### THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:

Dwight D. Keen, Chairman Shari Feist Albrecht Susan K. Duffy

In the Matter of a General Investigation ) Regarding the Rate Study and Assessment ) Expenses Resulting from Substitute for Senate ) Bill No. 69. )

Docket No. 20-GIME-068-GIE

# **ORDER GRANTING MOTION FOR ADDITIONAL TIME**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1. On August 20, 2019, the Commission issued an Order Opening General Investigation in response to Senate Bill No. 69 (Bill). The Bill directs the Legislative Coordinating Council to authorize a rate study of Kansas electric utilities.<sup>1</sup>

2. The Bill's purpose is to obtain information that will assist future legislative and regulatory policymakers in creating regionally competitive and reliable electric services.<sup>2</sup> The Commission has been directed to both assist in obtaining the necessary information from the utilities selected for the study, as well as fund the study by assessing the costs onto those utilities.

3. On August 20, 2019, the Commission assessed the cost of the investigation to electric public utilities, electric cooperative public utilities exempt from Commission jurisdiction, and the three (3) largest municipally-owned or operated electric utilities by customer count.<sup>3</sup>

<sup>&</sup>lt;sup>1</sup> Order Opening General Investigation, Aug. 20, 2019, p. 1.

<sup>&</sup>lt;sup>2</sup> Id.

<sup>&</sup>lt;sup>3</sup> Order Assessing Costs, Aug. 20, 2019, p. 2.

4. On September 9, 2019, both Kansas Electric Cooperatives, Inc. (KEC) and Kansas Electric Power Cooperative, Inc. (KEPCo) petitioned for reconsideration of the Order Assessing Costs, claiming the Order Assessing Costs would subject some utilities to double assessments.<sup>4</sup>

5. In its October 2, 2019 response, Commission Staff (Staff) agreed with Petitioners and requested the Commission direct all parties to the Docket to provide an itemized list of "sales to resale" included in their gross intrastate operating revenue. Once received, Staff would update the assessment percentages accordingly.<sup>5</sup>

6. On October 8, 2019, Commission granted the Petitions for Reconsideration and adopted Staff's proposal directing all parties on the service list to file an itemized list of sales for resale included in their gross intrastate operating revenue, in this Docket by October 18, 2019.<sup>6</sup> Furthermore, the Commission directed Staff to report the updated assessment percentages by October 25, 2019, to allow the Commission to issue an Amended Order Assessing Costs.<sup>7</sup>

7. On October 22, 2019, KEC filed both a Motion for Additional Time to File the itemized list and a Response to Order Directing Submission of Itemized List of Sales for Resale Included in Gross Intrastate Operating Revenues.<sup>8</sup> KEC's Motion is unopposed.

8. On October 31, 2019, Staff moved for additional time to file updated assessment percentages.<sup>9</sup> Staff explains it did not receive itemized lists from utilities until October 22, 2019, and upon receiving the lists, Staff noticed several discrepancies that required additional follow-up

<sup>&</sup>lt;sup>4</sup> Petition for Reconsideration of Order Assessing Costs by Kansas Electric Cooperatives, Inc., Sep. 9, 2019, pp. 4-5; Petition for Reconsideration of Order Assessing Costs [by Kansas Electric Power Cooperative, Inc.], Sep. 9, 2019, p. 5.

<sup>&</sup>lt;sup>5</sup> Id.

<sup>&</sup>lt;sup>6</sup> Order Granting Petitions for Reconsideration, Oct. 8, 2019, ¶ 13.

<sup>&</sup>lt;sup>7</sup> Id.

<sup>&</sup>lt;sup>8</sup> See Kansas Electric Cooperatives, Inc. Motion for Additional Time to File Itemized List of Cooperative Sales for Resale (Motion for Additional Time), Oct. 22, 2019; Kansas Electric Cooperatives, Inc. Response to Order Directing Submission of File Itemized List of Cooperative Sales for Resale, Oct. 22, 2019.

<sup>&</sup>lt;sup>9</sup> Motion for Additional Time to File Updated Assessment Percentages, Oct. 31, 2019, ¶ 8.

with the companies. Therefore, Staff requested an extension until November 8, 2019, to submit updated assessment percentages to the Commission. Staff's motion is unopposed.

