

**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 MODIFY PROCEDURAL SCHEDULE

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. and Kansas Gas and Electric Company (Westar) (collectively "Joint Movants"), and respectfully file this Joint Motion to Modify Procedural Schedule. In support of the Joint Motion, the Joint Movants state the following:

I. PROCEDURAL HISTORY

1. In February 2015, the Commission opened a 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

2. Ultimately, the Commission approved a pilot program waiving the Knock and Collect requirement for Southern Pioneer and Westar.³ The pilot program provides a "Midpoint Review" be conducted after two bi-annual reports have been submitted by Westar and Southern

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

² *Id.* at 1.

³ Order Approving Pilot Program (Aug. 17, 2017).

Pioneer.⁴ Under the Midpoint Review, interested parties are to file recommendations regarding continuation of the pilot program within 45 days after the second bi-annual reports are submitted.

3. On December 7, 2018, Staff, CURB, Westar and Southern Pioneer filed a joint motion to extend the recommendation deadline contemplated under the Midpoint Review. The schedule proposed at that time is as follows:

- a. January 16, 2019 – parties submitted their recommendations regarding continuation of the pilot program;
- b. January 28, 2019 – 10-day deadline for Westar’s and Southern Pioneer’s responses to Staff’s recommendation;
- c. February 12, 2019 – evidentiary hearing to the extent necessary; and
- d. March 19, 2019 – Commission order on Midpoint Review.⁵

4. On January 16, 2019, Staff, CURB, Westar and Southern Pioneer filed recommendations regarding whether to continue the pilot program as part of the Midpoint Review. All of the parties agreed that the pilot program should be continued; however, Staff also recommended that a benefit-cost analysis be required as part of the final review.

5. Westar and Southern Pioneer disagreed with many of Staff’s recommendations and intended to file responses. After discussions with Staff, the parties agreed to extend the procedural schedule to allow for time to attempt to resolve the disagreements through further discussions. As a result, on January 28, 2019, Joint Movants filed a joint motion to modify the procedural schedule proposed on December 7, 2018. In addition to releasing the February 12, 2019 hearing date, Joint Movants recommended the following procedural schedule:

- a. February 25, 2019 – deadline for parties to make a joint filing with recommendations regarding a process for going forward for the pilot program or, in the alternative if the parties cannot reach agreement, deadline for Westar and

⁴ See *id.* p. 4 (adopting by reference the recitation of the program as set forth in the Joint Motion to Approve Temporary Waiver and the Joint Motion to Supplement Record).

Southern Pioneer to file responses to Staff's Midpoint Review Report and Recommendation; and

b. March 25, 2019 – Commission order on Midpoint Review and continuation of pilot program.

6. On February 14, 2019, the Commission issued its Order approving the joint motion, with slight modification.

II. MODIFICATIONS TO THE PROCEDURAL SCHEDULE

7. Operating under the proposed schedule that has subsequently been approved, Joint Movants set a meeting for February 7, 2019. However, due to inclement weather, Joint Movants were unable to meet, and have since rescheduled the meeting for February 22, 2019, which is the earliest date available that accommodates the existing obligations of the various parties. As a result of the change in meeting date, the currently approved procedural schedule is no longer appropriate. As such Joint Movants recommend the following:

- a. March 22, 2019 – deadline for parties to make a joint filing with recommendations regarding a process for going forward for the pilot program or, in the alternative if the parties cannot reach agreement, deadline for Westar and Southern Pioneer to file responses to Staff's Midpoint Review Report and Recommendation; and
- b. April 23, 2019 – Commission order on Midpoint Review and continuation of pilot program.

8. No party to the proceeding will be harmed or prejudiced by the granting of this Joint Motion. Rather, modification to the procedural schedule is in the interest of justice because it will allow the parties additional time to work toward an amenable solution to the issues at hand. As a result, granting of the motion will promote the orderly and prompt conduct of the proceedings.

WHEREFORE, for the reasons set forth above, Joint Movants respectfully request the Commission approve this Joint Motion, and for any such further relief the Commission deems just and reasonable.

