

## HOUSE BILL No. 2225

By Committee on Energy and Utilities

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9 AN ACT concerning utilities; relating to electric power purchase.

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11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. (a) Any electric public utility, as defined in K.S.A. 66-101a,  
13 and amendments thereto, which after the effective date of this act is  
14 developing a new pulverized coal electricity generating facility in Kansas  
15 shall provide to any municipally owned or operated electric utility in Kan-  
16 sas or Kansas corporation organized under the electric cooperative act,  
17 K.S.A. 17-4601 et seq., and amendments thereto, an option to own up to  
18 200 megawatts or enter into a power purchase agreement to purchase up  
19 to 200 megawatts of power, or a combination thereof, which is not pres-  
20 ently dedicated to Kansas consumers, from the new pulverized coal elec-  
21 tricity generating facility. The aggregate amount of purchased power by  
22 all municipal utilities and cooperatives shall not exceed 200 megawatts.

23 (b) If the facility developer proceeds with construction of such gen-  
24 erating facility, any municipally owned or operated electric utility in Kan-  
25 sas or corporation organized under the electric cooperative act, K.S.A.  
26 17-4601 et seq., and amendments thereto, shall have six months from the  
27 date of issuance of the construction permit under the Kansas air quality  
28 act for such generating facility or nine months from the effective date of  
29 this act, whichever occurs first, to exercise the option by executing an  
30 agreement to purchase an ownership interest in or to enter into a power  
31 purchase agreement for up to 200 megawatts, or a combination thereof,  
32 from the facility developer upon the same terms and conditions as par-  
33 ticipants in the facility other than the facility developer.

34 (c) If more than one municipally owned or operated electric utility  
35 in Kansas or corporation organized under the electric cooperative act,  
36 K.S.A. 17-4601 et seq., and amendments thereto, exercises the option in  
37 this section, the available megawatts, in the absence of a mutual agree-  
38 ment otherwise, shall be allocated equally among the municipal utilities  
39 and cooperatives but no municipal utility or cooperative may exercise an  
40 option for less than 25 megawatts.

41 Sec. 2. This act shall take effect and be in force from and after its  
42 publication in the statute book.