

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Investigation of the)
October 22, 1996 Snow Storm and)
Associated Utility Outages Affecting the) Docket No. 97-GIME-483-GIE
Kansas City Power and Light Company,)
Western Resources, Inc., and Kaw)
Valley Electric Cooperative.)

ORDER

Now, the above-captioned proceeding comes before the State Corporation Commission of the State of Kansas ("KCC" or "Commission") for consideration and decision with respect to Kansas City Power & Light Company ("KCPL"). After being duly advised in the premises, the Commission finds and concludes:

I. FINDINGS OF FACT

1. On March 17, 1997, the Commission issued an Order opening a docket for the investigation of the October 22, 1996 Snowstorm and associated electric utility outages. The background, as provided by the report compiled by the Staff of the State Corporation Commission of the State of Kansas ("Staff") clearly warranted Staff's investigation into the matter. Each utility subject to the investigation experienced substantial outages for a significant period of time creating emergency situations. Staff responded quickly to the outages without formally opening a docket and incurred certain investigative costs.

2. On April 4, 1997, KCPL filed a Response to the March 17, 1997 Order. In the Response, KCPL states that it "does not dispute the manner in which the Commission intends to assess the cost of this investigation." KCPL Response at 1.

KCPL further stated "[n]or does KCPL dispute the necessity of a Commission investigation into the outages associated with the October 22, 1996 snow storm."

KCPL Response at 1.

3. However, KCPL argued that no further investigation is needed. KCPL specifically requested the Commission to find that Staff's investigation is sufficient to address the concerns of the investigation and that the docket should be closed.

4. The March 17, 1997 Order avoided any allegation of wrong doing or misfeasance. However, the investigation revealed deficiencies. Staff believed that KCPL's tree trimming practices contributed to outages. Staff recommended that on March 31 of each year, KCPL submit a report including the following information for each of the previous four (4) calendar years:

- A. Annual tree trimming expenditures;
- B. Annual hours of labor devoted to tree trimming; and
- C. Annual performance statistics for tree trimming including but not limited to trees trimmed, trees removed, and line-miles cleared.

5. Staff further recommended that each report include a summary of the condition of the line clearance at the time of the reporting and noted that since tree growth is variable over time, KCPL should adjust its trimming activities to keep pace with tree growth.

6. KCPL agreed to follow Staff's recommendations and file an annual tree trimming report as outlined in the report compiled by Staff. KCPL Response at 2.

II. CONCLUSIONS OF LAW

7. As noted in the March 17, 1997 Order, the Commission has been granted authority over the general supervision of all electric public utilities doing business in Kansas and from time to time, the Commission has the duty to carefully examine and inspect the condition of each public utility, its equipment, the manner of its conduct and its management with reference to public safety and convenience. K.S.A. 66-101h (1992). Furthermore, the Commission may, upon its own motion, and without complaint being made, conduct an investigation of an electric public utility. K.S.A. 66-101e (1992). Under K.S.A. 66-101e, the Commission has the power to require an electric public utility to make such improvements and do such acts as necessary to protect the public safety and convenience. Id. Clearly, the Commission had the statutory authority and legal justification to conduct an investigation into the October 22, 1996 snowstorm and associated utility outages.

8. Staff's investigation is concluded with respect to KCPL. However, Staff's costs need to be assessed. By opening a formal docket, the Commission implemented an appropriate mechanism to assess KCPL its share of the costs of Staff's investigation. Further, by opening a formal docket, the Commission implemented an appropriate mechanism to assess KCPL for the costs incurred in reviewing the annual tree trimming reports required by this Order.

9. The Commission concludes that Staff's recommendations with respect to KCPL shall be adopted. KCPL must make annual tree trimming reports, as outlined above. Because the March 31 deadline has passed, KCPL shall file its 1996

annual tree trimming report within one month after the date of this Order. No further investigation or hearings are required in this matter at this time. However, this docket shall remain open for review of the annual tree trimming reports and if necessary, for further orders of the Commission.

10. KCPL shall be assessed its share of the total costs of Staff's investigation thus far incurred pursuant to K.S.A. 66-1501. Further, KCPL shall be assessed the costs for the review of the annual tree trimming reports required by this Order pursuant to K.S.A. 66-1502.

IT IS, THEREFORE, BY THE COMMISSION ORDERED that the findings and conclusions stated above shall be, and are hereby, made orders of the Commission.

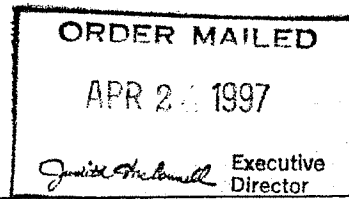
A party may file a Petition for Reconsideration of this Order within 15 days of the date of this Order. If this Order is mailed, service is complete upon mailing and three days may be added to the 15-day limitation.

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

BY THE COMMISSION IT IS SO ORDERED.

McKee, Chr.; Seltsam, Com.; Wine, Com.

Dated: APR 24 1997



JUDITH McCONNELL
EXECUTIVE DIRECTOR