Respectfully submitted,

/s/ Robert E. Vincent

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

Attorney for Commission Staff

/s/ David W. Nickle

David W. Nickle, S. Ct. #11170
Todd E. Love, Attorney #13445
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
E-Mail: t.love@curb.kansas.gov

**Attorneys for the Citizens' Utility
Ratepayer Board**

Lindsay A. Campbell, 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

/s/ Terri Pemberton

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
Email: terri@caferlaw.com

**Attorneys for Southern Pioneer Electric
Company**

/s/ Cathryn J. Dinges

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**

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above pleading was electronically served this 19th day of February, 2019 to:

DAVID W. NICKEL, CONSUMER COUNSEL CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 d.nickel@curb.kansas.gov	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
DELLA SMITH CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 d.smith@curb.kansas.gov	BRIAN FEDOTIN, DEPUTY GENERAL COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 b.fedotin@kcc.ks.gov
SHONDA RABB CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 s.rabb@curb.kansas.gov	ROBERT VINCENT, LITIGATION ATTORNEY KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 r.vincent@kcc.ks.gov
TODD E. LOVE, ATTORNEY CITIZENS' UTILITY RATEPAYER BOARD 1500 SW ARROWHEAD RD TOPEKA, KS 66604 t.love@curb.kansas.gov	BRUCE GRAHAM, CHIEF EXECUTIVE OFFICER KANSAS ELECTRIC COOPERATIVES, INC. 7332 SW 21ST STREET PO BOX 4267 TOPEKA, KS 66604-0267 bgraham@kec.org
DOUGLAS SHEPHERD, VP, MANAGEMENT CONSULTING SERVICES KANSAS ELECTRIC COOPERATIVES, INC. 7332 SW 21ST STREET PO BOX 4267 TOPEKA, KS 66604-0267 dshepherd@kec.org	JANET BUCHANAN, DIR. REG. AFFAIRS KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC. 7421 W 129TH ST OVERLAND PARK, KS 66213-2634 janet.buchanan@onegas.com
JUDY JENKINS HITCHYE, MNGING ATTORNEY KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC. 7421 W 129TH ST OVERLAND PARK, KS 66213-2634 judy.jenkins@onegas.com	CATHRYN J. DINGES, SENIOR CORPORATE COUNSEL WESTAR ENERGY, INC. 818 S KANSAS AVE PO BOX 889 TOPEKA, KS 66601-0889 cathy.dinges@westarenergy.com
ANTHONY WESTENKIRCHNER, SR. PARALEGAL KANSAS CITY POWER & LIGHT COMPANY ONE KANSAS CITY PL, 1200 MAIN ST (64105) PO BOX 418679 KANSAS CITY, MO 64141-9679 anthony.westenkirchner@kcpl.com	SUSAN B. CUNNINGHAM, SVP, REG & GOVT, GC KANSAS ELECTRIC POWER CO-OP, INC 600 SW CORPORATE VIEW (66615) P.O. BOX 4877 TOPEKA, KANSAS 66604-0877 scunningham@kepc.org

ANGELA CLOVEN EMPIRE DISTRICT ELECTRIC COMPANY PO BOX 127 602 S JOPLIN AVENUE JOPLIN, MO 64802-0127 angela.cloven@libertyutilities.com	CARLY MASENTHIN, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD ROAD TOPEKA, KANSAS 666047 c.masenthin@kcc.ks.gov
ROBERT J. HACK, LEAD REG. COUNSEL KANSAS CITY POWER & LIGHT COMPANY ONE KANSAS CITY PL, 1200 MAIN ST (64105) PO BOX 418679 KANSAS CITY, MO 64141-9679 rob.hack@kcpl.com	ROGER W. STEINER, CORPORATE COUNSEL KANSAS CITY POWER & LIGHT COMPANY ONE KANSAS CITY PL, 1200 MAIN ST (64105) PO BOX 418679 KANSAS CITY, MO 64141-9679 roger.steiner@kcpl.com
JAMES G. FLAHERTY, ATTORNEY ANDERSON & BYRD, L.L.P. 216 S HICKORY PO BOX 17 OTTAWA, KS 66067 jflaherty@andersonbyrd.com	DOUGLAS C. WALTHER, ASSOC. GC ATMOS ENERGY 5430 LBJ FREEWAY, THREE LINCOLN CENTRE PO BOX 650205 DALLAS, TX 75265-0205 douglas.walther@atmosenergy.com
AARON BISHOP ATMOS ENERGY CORPORATION 25090 W 110TH TERR OLATHE, KS 66061 aaron.bishop@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 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	LINDSAY CAMPBELL, EXEC VP & GC SOUTHERN PIONEER ELECTRIC COMPANY 1850 W OKLAHOMA P.O. BOX 403 ULYSSES, KANSAS 67880-0430 lcampbell@pioneerelectric.coop
RANDALL MAGNISON, EXEC VP & ASST CEO SOUTHERN PIONEER ELECTRIC COMPANY 1850 W OKLAHOMA P.O. BOX 403 ULYSSES, KANSAS 67880-0430 rmagnison@pioneerelectric.coop	

/s/ Terri Pemberton

TERRI PEMBERTON