

KANSAS CORPORATION COMMISSION
OFFICE OF PUBLIC AFFAIRS & CONSUMER PROTECTION
AMENDED **FORMAL COMPLAINT**

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

IN THE MATTER OF THE COMPLAINT AGAINST

Westar Energy
(Respondent, name of utility company)

by

Jerry Jackson
(Complainant, your name)

For Commission
use only

DOCKET NO.

17-WSEE-326-COM

Please provide complainant (your) contact information:

Full Name(s): Jerry J. Jackson

Address: 4733 NE Meriden Rd Topeka, KS 66617

Daytime Phone: 785-256-5400

E-mail Address (optional): _____

Received
on

FORMAL COMPLAINT

JAN 23 2017

Jerry J. Jackson
(Your name)

by
State Corporation Commission
of Kansas

states that the above-named respondent is a public utility providing service in Kansas and is subject to the jurisdiction of the State Corporation Commission.

The facts and circumstances surrounding the complaint are set out in detail below:
(Be specific and as brief as possible. If necessary, attach additional sheets.)

See attach documents:

(Continued on the other side)

Formal Complaint *continued*

Complainant requests that the respondent utility be required to provide an answer to the complaint and requests the following action be ordered by the Commission. *(State action or result desired.)*

and for such further order or orders as the Commission may deem necessary.

VERIFICATION: I do solemnly, sincerely, and truly declare and affirm that the statements made in this complaint form are true and accurate to the best of my knowledge, and I do this under the pains and penalties of perjury.


Complainant's (your) signature

1-21-2017
Date signed

FILING INSTRUCTIONS

This form may be filed in person at the Kansas Corporation Commission's Office or by mail. All formal complaints, whether filed by mail or delivered in person, must be directed to:

Secretary to the Commission
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604

For more information about the formal complaint process please refer to the instructions provided with this form or visit the KCC website: <http://kcc.ks.gov/>, Consumer Assistance, Filing a Complaint. You may also contact our Consumer Assistance staff toll-free at 1-800-662-0027 or by e-mail at public.affairs@kcc.ks.gov.

Fireman Larkin Downing contacted our daughter Jessica Jackson by Text message about fire on 2-27-2016 around 6:40pm. We then returned home to the last hot spots being put out. Spoke with Fire fighters where they instructed me to watch for any flare-ups and to wet down base of shop in the morning. They indicated that the fire had started on WESTAR property/pole. This is on the property line of 4711 & 4733 NE Meriden Rd, Topeka, KS 66617. Fire incident report from Soldier Township was not available without Insurance company request per Pam Buckhalter 785-286-2123. Pam.buckhalter@soldiertownship.com

I spoke with WESTAR Supervisor Jarrod Konency 785-865-4868 onsite. Jarrod had confirmed that fire had started on the pole near the primary conductor. He indicated that this happens more often than you would think. An isolator would get a crack in it. The bolt gets hot and cause short to pole which starts fire. He said that the claims department would contact me and that they are good to work with.

With winds at or near 35-40 miles an hour fire spread across property setting grass, mulch, flower gardens, rose bush, garden art, trees, workshop, pool deck lattice and 4x4 supports on fire, 2 sheets of siding on south side of house were melted.

I planted 100lbs of grass seed \$116.15. I had the burned siding on the east side of shop replaced \$1389.46, along with additional sheets of siding replaced to get color to match \$ 862.99 done by C C Construction (Jerry Cook). I had 2 sheets of siding on house replaced that were melted by fire \$430.00 (Home Improvement Gallery). Copies of receipts are included for work that has been done. To Total \$2798.60

Westar Claim # EV2016010944

Jerry Jackson
4733 Ne Meriden Rd
Topeka, KS 66617
785-286-4449 Hm
785-256-5400 Mbl



December 21, 2016

Jerry Jackson
4733 NE Meriden Rd.
Topeka, KS 66617

Re: Our Claim Number: EV2016010944
Your claim number: --
Date of Incident: 2/27/16
Location of Occurrence: See above
Amount of Claim: \$2,798.60

Dear Jerry,

Thank you for your response concerning a claim for reimbursement against Westar Energy. You have indicated on February 27, 2016, you suffered damages as a result of a fire on Westar's pole.

After investigating the incident, please understand that as an electric utility regulated by the Kansas Corporation Commission, we are not liable when property damage results from equipment failure, unless that failure is due to our negligence. It has been determined that a transformer switch failed. Westar had no prior knowledge of an imminent failure of the switch.

We sincerely regret any inconvenience and loss arising from this incident, but will respectfully decline your claim for reimbursement. Should you have additional questions or concerns, I can be reached at 785-575-6303.

Sincerely,

Heidi Mitchell
Risk Management Analyst

TARWATER FARM & HOME SUPPLY

4107 N.W. TOPEKA BLVD.
TOPEKA, KS 66617
(785)286-2390
www.tarwaters.com

Store #1 - Station #9

1307070 03/07/2016 5:24 pm

100. 622. @1.08 107.30
FESCUE K-31/LB
100 item(s) sold

Sub Total 107.30

Tax 7.65% 8.25

Total 116.15

Master Card xxxxxxxxxxxx1222 116.15

Auth # R4022Z

Sold by ASHTON

Return policy:

Items must be in same condition as when
purchased and within 60 days.

