

Agenda

Kansas Corporation Commission Utilities Division Rules of Practice and Procedure and Guidance Documents

Utilities Division hearing procedures
Review of Utilities Division guidance documents
Utilities Division informal procedures – mediation etc.
Formal complaints

G. Cafer

Utilities Division Jurisdiction, Authority and Options for Approval of Generation Facilities

Jurisdiction over generation and transmission facilities
Jurisdiction over service areas
Approval options for generation facilities
Issues outside PRB jurisdiction - rates, disconnects, meters etc.

F. Caro

Current Issues in Renewable Energy Development

New era of siting
Changes to tax policy
Transmission development
Solar, storage, or a tri-generational mix
Wind, solar, and storage

K. Svaty

State Endangered and Threatened Species Review: When and How

Kansas's state-listed endangered and threatened species
Kansas's Nongame and Endangered Species Conservation Act (NESCA)
When and how NESCA applies
Conservation and environmental review

R. Guthrie

Understanding Utility Easements and Rights of Way

Types of utility easements
Creation and definition of the easement

- Structure of common utility easements
- Regulatory approval process

Eminent domain and condemnation law

- Just compensation

Current law on utility rights-of-way

- Federal and state laws and regulations
- Utility accommodation in existing rights-of-way

Utility easements over time

- Encroachments and interference
- Modification and expansion
- Maintenance

Current issues involving utility easements

T. Orrick

Issues in Kansas Energy and Electric Utility Regulation

Overland Park, KS - Wednesday, May 13, 2020



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Learning Objectives

You'll be able to:

Understand Utilities Division hearing procedures, and informal procedures including mediation.

Explain Utilities Division jurisdiction over generation and transmission facilities and approval options for generation facilities.

Understand changes to renewable energy facility siting and tax policy.

Recognize when and how Kansas's Nongame and Endangered Species Conservation Act (NESCA) applies to development.

Discuss types of utility easements, and review current law on utility rights-of-way.



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Review Kansas Corporation
Commission Utilities Division
rules of practice and procedure

Discuss Utilities Division
jurisdiction, authority, and
options for approval of
generation facilities

Explore current issues in
renewable energy development

Explain state endangered and
threatened species review

Understand utility easements and
rights of way

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Attorneys

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Professional Engineers

6.0 PDHs (HSW)

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Faculty

Glenda Cafer is a shareholder at Cafer Law LLC. She concentrates her practice in the energy, public utility, and telecommunications sectors, and she assists clients on a wide range of issues before the Kansas Corporation Commission. Her extensive experience enables her to advise clients on complex regulatory matters including compliance, certification, transmission siting, mergers and acquisitions, rate and tariff applications, assessments, as well as a variety of more general business concerns. Her clients include large public electric and telecommunications utility organizations, rural electric cooperatives, transmission companies, and energy marketers. Prior to forming Cafer Pemberton LLC, Ms. Cafer was the sole shareholder of Cafer Law, L.L.C. Ms. Cafer also served as the Chief of Utilities and the General Counsel of the KCC where she testified on behalf of the Commission before the Kansas legislature, made presentations to industry and customer associations regarding utility and KCC policy and issues, litigated numerous cases before the agency, and represented the KCC on a variety of matters at the District Court, the Kansas Court of Appeals, and the Kansas Supreme Court.

Frank A. Caro is a shareholder and practice chair at Polsinelli PC. He serves his energy and utility industry clients as a partner in meeting their legal challenges, as well as a trusted resource for strategies that are built on his vast experience in business, regulatory and government affairs. As chair of the firm's national energy group, he has been representing clients in the electric, gas and telecommunications industries for more than 30 years, during which time he has assisted in structuring complex business, regulatory and legislative solutions to his clients' most challenging legal problems. Mr. Caro supports clients that are involved in all facets of the energy industry from developers to end-use consumers. His energy clients have included energy producers, oil and gas gathering systems, pipelines, large public utility/energy industry organizations, renewable energy developers, rural electric cooperatives, municipal power, energy marketers, and industrial and commercial users of utility services. Mr. Caro acts as general regulatory counsel to municipal utilities, electric cooperatives and renewable energy developers. He also represents clients before the Missouri Public Service Commission and the Kansas Corporation Commission (KCC) on various matters involving certification proceedings, mergers and acquisitions, rate tariff applications, generic rulemaking proceedings and complaints. Prior to joining the firm, Mr. Caro served as general counsel for the KCC and acted as chief trial counsel in numerous hearings before the KCC, FERC and FCC.

