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Jay Scott Emler, Chairman
Shari Feist Albrecht, Commissioner
Pat Apple, Commissioner

Sam Brownback, Governor

February 11, 2016

The Honorable Rob Olson
State Capitol Building, Room 236-E

The Honorable Dennis Hedke
State Capitol Building, Room 581-W

Gentlemen:

Thank you for the copy of your letter to Mr. Jeff McClanahan this afternoon.

The contract you reference was actually signed by me on Monday and approved by the Department of Administration (Department) on Tuesday, both prior to the U.S. Supreme Court issuing the stay on implementation of the Clean Power Plan. We inquired of the Department whether it could delay implementation of the contract for a few weeks in order for the Commission to determine whether there was anything the successful bidder might need to do pursuant to the terms of the contract. The Department advised us it would not hold the contract. We did, and still do, have the option to cancel the contract on thirty (30) days' notice.

I have sent a letter to the successful bidder advising it not to perform any work or incur any costs pursuant to the contract unless and until the Commission specifically requests such work. The director of our fiscal division has also spoken with a representative of the successful bidder and conveyed the same message.

Keeping the contract in place in the short term will provide better options for the state of Kansas should the stay be unexpectedly lifted. In addition, in the event the provisions of 2015 HB 2233 are not suspended or repealed, the Commission would be ready to work on its statutorily mandated report.

Trusting you will advise me if you have any questions, I am

Sincerely yours,

Jay Scott Emler

JSE/tm