

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

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

JOINT MOTION TO APPROVE TEMPORARY WAIVER

COMES NOW, the Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission," respectively), the Citizens' Utility Ratepayer Board (CURB), Southern Pioneer Electric Company (Southern Pioneer) and Westar Energy, Inc. (Westar) (collectively referred to as the "Joint Movants"), and respectfully files this Joint Motion to Approve Temporary Waiver. In support of the Joint Motion to Approve Temporary Waiver, the Joint Movants state the following:

I. PROCEDURAL HISTORY

1. In February 2015, the Commission adopted Staff's recommendation and opened this general investigation into the Electric and Natural Gas Billing Standards (Billing Standards) to examine the appropriateness of eliminating the "knock and collect" requirement prior to disconnecting utility service.¹ Staff recommended the inquiry be limited only to Section IV, Item C (2); Section IV, Item G; and Section V, Item D (2) of the Billing Standards.² The Commission requested entries of appearance for party participants and solicited comments from the parties.³

2. Throughout this proceeding, parties to the docket have filed substantive comments regarding procedure and input related to amending the applicable Billing Standards.

¹ Order Adopting Staff's Report and Recommendation and Opening General Investigation (Feb. 26, 2015).

² *Id.* at 1.

³ *Id.* at 2-3.

3. On November 4, 2016, after extensive informal discussions with all interested utilities as contemplated by this proceeding, Staff filed a Report and Recommendation (R&R), recommending the Commission not amend the Billing Standards at this time.⁴ Instead, Staff recommended the Commission permit Westar and Southern Pioneer (the only utilities to express interest in a pilot program) to implement a three year pilot program (with additional conditions described in the R&R) to evaluate potential future amendments to the applicable Billing Standards.

4. Between November 14 and December 15, 2016, Staff, CURB, Westar and Southern Pioneer filed additional responsive comments or recommendations.⁵ The Joint Movants have been actively engaged in reviewing and considering practical implementations of a temporary waiver to the applicable Billing Standards regarding the “knock and collect” requirement. After thoughtful and productive collaboration between the Joint Movants, the Joint Movants respectfully present a temporary waiver, described below, for Commission consideration.

II. KNOCK AND COLLECT TEMPORARY WAIVER

5. The Joint Movant’s proposed temporary waiver continues the current separation of months into “Cold Weather Rule” and “Non-Cold Weather Rule” periods, defines reporting requirements, limits the waiver applicability period to three years, establishes additional Commission oversight review procedures, and creates customer education opportunities. The

⁴ Staff’s Report and Recommendation (Nov. 4, 2016).

⁵ See CURB’s Comments on Staff’s Report and Recommendation (Nov. 14, 2016); Southern Pioneer Electric Company’s Response to Notice of Filing of Staff’s Report and Recommendations and CURB’s Comments of Staff’s Report and Recommendation (Nov. 21, 2016); Westar Energy Letter of Response to Staff’s Report and Recommendation and CURB Comments (Nov. 21, 2016); Commission Staff’s Comments on Responses to Staff’s Report and Recommendation (Nov. 29, 2016) Southern Pioneer Electric company’s Reply to Commission Staff’s Response (Dec. 9, 2016); Westar Energy, Inc. and Kansas Gas and Electric Company’s Response to Southern Pioneer Electric Company’s Reply (Dec. 15, 2016).

temporary waiver is intended to temporarily replace live on-premises contact through “knock and collect” with several contact attempts, through various means, to determine the efficacy of utility collections under the methods described below. The Pilot is intended to provide sufficient information for the Commission to determine how, if at all, the “knock and collect” requirement should be modified. It is not intended to become a permanent program without sufficient information being submitted to the Commission and the Commission issuing an order with respect to the proposed issues pertaining to it becoming permanent.

a. Knock and Collect Procedure

6. The Joint Movants propose Westar and Southern Pioneer be allowed to temporarily utilize the following procedure in place of the “knock and collect” procedure defined in the applicable Billing Standards. This procedure shall only be applicable for customers with AMI meters installed.

