

**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 Application of	)	
Southern Pioneer Electric Company	)	
Seeking Waiver of Minimum Standards for	)	
Payment Methods for Utility Bills by	)	
Allowing Acceptance of Credit Cards and	)	Docket No. 18-SPEE-241-TAR
the Approval of Revisions to their	)	
Schedule of Fees Related to the	)	
Assessment of Credit Card Convenience	)	
Fees.	)	

**ORDER GRANTING JOINT MOTION FOR EXTENSION OF TIME**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, the Commission finds and concludes as follows:

1.        On December 8, 2017, Southern Pioneer Electric Company (Southern Pioneer) filed an Application for a waiver from the billing standards to allow it to accept monthly bill payments by credit or debit cards from residential customers and eliminate the \$3.95 convenience fee, currently required in its Schedule of Fees.<sup>1</sup> Southern Pioneer plans to incorporate the cost of the credit card transactions into its cost of service.<sup>2</sup>

2.        On December 21, 2017, Commission Staff (Staff) filed a Suspension Order, suspending this matter for 240 days, making the Commission Order due by August 6, 2018.

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<sup>1</sup> Application, Dec.8, 2017, ¶ 7.

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

3. On July 3, 2018, Staff filed its Report and Recommendation, which agreed Southern Pioneer should be allowed to eliminate the convenience fee, but rejected allowing only residential customers the option to pay by credit card.<sup>3</sup> Staff recommended incorporating the cost processing credit card transactions into the cost of service to be recovered in base rates through a regulatory asset.<sup>4</sup>

4. On July 13, 2018, the Citizens' Utility Ratepayer Board (CURB)<sup>5</sup> filed its Response, urging the Commission to adopt Staff's Report and Recommendation.<sup>6</sup>

5. On July 16, 2018, Southern Pioneer filed its Response to Staff's Report and Recommendation, disputing Staff's recommendation to allow all customer classes to pay with credit cards.<sup>7</sup> Instead, Southern Pioneer seeks to limit the option to pay by credit card to residential customers, and in the alternative, place a \$1,000 limit per transaction.<sup>8</sup>

6. On July 25, 2018, Staff filed its Reply to Southern Pioneer and CURB, reiterating its belief that limiting the option of paying by credit card to residential customers is unreasonably discriminatory<sup>9</sup> and that treating the processing costs as a regulatory asset is the best way to address regulatory lag.<sup>10</sup>

7. On August 2, 2018, Staff, CURB, and Southern Pioneer filed a Joint Motion for Extension of Time, explaining, "[d]ue to the time constraints imposed by Staff's Suspension Order, and the parties' divergence on key issues in this case, Joint Movants believe an extension of time in this docket is necessary to allow sufficient time to review, consider, and analyze

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<sup>3</sup> Staff Report and Recommendation, July 3, 2018, p.2.

<sup>4</sup> *Id.*

<sup>5</sup> CURB was granted intervention on December 21, 2017.

<sup>6</sup> CURB's Response to Staff's Report and Recommendation, July 13, 2018, p. 3.

<sup>7</sup> Response of Southern Pioneer Electric Company to Notice of Filing of Staff Report and Recommendation and CURB's Response to Staff's Report and Recommendation, July 16, 2018, p. 6.

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

<sup>9</sup> Staff's Reply to Southern Pioneer's Response to Staff and CURB's Recommendations, July 25, 2018, ¶ 11.

<sup>10</sup> *Id.*, ¶ 20.

Southern Pioneer's requested tariff modifications.”<sup>11</sup> The Joint Movants request a 30-day extension, giving the Commission until September 5, 2018 to issue its Order.

8. K.A.R. 82-1-217(b) grants the Commission discretion to allow additional time for good cause shown. The Commission finds that good cause exists for the enlargement of time as the responses to Staff's Report and Recommendation did not allow sufficient time for the Commission's review before the August 6, 2018 deadline for an Order. Accordingly, the Joint Motion for Extension of Time is granted.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Joint Motion for Extension of Time is granted. The Commission's Order date is extended to September 5, 2018.

B. 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>12</sup>

C. The Commission retains jurisdiction over the subject matter and the 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: 08/09/2018



Lynn M. Retz  
Secretary to the Commission

BGF

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<sup>11</sup> Joint Motion for Extension of Time, Aug. 2, 2018, ¶ 8.

<sup>12</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## CERTIFICATE OF SERVICE

18-SPEE-241-TAR

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 08/09/2018.

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/S/ DeeAnn Shupe

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DeeAnn Shupe