staff's Report have been filed. Therefore, the Commission grants Staff's recommendations as filed in its December 16, 2013, Report and Recommendation.

7. Also, electronic service is granted in each of the dockets captioned herein unless, expressly objected to within 15 days of receipt of service of this Order.

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

(A) The Commission adopts each of the recommendations made in Staff's December 16, 2013, Report and Recommendation.

(B) The Parties are directed to continue to file their annual RES Compliance reports in their respective compliance dockets as captioned above.


(C) The parties have fifteen days, plus three days if service of this order is by mail, from the date this order is served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118; K.S.A. 2013 Supp. 77-529(a)(1).

(D) The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

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

Albrecht, Chair; Wright, Com.; Emler, Com.

Dated: JAN 30 2014

  
ORDER MAILED JAN 31 2014

Kim Christensen  
Executive Director

JYJ

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
GLENDA CAFER, ATTORNEY CAFER PEMBERTON LLC 3321 SW 6TH ST TOPEKA, KS 66606		
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NIKI CHRISTOPHER, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 <b>***Hand Delivered***</b>		
C. STEVEN RARRICK, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 <b>***Hand Delivered***</b>		
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SUSAN B. CUNNINGHAM, COUNSEL DENTONS US LLP 7028 SW 69TH ST AUBURN, KS 66402-9421		

ORDER MAILED JAN 31 2014

The Docket Room hereby certified that on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
W. SCOTT KEITH, DIRECTOR OF PLANNING AND REGULATORY EMPIRE DISTRICT ELECTRIC COMPANY 602 S JOPLIN AVE (64801) PO BOX 127 JOPLIN, MO 64802		
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MICHAEL J. VOLKER, DIR REGULATORY & ENERGY SERVICES MIDWEST ENERGY, INC. 1330 CANTERBURY ROAD PO BOX 898 HAYS, KS 67601-0898		

ORDER MAILED JAN 31 2014

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ORDER MAILED **JAN 31 2014**

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