

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

In the Matter of the Application of Southern)
Pioneer Electric Company for Approval of its) Docket No. 24-SPEE-540-TAR
Renewable Energy Program Rider Tariff.)
)

SETTLEMENT AGREEMENT

As a result of discussions between Applicant Southern Pioneer Electric Company (“Southern Pioneer”), the Staff of the State Corporation Commission of the State of Kansas (“Staff”), the Citizens’ Utility Ratepayer Board (“CURB”), (collectively referred to as “Signatories”), the Signatories hereby submit to the State Corporation Commission of the State of Kansas (Commission) for its consideration and approval the following Settlement Agreement (“Settlement Agreement”). Intervenors National Beef Packaging Company, LLC (“National Beef”), and Air Products and Chemicals, Inc. (“Air Products”) are not signatories in support of the Settlement Agreement, however they do not oppose the Settlement Agreement.

1. On January 31, 2024, Southern Pioneer filed its Application pursuant to K.S.A. 66-117 seeking approval to implement a voluntary Renewable Energy Program under and pursuant to a Renewable Energy Rider (“RE Rider”) designed to provide an alternative to customer-sited generation of renewable energy, such as rooftop solar and wind and behind-the-meter generation resources for commercial and industrial customers. The RE Rider would allow customers to participate in a utility-scale renewable resource and receive the economic benefits associated with the resource without the long-term commitment, risk and cost associated with customer-sited systems.

2. On February 2, 2024, CURB filed a petition to intervene, which was granted on February 8, 2024. On February 14, 2024, National Beef and Air Products filed petitions to intervene, which were both granted on March 12, 2024.

3. The RE Rider was developed by Sunflower Electric Power Corporation (“Sunflower”), which is Southern Pioneer’s power supplier. Sunflower supplies renewable energy to Southern Pioneer, as well as to the other member-owners of Sunflower, generated from the Johnson Corner Solar Farm in Stanton County, the Smoky Hills Wind Farm, located in Lincoln and Ellsworth counties, and the Shooting Star Wind Farm located in Kiowa County.

4. The program offers two class-specific programs under the RE Rider: the C&I Program and the Residential Program. Options available under the C&I Program include Wind and Solar Tiers 1 and 1a, Wind and Solar Tier 2, and Wind and Solar Tier 3. Options available under the Residential Program include Wind Tier 1, Solar Tier 1a, and Solar Tier 1b.

5. Different qualification requirements and participation limitations are applicable to each Division-Tier, including minimum size requirements, individual customer participation limits (Participant Caps), and total participation limits (Total Tier Caps). Customers meeting the qualification requirements for a given Division-Tier may select a Participation Level ranging from a minimum of 25% of their total energy consumption to a maximum of either 100% of their total energy consumption or the applicable Tier Participant Cap, whichever is greater.

6. Additional terms of the RE Program are set forth in the proposed RE Rider as set out in the Application filed herein, as well as the Direct Testimony of Chantry Scott filed with the Application.

7. On May 31, 2024, Staff filed its Report and Recommendation (“Staff R&R”), recommending that the Commission approve the RE Program and Three-Party Agreement- RE Program Participation Agreement with three stipulations:

1. Southern Pioneer must note in the customer education materials that residential participation in their Community Solar Program will not add any additional renewable generation to Sunflower’s generation portfolio and allocates generation from its Johnson Corner Solar Project;

2. As detailed in the Southern Pioneer/Sunflower Participant Agreement, Southern Pioneer/Sunflower must pursue all legal recourse to minimize the impact of any Tier 3 customer default on Southern Pioneer's retail customer base; and

3. If Sunflower/Southern Pioneer places any defaulted portion of a PPA transacted on behalf of a third-party customer into its Energy Cost Adjustment, Sunflower will flow-through any legal proceeds received from the customer default back through Southern Pioneer's ECA, less any legal fees incurred to win a judgement or settle damages.

8. On June 14, 2024, Southern Pioneer and CURB filed responses to the Staff R&R agreeing to accept Staff's three stipulations described above.

9. The Signatories, therefore, agree that Southern Pioneer's Application should be submitted to the Commission for approval, incorporating the three stipulations set forth in the Staff R&R and identified above in paragraph 7.

IN WITNESS THEREOF, the Signatories have executed and approved this Settlement Agreement by subscribing their signatures below.

/s/ Will B. Wohlford

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CERTIFICATE OF SERVICE

24-SPEE-540-TAR

I, the undersigned, certify that a true and correct copy of the above and foregoing Settlement Agreement was served via electronic service this 25th day of June, 2024, to the following:

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