

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

JUL 19 2013
by
State Corporation Commission
of Kansas

In the matter of the Complaint Against Westar Energy,)
Inc. by Josephine Wacheke.)

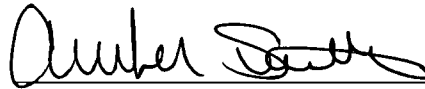
13-WSEE-780-COM

NOTICE OF FILING STAFF'S REPORT AND RECOMMENDATION

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) has investigated the formal complaint filed by Josephine Wacheke against Westar Energy, Inc. (Westar). Staff states in its report and Recommendation as follows:

1. On June 13, 2013, Josephine Wacheke filed a formal complaint (Complaint) with the Commission wherein Ms. Wacheke disputed utility usage charges assessed by Westar.
2. On June 24, 2013, the Complaint was determined to have been filed in compliance with K.A.R. 82-1-220 and was subsequently served upon Westar for response.
3. On July 8, 2013, Westar filed its *Answer of Westar Energy, Inc.*
4. Having examined the Complaint and Answer, Staff has attached hereto as "Attachment A" its Report and Recommendation wherein Staff reports that Ms. Wacheke's electric charges were based on actual usage, and that a test of the meter for Ms. Wacheke's apartment yielded accuracy results within the range allowable by Westar's General Terms and Conditions. Based on its review, Staff therefore recommends the Commission dismiss the Complaint.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Amber Smith", is written over a horizontal line.

Amber Smith, #23911

Litigation Counsel

Kansas Corporation Commission

1500 SW Arrowhead Road

Topeka, Kansas 66604

(785) 271-3301 (Telephone)

(785) 271-3167 (Facsimile)

a.smith@kcc.ks.gov (E-mail)

For Commission Staff

**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairman Mark Sievers
Commissioner Thomas E. Wright
Commissioner Shari Feist Albrecht

FROM: Kathleen Vinlove, Utility Rate Analyst
Robert Glass, Chief, Economics and Rates
Jeff McClanahan, Director of Utilities

DATE: July 16, 2013

DATE SUBMITTED TO LEGAL: 7/17/13

DATE SUBMITTED TO COMMISSIONERS: 7/19/13

SUBJECT: 13-WSEE-780-COM
In the Matter of the Complaint Against Westar Energy, Inc. by Josephine Wacheke

EXECUTIVE SUMMARY:

- Ms. Josephine Wacheke filed a Formal Complaint with the Commission's (KCC) Office of Public Affairs and Consumer Protection (PACP) in which she asserts Westar Energy, Inc. (Westar, Company) overcharged her due to incorrect billing estimates.
- After initial communication with Ms. Wacheke about the accuracy of her billing, Westar tested her meter, and it was found to be accurate within the allowable limits of the Company's General Terms and Conditions Tariff. Westar also has provided information indicating that Ms. Wacheke's billing was based on actual, not estimated, usage.
- In the absence of other factual evidence provided by the customer, Staff concludes that Ms. Wacheke's billing was accurate and therefore recommends that the Complaint be dismissed.

BACKGROUND:

On May 1, Ms. Wacheke contacted Westar about being overcharged for her electricity use in the previous month. A representative of Westar told her that if her meter were tested and found to be accurate, there would be a charge of \$30. She then contacted the KCC on May 29 with concerns that she was being overcharged and that someone might be stealing from her meter.

Because the meter hadn't been tested since 1974, KCC's PACP Staff suggested that Westar test the meter in the customer's presence and waive the service charge. Westar agreed to this, and on June 3, the meter was tested. The test results indicated that at full load, the meter was 99.38 percent accurate, and at light load, it was 99.68 percent accurate.

On June 6, Ms. Wacheke again contacted the KCC and was informed by PACP Staff that the meter tested within the allowable limits. She also was informed that her bills were based on actual usage, not on estimated usage. However, she maintained that the Westar meter-reader technician had told her that she couldn't have used the amount of energy reflected on her bills, and she continued to believe that her bills must be estimated.

On June 13, Ms. Wacheke completed a Formal Complaint form received by the Commission on June 17, 2013. In this Complaint, she states that in April and May her usage was low and that Westar's billing for those months must have been based on the usage of previous occupants of her apartment.

ANALYSIS:

In her current residence, Ms. Wacheke's electricity connect date was March 11, 2013. From that date to June 18, her kilowatt-hour (kwh) daily average usage peaked in March and declined in April, May, and June.¹ This is consistent with her statement that she turned off her thermostat on April 28.² Westar billing data from the period of May 18, 2010, to March 11, 2013, indicate that her total kwh usage during the March to May period falls within the usage range of previous tenants of her apartment.

The apartment building where Ms. Wacheke resides was built in 1978 and is all-electric. Large appliances in each apartment include a refrigerator, furnace/air-conditioning unit, water heater, oven, and dishwasher. According to the apartment manager, the energy inefficiency of the building combined with all-electric appliances results in many tenant complaints about high electric bills.

Section 9.05 of Westar's General Terms and Conditions addresses meter accuracy and testing. Subsection B states that a meter error of more than two percent fast or two percent slow could result in the Company issuing refunds or additional bills to customers. The June 3 meter accuracy results of 99.38 percent for full load and 99.68 light load are within the 98 to 102 percent accuracy range allowable by the tariff.

Westar's actions have been appropriate in this case. After initial communication with Ms. Wacheke, Westar verified her meter accuracy and voluntarily waived the \$30 testing fee. Westar's records also indicate that billing for March, April, and May was based on actual readings by a meter reader and was not estimated. In the absence of other factual evidence provided by the customer, it can be concluded that Ms. Wacheke's billing was accurate.

RECOMMENDATION:

Staff recommends that the Complaint be dismissed.

¹ Exhibit A, Answer of Westar Energy, Inc., July 8, 2013

² Formal Complaint, Josephine Wacheke, June 17, 2013

CERTIFICATE OF SERVICE


13-WSEE-780-COM

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Notice of Filing Staff's Report and Recommendation was placed in the United States mail, postage prepaid, or hand-delivered this 22nd day of July, 2013, to the following:

JOSEPHINE WACHEKE
9000 E LINCOLN APT 2202
WICHITA, KS

AMBER SMITH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3167
a.smith@kcc.ks.gov

CATHRYN J. DINGES, CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathy.dinges@westarenergy.com



Vicki Jacobsen