Cash back refunds subject to approval.

Proof of purchase required.

We thank you for your business!

Jerry Cook 'Owner'

(785) 230-1144

Estimate / Bid *(good for 30 days from this date)*

Date: 6/16/16

Customer: Jerry Jackson
4733 NE Meridan Rd., Topeka, KS
(785) 256-5400
midusa1@gmail.com

Project: Repair/Replace Fire damage on siding

Materials: 2.7 squares of metal siding panels \$ 500.00 *(to be paid UP FRONT)*
Matching screws

Labor: Take off & Replace panels \$ 889.46

Total: \$ 1,389.46

* * \$100.00 fee for Dump removal NOT included in this bid!

474480

Statement		DATE 7 7 16		TERMS	
TO Terry Jackson					
4733 NE Meriden					
IN ACCOUNT WITH Jerry Cook					
Burn damage repair					
remove & replace					
2.7 sq burn damage					
& replace with new					
					889 46
material					500 00
CURRENT OVER 30 DAYS OVER 60 DAYS TOTAL AMOUNT 1389 46					



Quote

Quote Date: 7/2/2016

Ship To: 0

Midway Wholesale
P.O. Box 1246
Topeka, KS 66601

Customer: 1

Midway Wholesale Account #2020
228 SE Branner
Topeka, KS 66607

Quote		PO	Job			
478		JERRY COOK	02			
Line	Item	Description	Qty	UM	Unit Price	Line Total
1	PS+	Panel, Lt. Stone, 29, Plus, Prime 3 Pieces @ 12' 7"	1.1954	Sq	78.6711	94.04
2	PS+	Panel, Lt. Stone, 29, Plus, Prime 3 Pieces @ 30.5"	0.2415	Sq	78.6711	19.00
3	PS+	Panel, Lt. Stone, 29, Plus, Prime 1 Pieces @ 69"	0.1821	Sq	78.6711	14.32
4	OHDJ14T	Tan, 29, O'head Door Jamb, 14'2"	1	Ea	20.7730	20.77
5	SP9T102	Tan, SP9102 2 Pieces @ 10' 2"	2	Ea	26.9884	53.98
6	CCPF	Cut Charges, Post Frame 3 Pieces @ 1'	3	LF	0.9375	2.81

Total Weight: 129 lb

Subtotal:	204.92
Freight:	0.00
Tax (9.15%):	18.75
Total:	223.67

2pc. OHD 10' Perim. w/s White → \$9.51 EA → 19.02

1pc - OHD 10' Perim w/s White → 17.01 EA → 17.01

~~\$ 2362.99~~

6/14/ → \$ 262.99

474481

Statement		DATE 7 7 16		TERMS	
TO		Jerry Jackson			
IN ACCOUNT WITH		Jerry Coob			
Remove & Replace remaining panels & exist door trim					
Labor					
					600 ⁰⁰
CURRENT					
OVER 30 DAYS					
OVER 60 DAYS					
TOTAL AMOUNT					600 ⁰⁰

HOME IMPROVEMENT GALLERY

2138 N. Kansas Ave. • Topeka, KS 66608 • (785) 357-4042 •

• Fax (785) 357-6467

PROPOSAL

BILL TO:

Name: Jenny Jackson
Address: 4723 W. F. Meriden
City: Topeka St: KS Zip: 66617
Home Phone: 786-4499 Work Phone: _____
Directions: _____

We submit the following specifications and estimate for work as follows:

Removed 2 pc of 29' Continuity
Siding
Installed 2 pc.

Due To Fire Damage

430.00

Includes Tax

Paid in Full

Jan Holt

Home Improvement Gallery proposes to furnish labor and materials - complete in accordance with the above specifications, for the sum of _____ dollars (\$ _____) with payments to be made as follows:

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from the above specifications involving extra costs, will be executed upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents or delays beyond Home Improvement Gallery's control.

Authorized Signature Jan Holt Date 8/10/16

First of all we, at Home Improvement Gallery, want to thank you for becoming one of our valued customers. We appreciate the opportunity to install top quality products in your home.

Any work done may cause vibration in your walls and/or floors and therefore items may topple to the floor. To

Stephan Skepnek

From: Jerry Jackson <midusa1@gmail.com>
Sent: Thursday, March 16, 2017 4:59 PM
To: Stephan Skepnek
Cc: Robert Vincent
Subject: Re: Amended Complaint WESTAR Claim # EV2016010944

Follow Up Flag: Follow up
Flag Status: Flagged

Please accept this response as confirmation of this amended formal complaint.

