

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of a General Investigation into )  
the Appropriateness of Certain Sections of ) Docket No. 15-GIMX-344-GIV  
the Kansas Corporation Commission's )  
Electric and Natural Gas Billing Standards )  
(Billing Standards) Related to On-Premises )  
Collections. )

**CURB'S RESPONSE TO COMMISSION-DIRECTED QUESTIONS**

Pursuant to the order issued by the Kansas Corporation Commission (KCC or Commission) on November 17, 2015, the Citizens' Utility Ratepayer Board (CURB) herein submits its responses to Commission questions.

**Introduction**

1. The Commission opened this docket on February 26, 2015, at the urging of its Staff<sup>1</sup>, in the wake of the Commission's rejection of two prior requests of Westar Energy to revise certain sections of the Commission's Billing Standards.<sup>2</sup> Staff (and CURB) recommended that the Commission investigate and evaluate the "appropriateness and implication of eliminating the "knock and collect" requirement prior to disconnection of utility service.<sup>3</sup> The Commission ordered parties to the docket to "file comments on how the general investigation should proceed to minimize the need for extensive comment periods" within 45 days from the date of its order.<sup>4</sup>

<sup>1</sup> *Staff's Report and Recommendation*, at 3.

<sup>2</sup> Jan. 29, 2015, *Order Denying Application*, at 3, KCC Docket No. 15-WSEE-188-MIS; *see also* KCC Docket No. 13-WSEE-707-TAR.

<sup>3</sup> *Staff's Report and Recommendation*, at 1.

<sup>4</sup> *Order of Feb. 26*, at 3.

2. On November 17, 2015, the Commission ordered all parties to submit on the record comments to the following questions:

- a. What is the proper process for amending limited provisions of the billing standards?
- b. Should there be a public comment period?
- c. What hearings on the subject matter may be necessary?

### **CURB's response to Commission questions**

a. *What is the proper process for amending limited provisions of the billing standards?*

3. CURB understands that the Commission has jurisdiction over this subject matter pursuant to its broad authority to regulate the public utilities granted by K.S.A. 66-101 *et seq.* (*Order of Feb. 26, at 2*).

4. CURB recommends the Commission proceed with roundtable discussions among the parties and written comments from the public. Whether an evidentiary hearing should be held is discussed in CURB's response to Commission question *c*.

b. *Should there be a public comment period?*

5. Yes. CURB contends a generous comment period should be scheduled for accepting comments from the public. To solicit comments from around the state, the Commission could issue a press release to a variety of state newspapers describing the investigation and announcing the dates of the comment period.

6. Public participation is vitally important in dockets where revision of existing Commission standards governing the quality and character of service, and utility obligations to customers because captive customers cannot take their business to another utility if they are unhappy with their service. The scope of this Commission-ordered investigation centers on the utility's current requirement to visit the premises, knock, and then try to collect the payment from the customer, thus preventing the utility service from being disconnected. The Commission's current standards for notice to customers before disconnections are especially protective of customers, and therefore, should not be changed without public input.

7. Additionally, CURB recommends the Commission request the active participation in this docket by social service agencies that provide utility assistance, such as the Low-Income Energy Assistance Program (LIEAP) operated by the Kansas Department of Children and Families, the Salvation Army, Catholic Charities and other utility assistance programs throughout the state. They are often a valuable source of factual information and statistics on the customers they serve. Utility disconnections have significant impacts on these agencies as well as on their clients, and they may be able to offer informed opinions about the potential impact of changes in the "knock and collect" rule. The Commission should reach out to these agencies and programs to encourage them to offer testimony or comments in the docket on the issue under consideration, and request that they provide input on behalf of their organization or program, relevant statistics and any other information that may be useful to the Commission.

c. *What hearings on the subject matter may be necessary?*

8. CURB takes no position on the type of hearings that are necessary to consider the “knock-and-collect” provisions of the Billings Standards as discussed in this investigation. However, to provide an evidentiary basis for a ruling making any modifications to the Billing Standards, CURB recommends the Commission publish notice of its preliminary findings and determinations on the evidence it has collected and then conduct public hearings around the state. Customers should be allowed to express their opinions before the Commission issues its final order to the Commission on any proposed changes to longstanding policies that directly affect them and their families.

9. After considering comments from the parties and the public, CURB recommends that if the Commission determines that the policies, facts and issues under consideration are important enough to merit requesting prefiled testimony from the parties, then the Commission should order parties to file testimony and hold an evidentiary hearing. CURB suggests that the Commission leave room in the procedural schedule for the parties to prefile direct testimony and a round of responsive testimony, followed by a one- or two-day evidentiary hearing.

10. Ultimately, whether the Commission determines that an evidentiary hearing may or may not be necessary, the Commission should solicit hard data from the utilities and social service agencies that provide utility bill assistance to verify whether the proposed alternative methods of providing notice of disconnection that have been proposed to replace the “knock and collect” requirement will actually reach the customers at greatest risk of utility service disconnection. Since the in-person “knock and collect” requirement serves as the last backstop of protection for customers from unnecessary or unwarranted disconnections, the Commission should proceed cautiously before modifying the Billing Standard provisions at issue.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

15-GIMX-344-GIV

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 18<sup>th</sup> day of December, 2015, to the following:

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