1. Non-Cold Weather Rule Months (April 1 – October 31)

- i. Ten (10) days prior to disconnection, the Utility shall mail a “Notice of Disconnection” letter to the Customer. The Utility shall mail this letter separately from a utility bill or any other correspondence.⁶
- ii. Five to seven (5-7) days prior to disconnection, the Utility shall attempt to contact the Customer via the Customer’s preferred choice⁷ informing the Customer of the Utility’s intent to disconnect.
- iii. Two (2) days prior to disconnection, the Utility shall attempt to contact the Customer via a Phone Call informing the Customer of the Utility’s intent to disconnect.
- iv. One (1) day prior to disconnection, the Utility shall *attempt* to contact the Customer via Customer’s preferred choice informing the Customer of Utility’s intent to disconnect.

⁶ This requirement is already established in the applicable Billing Standards.

⁷ A customer may elect to be contacted by the utility via phone call, text message, email, etc.

- v. On the day of disconnection, the Utility may disconnect the Customer. The Utility shall not be required to make an on premises collection attempt or leave a door tag.

2. Cold Weather Rule Months (November 1 – March 31)⁸

- i. Ten (10) days prior to disconnection, the Utility shall mail a “Notice of Disconnection” letter to the Customer. The Utility shall mail this letter separately from a utility bill or any other correspondence.
- ii. Five to seven (5-7) days prior to disconnection, the Utility shall attempt to contact the Customer via the Customer’s preferred choice informing the Customer of the Utility’s intent to disconnect.
- iii. Two (2) days prior to disconnection, the utility shall attempt to contact the Customer via a Phone Call informing the Customer of the Utility’s intent to disconnect.
- iv. One (1) day prior to disconnection, the Utility shall *attempt* to contact the Customer via a phone call informing the Customer of Utility’s intent to disconnect.
- v. If the attempted phone contact described in step iv *is not successful*, the Utility *shall* place a door tag at the customer’s premises one day prior to disconnection. The Utility may then disconnect service on the day of disconnection (unless otherwise prohibited by the Cold Weather Rule).
- vi. If the attempted *phone* contact described in step iv *is successful*,⁹ the Utility *shall not* be required to place a door tag at the premises one day prior to disconnection. The Utility may then disconnect service on the day of disconnection (unless otherwise prohibited by the Cold Weather Rule).¹⁰

7. Westar and Southern Pioneer agree to reduce their disconnection and reconnection fees to \$5 and \$0, respectively, and only for those customers subject to the pilot program.

⁸ The Parties recognize the Cold Weather Rule Months is illustrative and in conformance with the Commission’s Billing Standards. The Parties further recognize the Commission may extend the Cold Weather Rule Months depending on prevailing meteorological and atmospheric conditions, and any waiver permitted via this docket shall be subject to the duration of the Cold Weather Rule Months as set by the Commission.

⁹ “Successful contact” occurs when a Utility, its agents or employees, speaks to the customer of record regarding the pending notice of disconnect during the phone call.

¹⁰ For example, a utility may not disconnect service if temperatures are forecast to be below a certain level, regardless of whether the phone call resulted in a successful contact.

b. Reporting Requirements

8. Reports: Bi-Annual Reports: Westar and Southern Pioneer shall submit biannual (twice per year) reports to the Commission. These reports shall include all information contained in “Attachement A” to this Joint Motion, and as further requested by the Commission. Westar and Southern Pioneer shall submit their bi-annual reports within 30 days following the end of each bi-annual six-month reporting period.

c. Waiver Timeline, Midpoint Review, and Final Review

9. Three-year Maximum: The above-described temporary waiver may be implemented as part of a pilot program not to exceed three years. This pilot program shall be subject to a Midpoint Review.

10. Midpoint Review: After two bi-annual reports have been submitted by Westar and Southern Pioneer; Staff, CURB, and any other interested party may review the information provided by Westar and Southern Pioneer. Parties shall have 45 days to review the information after it has been received and submit a recommendation regarding continuation of the pilot program. The Commission may request additional information or analysis from any party. In the event parties disagree on their respective recommendations, the Commission may hold an evidentiary hearing on the matter. The parties acknowledge that, within eighteen months after the date of an order implementing the pilot program (i.e. six months after the Midpoint Review begins), the Commission will issue an order continuing the pilot program, canceling the pilot program, modifying the pilot program, or any other action the Commission deems just and reasonable.

