

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

Before the Commissioners: Susan K. Duffy, Chair  
Shari Feist Albrecht  
Dwight D. Keen

In the Matter of the Application of )  
Westar Energy Inc. and Kansas Gas and )  
Electric Company for Approval of ) Docket No. 14-WSEE-589-TAR  
Revisions to their General Terms and )  
Conditions related to the Credit Card )  
Convenience Fee. )

**ORDER GRANTING KANSAS EVERGY CENTRAL'S MOTION TO REOPEN  
DOCKET AND APPROVE CORRECTED TARIFF**

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:

**Background**

1. On November 17, 2014, Commission Staff ("Staff") filed a report and recommendation on Westar Energy, Inc. and Kansas Gas and Electric Company's ("Evergy Kansas Central") Application for approval of revisions to their General Terms and Conditions (GT&C) related to the credit card convenience fee. Staff recommended the Commission grant Evergy Kansas Central's Application.<sup>1</sup> Specifically, Staff's report recommended approving Evergy Kansas Central's proposal to eliminate the convenience fee for residential customers that use credit or debit cards and also change the convenience fee for commercial and industrial customers from \$2.95 to 3.5% per transaction.<sup>2</sup>

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<sup>1</sup> Staff Report and Recommendation Docket No. 14-WSEE-589-TAR (Nov. 17, 2014).

<sup>2</sup> *Id.*

2. On December 11, 2014, the Commission approved certain changes to Sections 4 and 12 of the General Terms and Conditions (GT&C) of Evergy Kansas Central's Tariff in order to allow Evergy Kansas Central to implement a new credit card program. The Commission approved changes to remove the convenience fee for residential customers that use credit or debit cards to make payments and to adjust the convenience fee to be paid by commercial and industrial customers from \$2.95 to 3.5%.<sup>3</sup>

3. On December 12, 2014, Evergy Kansas Central filed a letter in the docket with updated Sections 4 and 12 attached. The letter states "Attached is the refiling with the most recent version of Section 4 with the same changes as approved per the Order dated 12/11/2014." However, the updated Sections 4 and 12 attached to the letter were not authorized by the December 11, 2014 Order. The updated Section 4 of the December 12<sup>th</sup> letter states Commercial and Residential customers will pay the convenience fee<sup>4</sup> and Section 12 states a credit, debit card fee of 3.25%<sup>5</sup> for commercial and industrial customers instead of the 3.5% authorized by the December 11, 2014 Order.

4. On December 18, 2014, the Commission issued an Order Granting Request to Update Tariff Filing which "corrected the proposed commercial and industrial customer class transaction charge for credit and debit transactions from 3.5% to 3.25%."<sup>6</sup>

5. The December 18, 2014 Commission Order is the most recent Order authorizing a 3.25% convenience fee for credit and debit transactions, however, corrected versions of Sections 4 and 12 reflecting removal of the a convenience fee for residential customers and the 3.25%

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<sup>3</sup> Order on Application, Docket No. 14-WSEE-589-TAR (Dec. 11, 2018).

<sup>4</sup> Westar Energy Filing the Credit Card Application Updated of the GT&C Section 4 & Section 12 at 36 (Dec. 12, 2014).

<sup>5</sup>*Id.* at 64.

<sup>6</sup> Order Granting Request to update Tariff Filing, at 3, (Dec. 18, 2014).

convenience fee for commercial and industrial customers were never file-stamped. Currently, Sections 4 and 12 of GT&C which are file-stamped and on Evergy Kansas Central's website are incorrect and indicate a convenience fee to be charged to residential customers and the wrong amount (\$2.95) for the convenience fee to be charged to commercial and residential customers.

6. On December 12, 2019, Evergy Kansas Central filed a Motion to reopen Docket No. 14-WSEE-589-TAR and approve the corrected version of Section 4 and 12 of the GT&C Tariff which was approved by the Commission on December 18, 2014. Evergy Kansas Central will make a compliance filing with the Commission to have the correct versions of Section 4 and 12 file-stamped and added to the Commission's official records.<sup>7</sup>

7. Evergy Kansas Central has attached the correct versions of Section 4 and 12 of the GT&C to its motion. The attached versions are consistent with what was approved by the Commission on December 18, 2014.

8. Furthermore, Evergy Kansas Central states that after the incorrect versions of Sections 4 and 12 were filed with the Commission in December of 2014, changes were subsequently made to those sections and approved by the Commission in other dockets. Specifically, in Docket Nos. 14-WSEE-148-TAR and 18-WSEE-328-RTS. The changes in these dockets were made to the wrong versions of the Tariff because of the mistake discussed above. Evergy Kansas Central states that if the Commission approves the corrected versions of Sections 4 and 12 in this docket, it will file notices in Docket Nos. 14-WSEE-148-TAR and 18-WSEE-328-RTS with the corrected versions of the relevant sections attached.<sup>8</sup>

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<sup>7</sup> Motion to Reopen Docket and Approve Corrected Tariff, at 2 (Dec. 12, 2019).

<sup>8</sup> *Id.*

## **Findings and Conclusions**

9. The Commission finds that Evergy Kansas Central's motion to be reasonable and Docket No. 14-WSEE-589-TAR shall be reopened for the limited purpose of approving the corrected tariff attached to the motion. Evergy Kansas Central shall make a compliance filing with the Commission to have the corrected Sections 4 and 12 of the GT&C Tariff file-stamped and added to the Commission's official records. Additionally, Evergy Kansas Central shall file notices in Docket Nos. 14-WSEE-148-TAR and 18-WSEE-328-RTS with the corrected versions of Sections 4 and 12 of the GT&C Tariff.

### **THEREFORE, THE COMMISSION ORDERS:**

A. Evergy Kansas Central's Motion to Reopen Docket and Approve Corrected Tariff is granted.

B. Docket No. 14-WSEE-589-TAR is reopened.

C. Sections 4 and 12 of the GT&C attached to Evergy Kansas Central's motion are approved.

D. Evergy Kansas Central shall make a compliance filing with the Commission to have the corrected Sections 4 and 12 file-stamped and added to the Commission's official records.

E. Evergy Kansas Central shall file notices in Docket Nos. 14-WSEE-148-TAR and 18-WSEE-328-RTS with the corrected version of Sections 4 and 12 of the GT&C.

F. 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).<sup>9</sup>

G. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

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<sup>9</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

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

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: \_\_\_\_\_

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Lynn M. Retz  
Secretary to the Commission

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## CERTIFICATE OF SERVICE

14-WSEE-589-TAR

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on \_\_\_\_\_.

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/S/ DeeAnn Shupe

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**CERTIFICATE OF SERVICE**

14-WSEE-589-TAR

DeeAnn Shupe