

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

Before Commissioners:                      Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Pat Apple

In the Matter of the Complaint Against                      )                      Docket No. 14-KCPE-469-COM  
KCP&L by Jennifer Henry.    )

**ORDER DISMISSING COMPLAINT**

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

**I. Background**

1.        On April 15, 2014, the Complaint of Jennifer Henry against Kansas City Power and Light Company (KCP&L) was filed at the Commission. In her Complaint, Ms. Henry alleges she was billed for overstated energy usage in several months during the winter of 2013 through 2014. Ms. Henry also apparently alleges KCP&L physically manipulated her meter. Finally, Ms. Henry notes general concern over KCP&L's most recent Commission-approved rate design and decreased discounts to all-electric residential customers.

2.        On December 9, 2013, KCP&L filed its Answer and Motion to Dismiss. In its Answer, KCP&L details its previous communications with both Ms. Henry and her husband.<sup>1</sup> While KCP&L admits it recorded higher energy usage for the Complainant than past years, it notes the relevant months of December 2013 and January 2014 were substantially colder than . . . previous years.<sup>2</sup> KCP&L further notes a meter test showing the meter was functioning

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<sup>1</sup> Answer of and Motion to Dismiss Complaint of Kansas City Power and Light Company, ¶¶ 3-8. (Answer, ¶¶ 3-8.)

<sup>2</sup> Answer, ¶ 10.

accurately.<sup>3</sup> KCP&L also denies the Complainant's implication that its personnel changed the usage reading on the meter. KCP&L notes, "[T]he kWh usage cannot be changed by running the meter backward."<sup>4</sup> With regard to Ms. Henry's rate design concerns, KCP&L contends it charged Ms. Henry the Commission-approved rate for residential all-electric customers, which does include a discount from those of general residential customer rates. Finally, KCP&L requests the Commission dismiss this Complaint because Ms. Henry "has failed to explain why [the] alleged facts support an assertion that KCP&L has committed any violation of its tariff provisions."<sup>5</sup>

3. On September 19, 2014, Commission Staff (Staff) filed its Report and Recommendation (R&R). In its R&R, Staff notes Ms. Henry's meter test result of 100.01% accuracy, in conformance with Commission regulations.<sup>6</sup> Staff also analyzed weather data from the winter of 2013 through 2014 showing abnormally low temperatures. As a result of this weather data, Staff notes it "would expect Ms. Henry's energy usage to be higher during the months in question."<sup>7</sup> Upon review of meter accuracy test results and weather data, Staff determined Ms. Henry's actual energy usage was properly measured by KCPL.<sup>8</sup>

4. With regard to Ms. Henry's claim that KCP&L "set back" her meters recorded usage, Staff found no merit to the claim.

5. Finally, Staff addressed Ms. Henry's concerns over KCP&L's rate design. Staff explains:

Until 2010, KCPL's Residential rate structure had changed little since the late 1980s and early 1990s . . . In particular, the Residential winter rates for the All-

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<sup>3</sup> Answer, ¶ 12.

<sup>4</sup> Answer, ¶ 13.

<sup>5</sup> Answer, ¶¶ 17-19.

<sup>6</sup> Staff R&R, pp. 1-2.

<sup>7</sup> Staff R&R, p. 2.

<sup>8</sup> Staff R&R, p. 2.

Electric customers were particularly favorable, and as a sub-group, these All-Electric customers have benefited from these rates since at least the mid-1960s. The Final Order for the 10-KCPE-415-RTS rate case changed KCPL's Residential rate structure. Class Cost of Service Studies filed in the Docket by KCPL, Staff and the Citizens' Utility Ratepayer Board all showed significant cross-subsidization of the Residential customers caused by Residential All-Electric discounts to the detriment of Regular Residential customers. The Commission adopted a Residential Rate Design proposed by KCPL that was based on its Class Cost of Service. The new rate design reduced, but did not eliminate, the Residential All-Electric discounts.<sup>9</sup>

Staff also notes KCP&L's most recent general rate case raised rates proportionally, but did not affect the discount to all-electric residential customers.<sup>10</sup>

6. Finally, Staff notes it "has reviewed Ms. Henry's itemized KCPL electric bills dated January 8, 2014, and February 11, 2014, and has determined that they were calculated correctly using the KCC approved Residential Service Schedule R part C Residential General Use and Space Heat-One Meter (Residential All-Electric) tariff."<sup>11</sup>

7. Staff recommends the Complaint be dismissed because Ms. Henry was charged the appropriate KCC-approved rates for her actual energy usage.<sup>12</sup>

## **II. Findings and Conclusions**

8. The Commission agrees with the findings and recommendation of Staff. The Commission finds KCP&L properly and accurately billed Ms. Henry for her actual energy usage. The Commission further finds and concludes this Complaint shall be dismissed.

### **IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The Complaint against KCP&L by Jennifer Henry is dismissed.

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<sup>9</sup> Staff R&R, p. 3.

<sup>10</sup> Staff R&R, p. 3.

<sup>11</sup> Staff R&R, p. 3.

<sup>12</sup> Staff R&R, p. 4.

B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein.<sup>13</sup>

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

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

Shari Feist Albrecht, Chair; Emler, Commissioner; Apple, Commissioner (~~ABSTAINED~~)

Dated: OCT 02 2014



ORDER MAILED OCT 03 2014

Thomas A. Day  
Acting Executive Director

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<sup>13</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET  
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
JENNIFER HENRY 21808 S VINE ST SPRING HILL, KS 66083		
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ANDREW FRENCH, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 ***Hand Delivered***		

ORDER MAILED **OCT 03 2014**

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.