

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Complaint of the)
Citizens' Utility Ratepayer Board Against)
Kansas Electric, Natural Gas, Water and) Docket No. 18-GIMX-273-COM
Telecommunications Public Utilities)
Regarding Federal Income Tax Reform of)
2018 and Its Effect on Jurisdictional Retail)
Utility Rates.

**ORDER GRANTING CURB'S MOTION TO DISMISS COMPLAINT
WITHOUT PREJUDICE**

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 December 29, 2017, the Citizens' Utility Ratepayer Board (CURB) filed a Complaint against all regulated electric, natural gas, water, and telecommunications public utilities operating in Kansas, alleging the Tax Cut and Jobs Act, which reduces the federal corporate income tax rate from 35% to 21%, effective for tax-year 2018, renders the utilities' retail rates unjust and unreasonable.¹

2. On January 2, 2018, Commission Staff (Staff) filed Notice of Filing Legal Memorandum, advising the Commission that CURB's Complaint complies with the procedural requirements set forth in K.A.R. 82-1-220 and recommending the Complaint be served upon all regulated electric, natural gas, water, and telecommunications public utilities for an Answer.²

¹ Complaint, Dec. 29, 2017, ¶ 7.

² Notice of Filing Legal Memorandum, Jan. 2, 2018, p. 1.

3. On March 6, 2018, the Commission issued an Order Adopting Legal Memorandum, finding the Complaint establishes a prima facie case for Commission action and ordering it be served upon all regulated electric, natural gas, water and telecommunications public utilities operating in Kansas.

4. On May 16, 2018, CURB filed a Motion to Dismiss Complaint Without Prejudice, based on its belief that all of the utilities that it intended to be subject to this Complaint have complied with the Order Opening General Investigation and Issuing Accounting Authority Order Regarding Federal Tax Reform issued in Docket No. 18-GIMX-248-GIV.³ CURB believes the utilities it intended to be subject to the Complaint are working with Staff and CURB to resolve the financial impact of the federal income tax reform in a manner consistent with the public interest and applicable law.⁴

5. CURB's Motion is unopposed.

6. Based on CURB's assertion that it is not necessary to proceed with its Complaint at this time and that dismissal of the Complaint would allow the parties to concentrate their efforts on the 18-GIMX-248-GIV Docket,⁵ the Commission grants CURB's Motion to Dismiss Complaint Without Prejudice, finding it is the interest of justice and administrative efficiency

THEREFORE, THE COMMISSION ORDERS:

- A. CURB's Motion to Dismiss Complaint Without Prejudice is granted.
- B. This Docket is closed.
- C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁶

³ Motion to Dismiss Complaint Without Prejudice Against Certain Respondents, May 16, 2018, ¶ 7.

⁴ *Id.*

⁵ *Id.*, ¶ 8.

⁶ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 06/07/2018



Lynn M. Retz
Secretary to the Commission

BGF

CERTIFICATE OF SERVICE

18-GIMX-273-COM

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 06/07/2018.

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