11. Final Review: Should the Commission order the continuation of the pilot program at the conclusion of the Midpoint Review; then one year after the decision to continue, and after

five bi-annual reports have been submitted by Westar and Southern Pioneer; Staff, CURB, and any other interested party may review the information provided by Westar and Southern Pioneer. Parties shall have 45 days to review the information after it has been received and submit a recommendation regarding whether the applicable Billing Standards should be modified to permit all utilities to implement a similar procedure. The Commission may request additional information or analysis from any party. In the event parties disagree on their respective recommendations, the Commission may hold an evidentiary hearing on the matter. The Commission may issue an order determining whether the applicable Billing Standards should be modified to permit all utilities to implement a similar procedure, or any other action as the Commission deems just and reasonable by the end of year three. Unless the Commission issues an order continuing the pilot program or making it permanent, this temporary pilot program shall terminate without further action three years after its inception, and customer disconnections for Westar and Southern Pioneer shall be obtained under the rules then pertaining to all utilities, as applicable.

12. Customer Education Process and Utility Assistance: Westar and Southern Pioneer shall implement a customer education campaign to inform customers of this change in practice. In addition to informing customers of the changed practice during the waiver period, Westar and Southern Pioneer shall also inform customers of utility bill assistance programs. This information shall be sent via bill inserts, indicated on the company's website, or any other means of mass distribution.

III. ADDITIONAL COMMISSION COMMENTS

13. This proceeding by design has progressed in an informal nature. The Joint Movants recognize the Commission, prior to the filing of this Joint Motion to Approve

Temporary Waiver, has not had the opportunity to examine this specific proposed course of action. Accordingly, the Joint Movants have filed this Joint Motion as a proposal, recognizing the Commission's authority to accept it, modify it in any manner it determines is in the public interest or to reject it entirely. The Joint Movants do not intend to limit the Commission's discretion over this matter in any way and will work to address any concerns the Commission may have with this proposal. In the event the Commission does not approve this Joint Motion, the Joint Movants respectfully request the Commission provide the Joint Movants an opportunity to address any concerns or provide any additional information the Commission may so require.


WHEREFORE, the Joint Movants submit this proposal to the Commission for consideration, and for any other relief the Commission deems just and reasonable.

Respectfully submitted,



Robert Elliott Vincent, S. Ct. #26028
Litigation Counsel
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604
Phone: (785) 271-3273
Fax: (785) 271-3167
E-Mail: r.vincent@kcc.ks.gov

Attorney for Commission Staff



David W. Nickle, S. Ct. #11170
Thomas J. Connors, S. Ct. #27039
Attorneys for the CURB
1500 S.W. Arrowhead Road
Topeka, Kansas 66604
Phone: (785) 271-3200
Fax: (785) 271-3116
E-Mail: d.nickle@curb.kansas.gov
tj.connors@curb.kansas.gov

Lindsay A. Shepard, by permission
Lindsay A. Shepard, S. Ct. #23276
Executive Vice President – General Counsel
Southern Pioneer Electric Company
P.O. Box 430
Ulysses, Kansas 67880
Phone: (620) 424-5206
Fax: (620) 356-4306
Email: lshepard@pioneerelectric.coop

Glenda Cafer, S. Ct. #13342
Phone: (785) 271-9991
Terri Pemberton, S. Ct. #23297
Phone: (785) 232-2123
CAFER PEMBERTON LLC
3321 SW 6th Avenue
Topeka, Kansas
Fax: (785) 233-3040
Email: glenda@caferlaw.com
terri@caferlaw.com

Attorneys for Southern Pioneer Electric
Company

Cathryn J. Dinges, by permission
Cathryn J. Dinges, S.Ct. #20848
Senior Corporate Counsel
818 South Kansas Avenue
Topeka, Kansas 66612
Phone: (785) 575-8344
Fax: (785) 575-8136
Email: Cathy.Dinges@westarenergy.com

Attorney for Westar Energy, Inc. and
Kansas Gas and Electric Company

Attachment A

"Knock and Collect" docket 15-GIMX-344-GIV

Comprehensive list of compliance reporting requests:

AMI Meters:

