

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

Before Commissioners:            Thomas E. Wright, Chairman  
   Michael C. Moffet  
   Joseph F. Harkins

In the Matter of the Application of Kansas City            )  
Power & Light Company for Approval of a Low            )  
Income Weatherization Variance and For            ) Docket No. 09-KCPE-828-TAR  
Approval of Related Modifications to its Low            )  
Income Weatherization Tariff.                            )

**ORDER APPROVING REVISED TARIFF**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1.        On April 23, 2009, Kansas City Power & Light Company (KCPL) filed an application with the Commission to approve modifications to its existing Low Income Weatherization Tariff, and included a schedule for a Low Income Weatherization—Variance tariff. The Low Income Weatherization—Variance tariff proposal would allow reallocation of the existing Low Income Weatherization program budget to accommodate an expected infusion of additional funding from the American Recovery and Reinvestment Act of 2009 (ARRA). The tariff change was requested in order to assist social service agencies in preparing for the release of federal funding. On May 21, 2009, KCPL filed an Amended Application to include to additional changes to KCPL’s existing Low Income Weatherization tariff.

2.        On June 16, 2009, Commission staff (Staff) submitted its memorandum recommending Commission approval of KCPL’s tariff changes; both the “clean-up” changes to

the existing Low Income Weatherization and the schedule providing for the Low Income Weatherization—Variance tariff.

3. Staff recognized in its memorandum that significant increases in funding will be available for weatherization of Kansas residences and KCPL proposes the variance to the Low Income Weatherization Tariff to allow the program funds to be used for "equipment, workforce, training, administration, space needs and outreach to eligible customers." The variance would allow the social service agencies to "ramp-up" or prepare for the increased level of weatherization each agency will be able to complete with the ARRA funding. The new Low Income Weatherization — Variance tariff would be in effect until December 31, 2009.

4. According to Staff, the funds available for the Low Income Weatherization — Variance tariff would total \$358,771. This is comprised of the 2009 budget for the Low Income Weatherization tariff and the carry over of \$237,699 unused in prior program years. KCPL also indicates that funding will also be made available for weatherization if necessary; yet given the increase in funding available through the ARRA, it seems unlikely that additional support will be required.

5. Staff stated in its memorandum that KCPL also proposes language changes to the Low Income Weatherization tariff to provide greater clarity and provide greater flexibility to reflect changes in the federal program. This language is also incorporated in the new Low Income Weatherization — Variance tariff. KCPL proposes to modify the term "Social Agency" to "Social Service Agency". While the original tariff limited the expenditure per customer, KCPL makes clear that the average expenditure per customer should not be greater than the adjusted average expenditure limit determined by the Department of Energy. Rather than including the specific income criteria currently adopted by the Department of Energy, KCPL

proposes language that generally indicates income limitations specified by the Department of Energy.

6. On June 26, 2009, CURB filed a response to Staff's memorandum urging the Commission to deny the Low Income Weatherization--Variance Tariff because 1) federal funding has been released and is currently available to social service agencies; 2) the Kansas Housing Resources Corporation (KHRC) has created formal training and technical assistance programs available to social service agencies for workforce training; and 3) grantees and subgrantees in Kansas can request to use operational funds from the U.S. Department of Energy (DOE) to make vehicle and equipment purchases.

7. KCPL filed a response to the concerns and opposition expressed by CURB on July 9, 2009. The response reiterated that the tariff change would have allowed funds allocated for the Low Income Weatherization program to be spent for equipment, workforce, training, administration, space needs, and outreach to eligible customers. KCPL also expressed agreement with CURB that the change in circumstances caused by the release of federal funds for purposes of assisting social agencies in preparing for administration of ARRA rendered the tariff change no longer necessary. On page 5 of KCPL's response, the company expresses its desire to withdraw its request for approval of the Low Income Weatherization--Variance tariff. The company continues to seek Commission approval of the remaining "clean-up" modifications to the Low Income Weatherization Schedule.

8. Staff does not object to KCPL's withdrawal of the Low Income Weatherization--Variance Tariff. There is no objection to Staff's recommendation that the Commission approve the other "clean-up" modifications to the Low Income Weatherization tariff. The Commission

finds and concludes that KCPL's application to make revisions to its existing Schedule 6, Low Income Weatherization tariff should be approved and made effective the date of this order.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The application of Kansas City Power & Light Company to revise its existing Schedule 6, Low Income Weatherization tariff is hereby approved, effective the date of this order. The Low Income Weatherization-Variance schedule is no longer requested to be approved and will not become effective.

B. The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2008 Supp. 77-529.

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

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

Wright, Chmn.; Moffet, Com.; Harkins, Com.

Dated:     **AUG 14 2009**    

**ORDERED MAILED**

**AUG 17 2009**

*Susan K. Duffy*

**EXECUTIVE  
DIRECTOR**

Susan K. Duffy  
Executive Director

MHW