Jerry Jackson

> On Mar 15, 2017, at 4:37 PM, Stephan Skepnek <s.skepnek@kcc.ks.gov> wrote:

>

> Mr. Jackson,

>

> Please confirm that the amended statement which you emailed to Mr. Vincent on March 7, 2017 serves as your amendment to the formal complaint.

>

> Thank you,

>

> Stephan Skepnek

> Litigation Attorney

>

>

>

> Office of Litigation Counsel

> Kansas Corporation Commission

> 1500 SW Arrowhead Road | Topeka, Kansas | 66604-4027 Phone (785)

> 271-3312 | Fax (785) 271-3167 | <http://kcc.ks.gov/>

>

> This message is from the Office of Litigation Counsel of the Kansas Corporation Commission and is intended only for the addressee. This transmission, email, and any files transmitted with it, may be (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. Unauthorized forwarding, printing, copying, distributing, or using such information is strictly prohibited and may be unlawful. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the Kansas Open Records Act, K.S.A. 45-215 et seq.

>

> -----Original Message-----

> From: Jerry Jackson [<mailto:midusa1@gmail.com>]

> Sent: Tuesday, March 07, 2017 1:22 PM

> To: Robert Vincent

> Cc: Jerry Jackson

> Subject: Amended Complaint WESTAR Claim # EV2016010944

>

>

>

> Mr. Vincent,

>

> Please accept my amended statement with added WESTAR_KCC "General Terms and Conditions" Service obligations for Customer and Company. These as related to damage and loss due to fire that started on pole owned by WESTAR Energy.

>

>

> Jerry Jackson

> 785-256-5400 Cell

> 785-286-4449 Home

Stephan Skepnek

From: Robert Vincent
Sent: Wednesday, March 08, 2017 10:32 AM
To: Stephan Skepnek
Subject: FW: Amended Complaint WESTAR Claim # EV2016010944
Attachments: Fire_Damage_update_for_KCC_Amended.docx

Follow Up Flag: Follow up
Flag Status: Completed

Stephen,

Mr. Jackson has provided us some new information. Let's visit on this today when you have a few moments.

Bob

-----Original Message-----

From: Jerry Jackson [<mailto:midusa1@gmail.com>]
Sent: Tuesday, March 07, 2017 1:22 PM
To: Robert Vincent
Cc: Jerry Jackson
Subject: Amended Complaint WESTAR Claim # EV2016010944

Mr. Vincent,

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Jerry Jackson
785-256-5400 Cell
785-286-4449 Home

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Westar Energy provides electric service defined by tariffs approved by the Kansas Corporation Commission.

As stated in "General Terms and Conditions" Customer's Service Obligations 6.02.02 the customer's Responsibility: Customer shall be responsible for all wiring and equipment on the **customer's side of the point of delivery** and shall save Company harmless against all claims for injuries and/or damages to persons or property resulting from supplying and taking of electric service of the use thereof on customer's side of the delivery point.

As stated in section 7 Company's Service Obligations
7.02 Limitation of Liability:

A. Company shall use commercially reasonable efforts to supply steady and continuous Electric Service at the **Point of Delivery**. Company shall not be liable to customer for any loss, damage or injury whatsoever caused by or arising from Company's operations including loss, damage or injury occasioned by irregularities of or interruptions in Electric Service, leakage, escape or loss of

electric energy after same has **passed the Point of Delivery** or for any other cause unless it shall affirmatively appear that the injury to persons or damage to property complained of has been caused by Company's willful or wanton conduct. In no event shall Company be liable for any loss, damage or injury caused by any defects in customer's wiring or appliances.

From the general terms and conditions statements: we can see that the **passed point of delivery** is the common reference for points of responsibilities. From paragraph 2 above Westar Supervisor stated that the failure was at the primary service on the pole Company's equipment, which is not on the customer side of delivery point.

If the direct admission that this was more common than one would think is a statement that the "Company" knows about these points of failure. Failure occurred on WESTAR pole at isolators, and was fire that caused the damages. Per Westar claims department this was caused by failed switch.

A secondary disconnect switch at the road must have also failed, as it did not open either before fire started.

Westar Claim # EV2016010944

Jerry Jackson
4733 Ne Meriden Rd
Topeka, KS 66617
785-286-4449 Hm
785-256-5400 Mbl

CERTIFICATE OF SERVICE

17-WSEE-326-COM

I, the undersigned, certify that a true and correct copy of the above and foregoing Amended Formal Complaint was served via electronic service this 21st day of March, 2017, to the following:

JERRY J. JACKSON
4733 NE MERIDEN RD
TOPEKA, KS 66617
midusal@gmail.com

STEPHAN SKEPNEK, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
s.skepnek@kcc.ks.gov

ROBERT VINCENT, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
r.vincent@kcc.ks.gov

CATHRYN J. DINGES, SENIOR CORPORATE COUNSEL
WESTAR ENERGY, INC.
818 S KANSAS AVE
PO BOX 889
TOPEKA, KS 66601-0889
Fax: 785-575-8136
cathy.dinges@westarenergy.com

/s/ Vicki Jacobsen

Vicki Jacobsen