- 1 Number of bills sent out by month
- 2 Number of 10 Day Disconnect Notices by month
- 3 Number of Non-Pay Shut-off Orders issued by month
- 4 Number of communication attempts at the 5-7 day mark by month
- 5
- Number of accounts-making payments after the 5-7 day communication attempt and before the 2-day communication attempt AND method of payment by month
- 6 Number of communication attempts at the 2-day mark by month
- 7
- Number of accounts making payments after the 2-day communication attempt and before the 1-day communication attempt AND method of payment by month
- 8
- Number of phone call attempts at the 1-day mark prior to disconnection by month
- 9 Number of door tags performed by month during the CWR
- 10
- Number of accounts making payments after the 1 day communication attempt and before disconnection AND method of payment by month
- 11
- 12 Number of disconnections by month
- 13
- Number of accounts paid for reconnection AND method of payment by month
- 14 Distribution of the time between disconnection, payment and reconnection (Within a day, one day, two days...)
- 15 The manner in which the utility informed customers of any available bill assistance programs during the reporting period
- 16 Customer complaints with respect to this pilot program
- 17 Cost savings attributable to this pilot program.

Analog Meters:

- 1 Number of bills sent out monthly
- 2 Number of 10 Day Disconnect Notices by month
- 3 Number of Non-Pay Shut-off Orders issued by month
- 4
- 5
- 6 Number of phone call attempts at the 2-day mark
- 7
- Number of accounts making payments received after the 2-day communication attempt and before the 1-day communication attempt (during CWR) AND method of payment
- 8 Number of phone call attempts at the 1-day mark prior to disconnection by month during the CWR
- 9 Number of door tags performed by month during the CWR
- 10 Number of accounts making payments received after the 1 day communication attempt (during CWR) or 2 day communication attempt and before disconnection AND method of payment by month
- 11 Number of knock and collects on day of disconnection
- 12 Number of disconnections by month
- 13
- accounts paid for reconnection AND method of payment by month
- 14
- Time between disconnection, payment and reconnection (Within a day, one day, two days...)
- 15 The manner in which the utility informed customers of any available bill assistance programs during the reporting period
- 16
- 17

CERTIFICATE OF SERVICE

15-GIMX-344-GIV

I, the undersigned, certify that a true and correct copy of the above and foregoing Joint Motion to Approve Temporary Waiver was served by electronic service on this 7th day of March, 2017, to the following:

JAMES G. FLAHERTY, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
Fax: 785-242-1279
jflaherty@andersonbyrd.com

JAMES PRICE, ATTORNEY
ATMOS ENERGY
5430 LBJ FREEWAY, THREE LINCOLN CENTRE
PO BOX 650205
DALLAS, TX 75265-0205
james.price@atmosenergy.com

JAMES BARTLING
ATMOS ENERGY CORPORATION
25090 W 110TH TERR
OLATHE, KS 66061
james.bartling@atmosenergy.com

JENNIFER G. RIES, VICE PRESIDENT, RATES AND
REGULATORY AFFAIRS-COLORADO/KANSAS
ATMOS ENERGY CORPORATION
1555 BLAKE ST STE 400
DENVER, CO 80202
jennifer.ries@atmosenergy.com

ROBERT J. AMDOR, MANAGER, REGULATORY
SERVICES
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
D/B/A BLACK HILLS ENERGY
1102 EAST 1ST ST
PAPILLION, NE 68046
robert.amdor@blackhillscorp.com

PATRICK JOYCE, SR MANAGING COUNSEL
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
D/B/A BLACK HILLS ENERGY
1102 EAST 1ST ST
PAPILLION, NE 68046
Fax: 402-829-2691
patrick.joyce@blackhillscorp.com

ANN STICHLER, SR. REGULATORY ANALYST
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC
D/B/A BLACK HILLS ENERGY
1102 EAST 1ST ST
PAPILLION, NE 68046
ann.stichler@blackhillscorp.com

GLEND A CAFER, ATTORNEY
CAFER PEMBERTON LLC
3321 SW 6TH ST
TOPEKA, KS 66606
Fax: 785-233-3040
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY
CAFER PEMBERTON LLC
3321 SW 6TH ST
TOPEKA, KS 66606
Fax: 785-233-3040
terri@caferlaw.com

THOMAS J. CONNORS, ATTORNEY AT LAW
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
tj.connors@curb.kansas.gov

CERTIFICATE OF SERVICE

15-GIMX-344-GIV

DAVID W. NICKEL, CONSUMER COUNSEL
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.nickel@curb.kansas.gov

