

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

In the Matter of the Application of The Empire)
District Electric Company for Approval of)
Temporary Waivers of Certain of Empire's) Docket No. 20-EPDE-448-MIS
Tariffs and for Approval of a Process to)
Implement Temporary Waivers of Certain)
Other Rules and Regulations, Billing)
Standards, General Terms and Conditions and)
to Allow Operating Changes to Address the)
COVID-19 Pandemic.)

CURB'S RESPONSE TO STAFF'S REPORT AND RECOMMENDATION

COMES NOW, the Citizens' Utility Ratepayer Board ("CURB") and submits its Response to the Report and Recommendation (R&R) filed by the Staff of the Kansas Corporation Commission ("Staff") in the above-captioned docket on September 3, 2020.¹

I. Background

1. On May 4, 2020, the Empire District Electric Company ("Empire") filed an Application requesting approval of a process to implement waivers of certain Kansas Corporation Commission ("Commission") orders and rules and regulations, billing standards, and Empire's general terms and conditions for service as set forth in its Application to allow it to make operating changes on a temporary basis in order to address the Coronavirus Disease 2019 ("COVID-19") Pandemic.²

2. CURB filed a Petition for Intervention on May 8, 2020 and the Commission granted the intervention on May 19, 2020.

¹ Notice of Filing of Staff's Report and Recommendation, September 3, 2020.

² Application for The District Electric Company, May 4, 2020.

II. CURB's Response to Staff's R&R

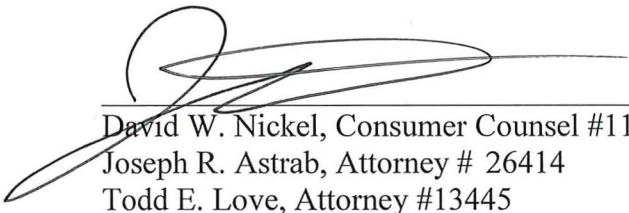
3. CURB supports the recommendations made by Staff in their R&R regarding Empire's request for temporary waivers of certain rules and standards. CURB shared similar sentiments about Kansas Gas Service's application with a similar request regarding unilateral waivers of Commission rules and standards by the utility. CURB believes that Commission oversight during the COVID-19 pandemic is more important than ever to monitor the industry's response and efforts to maintain service for all customers. The pandemic situation continues to unfold across the country and Kansas residents are still experiencing varying degrees of financial and social hardships. CURB agrees with Staff's analysis on Empire's tariff requirements in that these obligations already provide a fair amount of flexibility for Empire to comply. Staff's recommendations appropriately balance the need for the utility to adapt to changing circumstances while preserving Commission oversight.

4. CURB also supports the request to waive the \$15 customer trip charge for disconnections and \$20 charge for reconnections. CURB echoes Staff's conclusion that this waiver would help the most financially vulnerable residents. Additionally, it is likely that some of these instances of disconnections and reconnections are due to unemployment or reduced wages associated with COVID-19. Empire's fees waiver will help these customers minimize service disruptions with fewer additional charges. CURB notes that its support for Empire's waiver should not be equated to approval for recovery of these fees in the future. It is still unknown how long these conditions will persist and it may be necessary to revisit and extend these waivers. CURB appreciates Empire's initiative in providing relief for ratepayers during this time. However, Empire and ratepayers alike should be prepared to address late fees and charges past the remainder of 2020 if the status of the pandemic does not improve.

5. Finally, CURB agrees with Staff's analysis and proposals regarding Empire's request to reimburse credit card fees to customers who pay their bills in this manner. This temporary waiver will promote the use of cards to pay bills over mail-in and in-person collection, and possibly increase the number of on-time payments by customers. If approved, CURB encourages Empire to utilize the temporary waiver procedures recommended by Staff in this docket to provide additional relief to customers who cannot pay by credit card on the subject of late payments and disconnections. Access to and the ability to use online payments should not be a gate to fair treatment during these times.

WHEREFORE, CURB submits this response and notifies the parties that CURB supports the R&R filed by Staff in this matter and would ask the Commission to adopt the recommendations contained therein.

Respectfully submitted,




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VERIFICATION

STATE OF KANSAS)
)
COUNTY OF SHAWNEE) ss:

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.


_____ Joseph R. Astrab

SUBSCRIBED AND SWORN to before me this 9th day of September, 2020


_____ Shonda D. Rabb
Notary Public

My Commission expires 8-3-2021



CERTIFICATE OF SERVICE

20-EPDE-448-MIS

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was served by electronic service on this 9th day of September, 2020, to the following:

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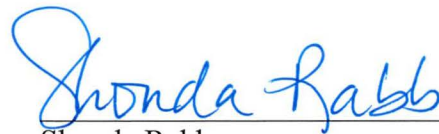
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