Kimberly Gencur Svaty is the principal of Gencur Svaty Public Affairs, a Kansas-based public relations firm has successfully implemented government relations, public affairs and community outreach strategies for

Seminar Information

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This seminar is open to the public. The Kansas CLE Commission has approved this course for 7.0 CLE hours, including no ethics or law practice management hours, for attorneys.

HalfMoon Education has applied to The Missouri Bar for attorney CLE approval, which is pending. Updates on this credit are available at www.halfmoonseminars.org under this seminar listing.

This program offers 6.0 HSW PDHs to Kansas professional engineers. Educators and courses are not subject to preapproval.

Attendance will be monitored, and attendance certificates will be available after the seminar for most individuals who complete the entire event. Attendance certificates not available at the seminar will be mailed to participants within fifteen business days.

Can't Attend? Order the Manual and Audio from the Live Seminar as a Self-Study Package!
Audio recordings of this seminar are available for purchase starting at \$279. See registration panel for more information and please refer to specific state licensing rules or certification requirements to determine if this learning method is eligible for continuing education credit.

Fortune 100 companies in the utility, wind energy and telecommunications industries for nearly two decades. After serving the Chairman of the U.S. House Ways and Means Committee, she honed her skills with an M.A. degree in International Studies while serving at the Dole Institute of Politics, Lawrence, Kansas. Mrs. Svaty and her husband Josh, the former Secretary of Agriculture and a seven-year member of the Kansas Legislature, own and operate Free State Farms, a diversified crop and livestock operation in Ellsworth County and are proud parents to four young children. Her unique approach to public relations and core government relations values are best expressed as connecting people; promoting ideas and growing community.

Rachel D. Guthrie is an environmental attorney at The Justis Law Firm LLC in Overland Park, where she specializes in CERCLA ("Superfund") cost recovery and contribution cases. She is also the president and Founder of American Wolf Foundation, a 501(c)(3) organization dedicated to endangered and threatened wolf conservation, with a special emphasis on the American red wolf (*C. rufus*), the world's most endangered wolf, historically native to Missouri. Ms. Guthrie double-majored in Biology and Environmental Studies at the University of Missouri-Kansas City. She worked as a fisheries biologist on commercial fishing vessels in the Bering Sea of Alaska and as a primate zookeeper intern at Audubon Zoo in New Orleans before receiving her J.D. degree with Certificate in Environmental & Natural Resource Law from Lewis & Clark Law School in Portland, Oregon. She is a vice chair of the American Bar Association's Endangered Species Committee, and she recently served a three-year appointment on the Kansas City Environmental Management Commission, co-chaired the Kansas City Metro Bar Association's Environmental & Energy Committee, and was a member of the Midwest Innocence Project's NextGen Advisory Board. She is licensed to practice in Missouri and Kansas, with admissions to numerous federal district courts and the Fifth and Sixth Circuit Courts of Appeals.

Timothy P. Orrick is a founder/partner at Orrick & Erskine, LLP. He began building his private practice in 1994 when he joined the firm then known as Parkinson, Foth & Reynolds, and later as Parkinson, Foth & Orrick and Foth & Orrick. The foundation of his practice has been real estate and other valuation litigation, with a special emphasis in condemnation and eminent domain litigation. Mr. Orrick was one of only four Kansas lawyers named in *The Best Lawyers in America* in its 2007 Edition, when it began a distinct category for condemnation and eminent domain specialists, and he has also been named in the 2008-2015 editions. Over the course of his career, he has presented hundreds of cases to court-appointed appraiser panels, has tried more than 50 jury trials, and has argued numerous cases before the Kansas Supreme Court.

Additional Learning

Webinar Series

Distributed Batteries for Solar PV Systems

- **Distributed Batteries for Solar PV Systems, Part I**
Thurs., April 2, 2020, 11:00 AM - 2:15 PM CDT
- **Distributed Batteries for Solar PV Systems, Part II**
Friday., April 3, 2020, 11:00 AM - 2:15 PM CDT

Compliance with the 2018 International Building Code

- **Compliance with the 2018 International Building Code, Part I**
Wed., April 8, 2020, 11:00 AM - 1:00 PM CDT
- **Compliance with the 2018 International Building Code, Part II**
Wed., April 8, 2020, 1:30 - 3:30 PM CDT
- **Compliance with the 2018 International Building Code, Part III**
Thurs., April 9, 2020, 11:00 AM - 12:30 PM CDT

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Registration

Issues in Kansas Energy and Electric Utility Regulation

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