

(Published in Coffey County Republican on October 12, 2017.)

ORDINANCE NO. 853

AN ORDINANCE AUTHORIZING FILING OF APPLICATION WITH THE FEDERAL ENERGY REGULATORY COMMISSION (FERC) BY THE KANSAS POWER POOL (“KPP”), A MUNICIPAL ENERGY AGENCY, ON BEHALF OF THE CITY OF BURLINGTON, KANSAS (CITY), A MEMBER CITY OF KPP, FOR WAIVER OF CITY’S MUST-PURCHASE REQUIREMENT UNDER THE PUBLIC UTILITY REGULATORY POLICIES ACT OF 1978 (PURPA) AND ADOPTING RULES FOR COMPLIANCE WITH FERC’S PURPA REGULATIONS.

WHEREAS, “PURPA” is the Public Utilities Regulatory Policy Act of 1978 and its basic goal is to require electric utilities, which include The Kansas Power Pool (“KPP”), a municipal energy agency, and the City of Burlington (hereinafter referred to as “City”), to purchase the output of certain generating facilities which may locate in their service territories at a negotiated rate or at “avoided cost”; and

WHEREAS, FERC provides the option to seek a waiver to exempt the City, a Member City of the KPP (“Member City”) that has contracted to purchase its full requirements for electric capacity and energy from KPP, from having to purchase the output of a PURPA qualifying facility (“QF”) that seeks to interconnect with the Member City’s electrical system, directing the QF instead to KPP which would assume the obligation to purchase the output of such QF, while the Member City would remain obligated to interconnect with and make sales of retail electricity to a QF in accordance with PURPA; and

WHEREAS, on July 20, 2017, the Board of Directors of the KPP adopted the Rules for Compliance with FERC’s PURPA Regulations and authorized the filing of the above-referenced application for waivers on behalf of KPP and any Member City which wished to join therein.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BURLINGTON, AS FOLLOWS:

Section 1. The above recitals are incorporated herein by reference as if fully restated.

Section 2. The filing of said waiver request with FERC by KPP on behalf of City is hereby approved.

Section 3. Regarding the assumption by KPP of the responsibility to purchase the output of QFs in lieu of those Member Cities that wish to participate in the waiver application, the governing body of the City hereby assigns to KPP the responsibility for such purchases and approves the assumption of said undertaking by KPP.

Section 4. The KPP’s Rules for Compliance with FERC’s PURPA Regulations are hereby approved by the governing body of the City, with which the City shall abide, and which provide, *inter*

alia, that (1) KPP and City shall not avoid or frustrate the purpose of any PURPA-mandated obligation; (2) KPP and City shall permit any QF to interconnect with KPP's and Member Cities' transmission and distribution systems subject to reasonable requirements for the protection of their systems; (3) KPP and City shall not charge duplicative fees to any QF for interconnection or wheeling; (4) KPP shall not subject a QF to any duplicative charges or additional fees as a result of KPP's purchase of power from a QF that would otherwise be purchased by any one of the Member Cities; and (5) the City interconnected with the QF shall sell any capacity and energy to the QF that is required by it.

Section 5. The Mayor and City Clerk of City be and each of them are hereby authorized to execute or accept such further documents and to take or cause to be taken any and all such further action as may be reasonably required on the part of the City to carry out, give effect to and consummate the transactions contemplated hereby.

Section 6. This Ordinance No. 853 shall take effect and be in full force from and after its adoption by the governing body of the City, approval by the Mayor and either (a) publication once in the official newspaper of the City, or (b) publication of a summary hereof certified as legally accurate and sufficient by the City Attorney.

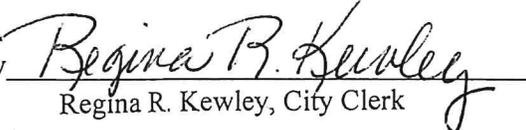
PASSED, ADOPTED and APPROVED by majority vote of the governing body of the City of Burlington this 4th day of October, 2017.

CITY OF BURLINGTON

[seal]

By 
Robert S. Luke, Mayor

ATTEST:

By 
Regina R. Kewley, City Clerk

APPROVED AS TO FORM: 
Thomas F. Robrahn, City Attorney