DELLA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
d.smith@curb.kansas.gov

SHONDA SMITH
CITIZENS' UTILITY RATEPAYER BOARD
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3116
sd.smith@curb.kansas.gov

SUSAN B. CUNNINGHAM, ATTORNEY
DENTONS US LLP
7028 SW 69TH ST
AUBURN, KS 66402-9421
Fax: 816-531-7545
susan.cunningham@dentons.com

ANGELA CLOVEN
EMPIRE DISTRICT ELECTRIC COMPANY
PO BOX 127
602 S JOPLIN AVENUE
JOPLIN, MO 64802-0127
Fax: 417-625-5169
acloven@empiredistrict.com

W. SCOTT KEITH, DIRECTOR OF PLANNING AND
REGULATORY
EMPIRE DISTRICT ELECTRIC COMPANY
602 S JOPLIN AVE (64801)
PO BOX 127
JOPLIN, MO 64802
Fax: 417-625-5169
skeith@empiredistrict.com

ROBERT J. HACK, LEAD REGULATORY COUNSEL
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 19th FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2787
rob.hack@kcpl.com

ROGER W. STEINER, CORPORATE COUNSEL
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 19th FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2787
roger.steiner@kcpl.com

MARY TURNER, DIRECTOR, REGULATORY AFFAIR
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 19th FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2110
mary.turner@kcpl.com

NICOLE A. WEHRY, SENIOR PARALEGAL
KANSAS CITY POWER & LIGHT COMPANY
ONE KANSAS CITY PL, 1200 MAIN ST 19th FLOOR (64105)
PO BOX 418679
KANSAS CITY, MO 64141-9679
Fax: 816-556-2787
nicole.wehry@kcpl.com

DUSTIN KIRK, DEPUTY GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
d.kirk@kcc.ks.gov

ROBERT VINCENT, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
r.vincent@kcc.ks.gov

CERTIFICATE OF SERVICE

15-GIMX-344-GIV

KIM E. CHRISTIANSEN, ATTORNEY
KANSAS ELECTRIC COOPERATIVES, INC.
7332 SW 21ST STREET
PO BOX 4267
TOPEKA, KS 66604-0267
Fax: 785-478-4852
kchristiansen@kec.org

DOUGLAS SHEPHERD, VP, MANAGEMENT CONSULTING
SERVICES
KANSAS ELECTRIC COOPERATIVES, INC.
7332 SW 21ST STREET
PO BOX 4267
TOPEKA, KS 66604-0267
Fax: 785-478-4852
dshepherd@kec.org

JUDY JENKINS, MANAGING ATTORNEY
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W 129TH ST
OVERLAND PARK, KS 66213-2713
Fax: 913-319-8622
judy.jenkins@onegas.com

LINDSAY SHEPARD, EXECUTIVE VP - GENERAL
COUNSEL
SOUTHERN PIONEER ELECTRIC COMPANY
1850 W OKLAHOMA
PO BOX 430
ULYSSES, KS 67880-0430
Fax: 620-356-4306
lshepard@pioneerelectric.coop

JEFFREY L. MARTIN, VICE PRESIDENT, REGULATORY
AFFAIRS
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
jeff.martin@westarenergy.com

BRUCE GRAHAM, CHIEF EXECUTIVE OFFICER
KANSAS ELECTRIC COOPERATIVES, INC.
7332 SW 21ST STREET
PO BOX 4267
TOPEKA, KS 66604-0267
Fax: 785-478-4852
bgraham@kec.org

DAVID N. DITTEMORE, MANAGER OF RATES & ANALYSIS
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.
7421 W 129TH ST
OVERLAND PARK, KS 66213-2713
Fax: 913-319-8622
david.dittemore@onegas.com

RANDY MAGNISON, EXEC VP & ASST CEO
SOUTHERN PIONEER ELECTRIC COMPANY
1850 W OKLAHOMA
PO BOX 430
ULYSSES, KS 67880-0430
Fax: 620-356-4306
rmagnison@pioneerelectric.coop

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

CINDY S. WILSON, DIRECTOR, RETAIL RATES
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
cindy.s.wilson@westarenergy.com

Pamela Griffeth

Pamela Griffeth
Administrative Specialist