

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Susan K. Duffy

In the Matter of the Complaint Against)
Evergy Kansas Central, Inc. by Virginia B.) Docket No. 21-EKCE-381-COM
Lauppe.)

ORDER ON PRIMA FACIE DETERMINATION

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its pleadings and records, the Commission concludes the following:

1. On March 31, 2021, Virginia B. Lauppe (Complainant) submitted a formal complaint against Evergy Kansas Central, Inc. (Evergy) alleging that her bill was too high and questioning the accuracy of the meter.

2. K.A.R. 82-1-220(b) sets forth the following procedural requirements. Formal Complaints must:

- (1) Fully and completely advise each Respondent and the Commission as to the provisions of law or the regulations or orders of the Commission that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions;
- (2) Set forth concisely and in plain language the facts claimed by the Complainant to constitute the violation(s); and
- (3) State the relief sought by the Complainant.

3. Upon review, the formal complaint does not comply with the requirements of K.A.R. 82-1-220(b), and therefore fails to establish a *prima facie* case for Commission action.

Specifically, the formal complaint fails to: (1) advise of any provisions of law, regulations, or Commission orders that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions, (2) fails to set forth concisely and in plain language the facts claimed to constitute the violations; and (3) fails to state relief sought by the Complainant.

4. Pursuant to K.A.R. 82-1-220(c), Complainant shall be given an opportunity to amend the formal complaint. Accordingly, Complainant is given thirty days, from the date of this Order, to correct the procedural deficiencies described above. If the Complainant fails to amend the formal complaint in a manner that satisfies K.A.R. 82-1-220(b), the formal complaint will be dismissed without prejudice.

THEREFORE, THE COMMISSION ORDERS:

A. The formal complaint fails the procedural requirements of K.A.R. 82-1-220(b) and does not establish a *prima facie* case for Commission action.

B. Complainant has 30 days to amend the formal complaint. If Complainant fails to amend the formal complaint in a manner that satisfies K.A.R. 82-1-220(b), the formal complaint will be dismissed without prejudice.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 05/04/2021



Lynn M. Retz
Executive Director

BGF

CERTIFICATE OF SERVICE

21-EKCE-381-COM

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 05/04/2021.

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/S/ DeeAnn Shupe
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