

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

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

In the Matter of Kansas City Power & Light's Application to Deploy and Operate its Proposed Clean Charge Network. ) ) )  
Docket No. 16-KCPE-160-MIS

**ORDER OPENING DOCKET**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the files and records, and being duly advised in the premises, the Commission makes the following findings and conclusions:

1. Pursuant to K.S.A. 66-101, the Commission has jurisdiction to supervise and control the electric public utilities doing business in Kansas. The Commission is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction. An "electric public utility" is any public utility which generates or sells electricity.<sup>1</sup> A "public utility" includes every entity that owns, controls, operates or manages, except for private use, any equipment, plant or generating machinery for the production, transmission, delivery or furnishing of heat, light, or power.<sup>2</sup> Kansas City Power & Light Company (KCP&L) is a certificated electric public utility in the State of Kansas. The Commission's authority is liberally construed and includes "all incidental powers necessary" to enforce the provisions of the Electric Public Utilities Act.<sup>3</sup> The Commission has jurisdiction over this proceeding.

2. On January 26, 2015, KCP&L announced its planned Clean Charge Network to install and operate more than 1,000 electric vehicle (EV) charging stations capable of supporting

---

<sup>1</sup> K.S.A. 66-101a.

<sup>2</sup> K.S.A. 66-104.

<sup>3</sup> K.S.A. 66-101g.

more than 10,000 EVs in KCP&L's service territories. KCP&L requested the Commission establish a general investigation docket, Docket No. 15-GIME-345-GIE, to address issues related to EV charging stations. On March 31, 2015, the Commission denied KCP&L's request to open the general investigation, explaining it was premature, but indicated a willingness to reexamine the merits of a general investigation at the conclusion of KCP&L's pending rate case.<sup>4</sup>

3. On June 17, 2015, in Docket No. 15-KCPE-116-RTS, the Parties filed a Joint Motion for Approval of Unanimous Partial Settlement Agreement on Revenue Requirement (Settlement),<sup>5</sup> which included an agreement to jointly petition the Commission to open a generic docket to investigate and evaluate the issue of EV charging stations. In compliance with that provision, on September 24, 2015, Kansas City Power & Light Company (KCP&L), Commission Staff (Staff), and the Citizens' Utility Ratepayer Board (CURB) filed a Joint Petition to Open a General Investigation Docket (Petition) requesting the Commission open a docket to investigate issues related to EV charging stations.

4. While the Petition requested a general investigation, it is designed to address a specific program proposed by KCP&L. Therefore, the Commission is opening this docket to examine the specific Clean Charge Network proposed by KCP&L. Rather than adopt the Parties' proposed procedural schedule, which includes presentations by KCP&L vendors, workshops, and roundtable discussions, the Commission favors following a more traditional approach. The Commission would benefit most from KCP&L presenting a comprehensive

---

<sup>4</sup> Docket No. 15-KCPE-116-RTS (15-116 Docket). On September 10, 2015, the Commission issued its Order on KCP&L's Application for Rate Change. On October 22, 2015, the Commission issued its Order Denying KCP&L's Petitions for Reconsideration and MECG's Motion for Reconsideration. Pursuant to K.S.A. 77-613(c), any appeal of the Commission's Order denying Petitions for Reconsideration would have had to be filed by November 23, 2015. Since no Petitions for Judicial Review were filed, the 15-116 Docket concluded effective on or about November 23, 2015.

<sup>5</sup> The Settlement was approved by the Commission on September 10, 2015.

plan, akin to an Application, which would lay out the costs and benefits of the proposed EV network. KCP&L should support its proposal with testimony. Staff, CURB, and any other intervenors could then file responsive testimony.

5. As envisioned by the Commission, KCP&L's Application should include a comprehensive plan detailing the cost of its proposal and the need for the proposed network. In addressing the overall costs associated with implementing the network, the Commission is particularly interested in how those costs will be allocated to KCP&L's ratepayers. The Commission is concerned that ratepayers who do not drive electric vehicles or that live outside of the Kansas City metropolitan area may be subsidizing drivers. KCP&L's Application should address whether such potential subsidization is lawful as well as identify any safeguards to prevent any unlawful cross-subsidization. The Commission would also like KCP&L to explain if and how it will bill drivers who use the charging stations to charge their vehicles.

6. The Application should also advise the Commission on the status of the network, namely how many charging stations are operational, the location of those stations, whether KCP&L has received approval from the various municipalities in which they hope to locate charging stations, and a timeframe for completing the network.

