BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

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| In the Matter of Evergy's Tariff Requesting Credit Card Fees and Limitations Filing by Third Party Processor. | ) ) ) | Docket No. 26-EKCE-028-TAR |

**<u>CURB'S RESPONSE TO STAFF'S REPORT AND RECOMMENDATION</u>**

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB") and submits its response to the Report and Recommendation filed by the Staff of the Corporation Commission of the State of the Kansas ("Commission") in the above-captioned docket on September 22, 2025. In support thereof, CURB states as follows:

**<u>Background</u>**

1. On July 28, 2025, Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. (together as "EKC") and Evergy Metro, Inc. d.b.a. Evergy Kansas Metro ("EKM", collectively "Evergy" or the "Company") filed for approval of its updated tariff documents to reflect revisions related to third-party credit card processing fees and transaction limitations in EKC's General Terms and Conditions ("GTC") and EKM's General Rules and Regulations ("GRR").[1]

2. These updates removed the reference to the $5,000 transaction limit and fees for non-residential (i.e. Commercial and Industrial) customers and revised the terms to say that such limits and fees are determined by the third-party processor responsible for handling credit and debit card payments.[2] Further, the Company removed ATM cards as an accepted form of payment for all customers.

1 *Evergy Tariff*, (July 28, 2025).
2 Residential customers are not subject to credit/debit card transaction fees at the time of payment.

3. On July 30, 2025, CURB filed its Petition to Intervene in this docket and was granted intervention on August 5, 2025.[3]

4. On September 22, 2025, Staff of the Commission ("Staff") filed its Report and Recommendation ("R&R") with its analysis of proposed updates.[4] Staff reviewed the tariff changes for compliance with the Commission's "Minimum Standards for Payment Methods for Utility Bills and Allowing the Acceptance of Credit Cards by Kansas Jurisdictional Electric, Natural Gas, and Water Utilities" ("Payment Standards"). Regarding ATM cards, Staff concluded that such payment methods are offered at the discretion of the utility and not required under the standards.

5. Staff evaluated Evergy's request to remove the specific details on the per transaction limit and associated fees charged by third-party processors. Staff recommended that the Company retain the transaction limits in the GTC and GRR or in the alternative, revised the GTC to specify that there may be transaction limits set by processors. Regarding transaction fees in the tariffs, Staff concluded that a waiver of the Payment Standards was appropriate for transaction fees. Staff found that transaction fee information is readily available to customers at the time payment is made and that inclusion in the tariff risks confusion in the event of fee structure changes.

**CURB's Response**

6. CURB has reviewed the proposed tariff sheets, Staff's R&R, and the related discovery documents issued in this docket from the perspective of residential and small commercial ratepayers who could be impacted by these tariff changes. CURB agrees that use of the Payment Standards to evaluate the tariff changes is the appropriate metric in this docket. CURB supports Staff's recommendations to adopt the removal of ATM cards and transaction fees from the tariffs

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[3] *CURB Petition to Intervene and Motion for Protective Order, Discovery Order and Order Assessing Cost*, (July 30, 2025); *Order Granting CURB's Petition to Intervene, Protective Order & Discovery Order*, (August 5, 2025).
[4] *Notice of Filing of Staff's Report and Recommendation*, (September 22, 2025). ("Staff's R&R")

and to reject the proposal to remove the transaction limits from the tariffs. Because of the connection to payment options, CURB recommends that the Company reviews its payment processing system and communication channels to ensure that information about payment methods and transaction fees is easily viewable by customers as changes and updates are made.

7. Removal of ATM cards as an accepted payment method in the tariffs likely will not result in significant hardships for customers. The Company accepts several commonly used electronic payment options, such as credit/debit cards and direct withdrawal authorization. ATM cards have largely been replaced by debit cards for bank functions and purchases. Therefore, CURB has no issues with Evergy striking the language from the tariffs.

8. Under the Payment Standards, utilities must fully disclose all payment methods and fees to customers via several channels of communication.[5] Staff found that transaction limits are not directly addressed in the Payment Standards. CURB agrees that customers must have transparency, especially when the Payment Standards are silent on an issue. Non-residential customers with large bills should have sufficient notice that credit/debit card payments are capped per transaction and as to the amount. Evergy's proposal just gives customers notice of the existence of limitations with no dollar figure. By including details of the limit, transparency is improved for customers without the same risk of confusion that Staff identified associated with the changes to transaction fees.[6] However, if the Commission does allow Evergy to remove the limit details, CURB supports Staff's alternative to include similar language proposed for the GRR be added to the GTC for consistency between the two jurisdictions.

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[5] *Staff's R&R* at pg. 2. (citing to Paragraph (D)(1) of the Payment Standards).
6 *See Staff's R&R*, at pgs. 3-4.

9. CURB supports a waiver of the Payment Standards to remove the listing of transaction fees for Commercial and Industrial customers because those customers are provided with the information elsewhere. Staff stated that the primary reason to remove the language is to avoid inaccurate information being listed when fee changes are made. Up-to-date information about fees is available to the customer at the time of payment. That fact plus Evergy's proposal to reference the use of a third-party processor sufficiently informs the customers' expectations when paying by card while avoiding the risk of tariff information being out of sync with updated fees. Therefore, CURB supports Staff's recommendation to grant a waiver and approve the change.

WHEREFORE, CURB respectfully submits its response to Staff's R&R and asks that the Commission adopt the recommendations contained therein and from CURB's comments and to issue any and all other appropriate orders.

Respectfully submitted,

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## VERIFICATION

STATE OF KANSAS )
) ss:
COUNTY OF SHAWNEE )

I, Joseph R. Astrab, of lawful age and being first duly sworn upon my oath, state that I am an attorney for the Citizens' Utility Ratepayer Board; that I have read and am familiar with the above and foregoing document and attest that the statements therein are true and correct to the best of my knowledge, information, and belief under the pains and penalties of perjury.

Joseph R. Astrab

SUBSCRIBED AND SWORN to before me this 25th day of September, 2025.

DELLA J. SMITH
Notary Public - State of Kansas
My Appt. Expires January 26, 2029

Notary Public

My Commission expires: 01-26-2029.

**CERTIFICATE OF SERVICE**

26-EKCE-028-TAR

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 25th day of September, 2025, to the following:

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