9. K.A.R. 82-1-217 allows an extension of time to comply with Commission directives at the Commission's discretion and for good cause.<sup>10</sup> The Commission finds that both KEC and Staff have demonstrated good cause for seeking additional time,<sup>11</sup> and therefore grants both KEC's Motion for Additional Time to File Itemized List of Cooperative Sales for Resale and Staff's Motion for Additional Time to File Updated Assessment Percentages.

### THEREFORE, THE COMMISSION ORDERS:

A. KEC's Motion for Additional Time to File Itemized List of Cooperative Sales for Resale is granted.

B. Staff's Motion for Additional Time to File Updated Assessment Percentages is granted. Staff's updated assessment percentages to the Commission are due November 8, 2019.

C. The parties have 15 days from the date this Order was served to petition the Commission for reconsideration.<sup>12</sup>

D. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

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

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner.

Dated: 11/14/2019

Lynn M. Ref

Lynn M. Retz Executive Director

BGF/zc

<sup>&</sup>lt;sup>10</sup> See K.A.R. 82-1-217(b).

<sup>&</sup>lt;sup>11</sup> Motion for Additional Time, ¶ 4.

<sup>&</sup>lt;sup>12</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

### **CERTIFICATE OF SERVICE**

20-GIME-068-GIE

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

electronic service on 11/14/2019

SHERI RICHARD, DIRECTOR, RATES AND REGULATORY AFFAIRS EMPIRE DISTRICT ELECTRIC COMPANY 602 S JOPLIN AVENUE PO BOX 127 JOPLIN, MO 64802 Fax: 417-625-5169 sheri.richard@libertyutilities.com

BRIAN G. FEDOTIN, GENERAL COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 b.fedotin@kcc.ks.gov

LESLIE KAUFMAN KANSAS ELECTRIC COOPERATIVE, INC. Kansas Electric Cooperatives, Inc. 7332 SW 21st St, PO Box 4267 Topeka, KS 66604 Fax: 785-478-4852 Ikaufman@kec.org

SUSAN B. CUNNINGHAM, SVP, REGULATORY AND GOVERNMENT AFFAIRS, GENERAL COUNSEL KANSAS ELECTRIC POWER CO-OP, INC. 600 SW CORPORATE VIEW PO BOX 4877 TOPEKA, KS 66604-0877 Fax: 785-271-4888 scunningham@kepco.org

COLIN HANSEN, EXECUTIVE DIRECTOR KANSAS MUNICIPAL UTILITIES, INC. 2090 E AVENUE A MCPHERSON, KS 67460 Fax: 620-241-7829 chansen@kmunet.org PHOENIX ANSHUTZ, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 p.anshutz@kcc.ks.gov

BRUCE GRAHAM, CHIEF EXECUTIVE OFFICER KANSAS ELECTRIC COOPERATIVE, INC. 7332 SW 21ST STREET PO BOX 4267 TOPEKA, KS 66604-0267 Fax: 785-478-4852 bgraham@kec.org

DOUGLAS SHEPHERD, VP, MANAGEMENT CONSULTING SERVICES KANSAS ELECTRIC COOPERATIVE, INC. 7332 SW 21ST STREET PO BOX 4267 TOPEKA, KS 66604-0267 Fax: 785-478-4852 dshepherd@kec.org

PAUL MAHLBERG, GENERAL MANAGER KANSAS MUNICIPAL ENERGY AGENCY 6300 W 95TH ST OVERLAND PARK, KS 66212-1431 Fax: 913-677-0804 mahlberg@kmea.com

FRANK A. CARO, JR., ATTORNEY POLSINELLI PC 900 W 48TH PLACE STE 900 KANSAS CITY, MO 64112 Fax: 816-753-1536 fcaro@polsinelli.com

# **CERTIFICATE OF SERVICE**

20-GIME-068-GIE

ANDREW O. SCHULTE, ATTORNEY POLSINELLI PC 900 W 48TH PLACE STE 900 KANSAS CITY, MO 64112 Fax: 816-753-1536 aschulte@polsinelli.com TAYLOR P. CALCARA, ATTORNEY WATKINS CALCARA CHTD. 1321 MAIN ST STE 300 PO DRAWER 1110 GREAT BEND, KS 67530 Fax: 620-792-2775 tcalcara@wcrf.com

/S/ DeeAnn Shupe

DeeAnn Shupe