

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

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the Matter of the Complaint Against Westar)
Energy by Donald and Dottie Murphy.) Docket No. 17-WSEE-438-COM

ORDER ADOPTING STAFF REPORT AND RECOMMENDATION

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined Staff's Report and Recommendation submitted in this matter and being duly advised in the premises, the Commission finds and concludes as follows:

1. On March 23, 2017, Donald and Dottie Murphy (Complainants) filed a Formal Complaint against Westar Energy, Inc. (Westar) with the Commission.¹ Complainants alleged that they were entitled to a refund from Westar for improper charges for electric service to their barn which had been incorrectly billed on a commercial rate schedule instead of a residential rate schedule. Complainants sought reimbursement for the difference between the commercial and residential rates for electric service to their barn from 2005 through March 2017.²

2. On April 26, 2017, Litigation Staff analyzed the Formal Complaint and recommended that the Complaint substantially complied with K.A.R. 82-1-220 and should be served upon Westar for an Answer.³

¹ See Complaint Against Westar Energy by Donald and Dottie Murphy (March 23, 2017) (Formal Complaint).

² *Id.*

³ See Memorandum Legal Division filed April 26, 2017.

3. On May 2, 2017, the Commission entered an Order Adopting Staff's Legal Memorandum finding that, "Westar shall be served a true copy of the Formal Complaint, and Westar shall either satisfy the matter complained of or file a written answer within 10 days."⁴

4. On May 15, 2017, Westar filed an Answer to the Complaint asserting, among other things, that it had not violated any provision of its Tariff and requested that the Commission deny the Complaint and for such other and further relief as may be appropriate.⁵

5. On September 6, 2017, Commission Staff filed its Report and Recommendation and agreed with Westar that "[a]lthough Section 2.04.01(b) of Westar's GT&C sets parameters for when Westar may reissue bills that were originally issued under an incorrect rate schedule, it does not require Westar to reissue such bills. Nevertheless, Westar has reissued the maximum number of the Complainants' bills allowed by its GT&C. Therefore, Staff recommends the Commission find Westar's reissuance of bills to be appropriate compensation for the Complainants."⁶ Staff further recommended the Commission find Westar appropriately followed its policy regarding choice of rate schedules, not require any further action of Westar and recommended dismissal of the Complaint.⁷

6. Upon review of the record as a whole, the Commission agrees with Staff's analysis and recommendation to dismiss the Complaint. The Commission finds that Westar has complied with its tariff and appropriately followed its policy regarding choice of rate schedules.

7. Based on the foregoing, the Complainants' Complaint is dismissed.

⁴ See Order Adopting Staff's Memorandum filed May 2, 2017.

⁵ See Answer of Westar Energy, Inc. filed May 15, 2017.

⁶ See Staff Report and Recommendation filed September 6, 2017.

⁷ *Id.*

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The Formal Complaint filed by Donald and Dottie Murphy is dismissed.

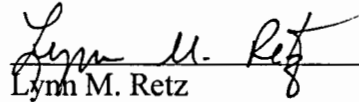
(B) Parties have 15 days, plus three (3) days if service is by mail, from the date of service of this Order to petition the Commission for reconsideration of any issue or issues decided herein.⁸

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

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: SEP 28 2017


Lynn M. Retz
Secretary to the Commission

SLS

Order Mailed Date

SEP 29 2017

⁸K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

CERTIFICATE OF SERVICE

17-WSEE-438-COM

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on SEP 28 2017.

CATHRYN J. DINGES, SENIOR CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathy.dinges@westarenergy.com

DONALD AND DOTTIE MURPHY
1120 EDWARDSVILLE DR.
EDWARDSVILLE, KS 66111
retract57@ymail.com

JEFFREY L. MARTIN, VICE PRESIDENT, REGULATORY
AFFAIRS
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
jeff.martin@westarenergy.com

STEPHAN SKEPNEK, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
s.skepnek@kcc.ks.gov

/s/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

SEP 29 2017