7. KCP&L's Application should also explain the benefit to such a large network, rather than a smaller pilot plan that could be used to evaluate the need for an expanded network.

8. In addition to those policy concerns, KCP&L, CURB, and Staff identified several legal questions that should be addressed to allow the Commission to evaluate KCP&L's Clean Charge Network and electric vehicle charging stations in general. Those issues are:

- a. Is the provision of EV charging services a public utility function under Kansas law?
- b. Does the sale of electricity as a transportation fuel source constitute “furnishing power” under Kansas law?
- c. Would certification of private charging entities within incumbent electric public utility service areas conflict with Kansas law?
- d. Do any conflicts exist between current Kansas law and utility implementation of EV charging stations?
- e. Do any general conflicts exist between current Kansas policy and utility implementation of EV charging stations?
- f. Should a regulated electric public utility be allowed to enter a potentially competitive marketplace?
- g. Do utility-provided EV charging stations result in cross-subsidization leading to rates that are unreasonably discriminatory or unduly preferential?
- h. Do utility-provided EV charging stations serve the public interest?
- i. What is the impact of charging stations on a utility’s retail customers?
- j. What is the impact of charging stations on a utility’s distribution system?
- k. What pricing alternatives should be considered for electric vehicle charging stations like KCP&L’s Clean Charge Network?

8. The Commission has reviewed the list of issues proposed by the Joint Applicants and finds it to be reasonable and comprehensive, and directs the parties to address those issues in their testimony.

9. After consulting with the Joint Applicants, the Commission adopts the following procedural schedule:

**PROCEDURAL SCHEDULE**

KCP&L Application due	February 16, 2016
Staff and Intervenor Direct Testimony due	June 6, 2016
KCP&L Rebuttal Testimony due	June 16, 2016

Settlement Discussions	June 20 – 21, 2016
Evidentiary Hearing (If needed)	June 28 – 30, 2016
KCP&L Initial Brief due	July 15, 2016
Staff and Intervenor Briefs due	July 29, 2016
KCP&L Reply Brief due	August 5, 2016
Commission Order due	September 13, 2016

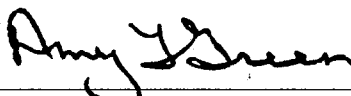
**THEREFORE, THE COMMISSION ORDERS:**

- A. The procedural schedule set forth in paragraph 9 is adopted.
- B. Electronic service will be used in this proceeding, including this Order.
- C. The parties have 15 days from the date this Order was served electronically to petition for reconsideration.<sup>6</sup>
- D. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

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

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner;

Dated:                     **FEB 02 2016**                    

  
 \_\_\_\_\_  
 Amy L. Green  
 Secretary to the Commission

BGF

**EMAILED**

<sup>6</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

FEB 02 2016

## CERTIFICATE OF SERVICE

16-KCPE-160-MIS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of  
Electronic Service on FEB 02 2016.

GLENDА CAFER, ATTORNEY  
CAFER PEMBERTON LLC  
3321 SW 6TH ST  
TOPEKA, KS 66606  
Fax: 785-233-3040  
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY  
CAFER PEMBERTON LLC  
3321 SW 6TH ST  
TOPEKA, KS 66606  
Fax: 785-233-3040  
terri@caferlaw.com

ANASTACIA HARDEN  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
s.harden@curb.kansas.gov

DELLA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
d.smith@curb.kansas.gov

SHONDA SMITH  
CITIZENS' UTILITY RATEPAYER BOARD  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3116  
sd.smith@curb.kansas.gov

ROBERT J. HACK, LEAD REGULATORY COUNSEL  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST (64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2787  
rob.hack@kcpl.com

DARRIN R. IVES, SENIOR DIRECTOR, REGULATORY  
AFFAIRS  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST (64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2110  
darrin.ives@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  
Fax: 816-556-2787  
roger.steiner@kcpl.com

MARY TURNER, DIRECTOR, REGULATORY AFFAIR  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST (64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2110  
mary.turner@kcpl.com

MICHAEL DUENES, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
m.duenes@kcc.ks.gov

**CERTIFICATE OF SERVICE**

16-KCPE-160-MIS

BRIAN G. FEDOTIN, DEPUTY GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3314  
b.fedotin@kcc.ks.gov

ANDREW FRENCH, SENIOR LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3314  
a.french@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe

---

***EMAILED***

FEB 02 2016