



**Written Testimony of KCP&L and Westar Energy
OPPOSED on SB293
Before the Senate Utilities Committee
January 25, 2018**

KCP&L and Westar Energy appreciate the opportunity to offer information on the impact of Senate Bill 293. While we oppose the bill as written, we would generally be supportive if the municipal energy agencies (MEAs) are held to the same standards and Kansas Corporation Commission (KCC) jurisdiction as other electric providers when it comes to electric transmission expansion. As long as the MEAs are required to obtain a transmission-only certificate for any transmission they build outside of their territory, just like every other utility in the state is required to do, Westar and KCP&L would have no objection to SB293.

As currently proposed, SB293 mirrors K.S.A. 66-104d, which allows Kansas electric cooperatives to opt out of KCC jurisdiction regarding certain rates. However, SB293 references K.S.A. 12-8,111(a), which states that MEAs are not required to obtain certificates of convenience and necessity to construct electric transmission lines as other state utilities are required to do under K.S.A. 66-131. While K.S.A. 12-8,111(b) states that MEAs are subject to KCC jurisdiction for all other matters as a public utility, it is unclear whether the exemption from KCC certification for transmission construction would also exempt MEAs from seeking transmission-only certificates for specific projects that cross other utilities' service territories under K.S.A 66-1,173.

Westar and KCP&L respectfully request this Committee ensure that any necessary revisions be made to SB293, K.S.A. 12-8,111, K.S.A 66,1,173, and/or any other relevant statute in order to clarify that MEAs would be subject to the same standards and KCC jurisdiction as other electric transmission utilities in Kansas. Such oversight by the KCC helps promote an efficient transmission system, avoid duplication of facilities, and prevent unnecessary costs to customers.

We are very appreciative of the MEAs' willingness to discuss our concerns, and we look forward to arriving at language that all the involved utilities can agree on. Thank you again for the opportunity to offer our perspective on this issue.