

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

Before Commissioners:                      Dwight D. Keen, Chair  
   Shari Feist Albrecht  
   Susan K. Duffy

In the Matter of a General Investigation                      )  
Regarding the Possible Implementation of a                      )  
separate Schools-only Tariff in Kansas City                      )                      Docket No. 19-GIME-504-GIE  
Power & Light's service territory.                      )

**ORDER ADOPTING DEFINITION OF SCHOOLS SUBJECT TO INVESTIGATION**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the file and records, and being properly advised, the Commission finds:

1.        On May 1, 2018, Kansas City Power & Light Company (KCP&L) filed for a \$32.9 million revenue increase, including property tax rebasing in Docket No. 18-KCPE-480-RTS (18-480 Docket).<sup>1</sup> As a result of the Commission's approval of the merger of KCP&L's parent company, Great Plains Energy, Inc. with Westar Energy, Inc., on May 24, 2018, KCP&L reduced its requested revenue increase to \$22.6 million.<sup>2</sup>

2.        Olathe Public Schools USD 233; Johnson County Community College; Spring Hill School District USD 230; and Blue Valley Schools – Unified School District No. 229 (the Schools) were granted intervention in the 18-480 Docket, claiming they are paying inordinately high rates for electric service, and seeking a separate schools tariff for educational institutions to take service as a separate customer class.<sup>3</sup>

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<sup>1</sup> Application, May 1, 2018, ¶ 3.

<sup>2</sup> Supplemental Direct Testimony of Darrin R. Ives, June 26, 2018, p 2.

<sup>3</sup> Direct Testimony of David W. Banks, Docket No. 18-KCPE-480-RTS, Sept. 12, 2018, p. 13.

3. On October 15, 2018, the Schools entered into a Joint Motion for Approval of Unanimous Settlement Agreement in the 18-480 Docket. Under one of the terms of the Unanimous Settlement Agreement, the Signatories agreed to ask the Commission to initiate a general investigation to evaluate whether KCP&L should implement a school tariff.<sup>4</sup>

4. On December 13, 2018, the Commission issued its Order Approving Unanimous Settlement Agreement in the 18-480 Docket. As part of its Order, the Commission agreed that a general investigation regarding a school tariff was appropriate and anticipated opening a general investigation by July 1, 2019.<sup>5</sup> The Commission directed KCP&L and the Schools to file comments delineating the scope of the general investigation into a possible school tariff, and Staff to file a Report and Recommendation based on those comments.<sup>6</sup>

5. On February 5, 2019, both KCP&L and the Schools filed comments. KCP&L recommended using in-house personnel to study the school tariff issue<sup>7</sup> and envisioned filing a report outlining its findings and allowing the other participants in the Docket to file responses to its report.<sup>8</sup> The Schools recommended a series of roundtable discussions involving the Schools, KCP&L, and Commission Staff in hopes of making a joint proposal to the Commission.<sup>9</sup> The Schools suggested a much broader scope for the general investigation.

6. After reviewing the Parties' comments, the Commission adopted a three phase investigation.<sup>10</sup> In Phase I, KCP&L, the Schools, and Staff are directed to collaborate and submit

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<sup>4</sup> Unanimous Settlement Agreement, Docket No. 18-KCPE-480-RTS (18-480 Docket), Oct. 15, 2018, ¶ 34.

<sup>5</sup> Order Approving Unanimous Settlement Agreement, 18-480 Docket, Dec. 31, 2018, ¶ 25.

<sup>6</sup> *Id.*

<sup>7</sup> Initial Comments of Kansas City Power & Light Company, 18-480 Docket, Feb. 5, 2019, ¶ 7.

<sup>8</sup> *Id.*, ¶ 11.

<sup>9</sup> Comments on Scope of School Tariff Investigation, 18-480 Docket, Feb. 5, 2019, ¶ 8.

<sup>10</sup> Order Opening General Investigation, June 27, 2019, ¶ 8.

a joint recommendation to the Commission by July 29, 2019, suggesting an appropriate definition for the schools that will be subject to this general investigation.<sup>11</sup>

7. In Phase II, KCP&L is directed to identify the relevant billing accounts, and review the relevant schools' usage, billings and rates for a 12-month test year ending June 30, 2018, and compare those rates and bills to the load profile of other customers from the same rate class.<sup>12</sup> KCP&L will submit a report on whether available data shows the schools are homogenous enough to form a school specific rate class by May 1, 2020.<sup>13</sup> If KCP&L's report finds a school specific tariff is justified, KCP&L is directed to propose a tariff design for its next general rate case.<sup>14</sup>

8. The Schools will have an opportunity to file comments in response to KCP&L's report by August 3, 2020, followed by Staff's Report and Recommendation, by November 2, 2020.<sup>15</sup>

9. If the Commission finds a separate school tariff is advisable, Phase III will focus on how to enact the tariff.<sup>16</sup>

10. On July 29, 2019, the parties filed a Joint Recommendation on Definition for Schools Subject to Investigation (Joint Recommendation), proposing the following definition:

For the purpose of determining the appropriateness of a separate rate or rates for schools, the General Investigation Study should consider the costs, revenues, and loads associated with the accounts of Olathe Public Schools USD 233, Blue Valley Schools USD 229, Spring Hill School District USD 230, Johnson County Community College, and Shawnee Mission USD 512, plus a selection of other school accounts in the KCP&L-KS service territory resulting in approximately 150 total accounts. Additional school accounts selected will be those of tax supported public schools or private schools that provide education at the elementary, secondary, or college and university levels. An account qualifies as a school account if its primary function is the

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*, ¶ 9.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*, ¶ 10.

<sup>16</sup> *Id.*, ¶ 11.

presentation of formal instruction and it normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.<sup>17</sup>

11. The Commission adopts the definition of schools subject to investigation proposed by the parties. However, the Joint Recommendation also states, “[t]he parties agree to work collaboratively to determine an appropriate sample of school accounts to be studied.”<sup>18</sup> That language is inconsistent with the Commission’s Order Opening General Investigation, which explained that after the definition of a school is established, KCP&L is directed to identify the relevant billing accounts, and review the relevant schools’ usage, billings and rates for a 12-month test year ending June 30, 2018, and compare those rates and bills to the load profile of other customers from the same rate class.<sup>19</sup> The Commission reaffirms that KCP&L, not the parties, is charged with identifying the relevant billing account.

**THEREFORE, THE COMMISSION ORDERS:**

A. The definition of schools subject to investigation proposed by the parties is adopted. But the parties’ recommendation that they agree to jointly determine the appropriate sample of accounts to be studied is rejected for being inconsistent with the Order Opening General Investigation.

B. Pursuant to K.S.A. 77-607(b)(2) and K.S.A. 77-608, Lynn M. Retz, Executive Director, is the agency officer designated to receive service of a petition for judicial review of behalf of the agency.<sup>20</sup>

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<sup>17</sup> Joint Recommendation on Definition for Schools Subject to Investigation, July 29, 2019, ¶ 2.

<sup>18</sup> *Id.*, ¶ 3.

<sup>19</sup> Order Opening General Investigation, June 27, 2019, ¶ 9.

<sup>20</sup> K.S.A. 77-529(d).

C. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner.

Dated: 08/06/2019.



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Lynn M. Retz  
Executive Director

BGF

**CERTIFICATE OF SERVICE**

19-GIME-504-GIE

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

electronic service on 08/06/2019.

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