

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of Addressing the COVID 19 Pandemic            )  
in the State of Kansas    ) Docket No. 20-GIMX-393-MIS

**COMMENTS TO STAFF'S REPORT AND RECOMMENDATION**

COMES NOW Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy ("Black Hills") and submits the following comments to the Staff's May 6, 2020 Report and Recommendation filed in the above referenced proceeding ("R&R").

1. Staff recommends within its R&R that the Commission require all natural gas, electric, and water utilities to offer residential and small commercial customers a payment plan of up to 12 months to pay off any arrearage balances that have accumulated during the pendency of the Commission's prohibition on disconnects. The Commission's prohibition on disconnects for nonpayment was initiated on March 16, 2020 and is currently extended through May 31, 2020. Additionally, Staff recommends that the Commission require these utilities to waive the application of all late fees for these customers during the period of delinquency and repayment. Once the Commission allows disconnection and collection activities to resume, Staff recommends that the Commission require utilities to offer these customer protections (12-month payment plans and waived late fees) for any residential or small commercial customer that has experienced negative financial impact during the COVID-19 pandemic. The Staff further recommends that these customer protections should be in place through 2020, with a potential extension into 2021 in the event the COVID-19 pandemic continues that long.

2. Staff recommends that these customer protections be viewed as the minimum a utility must offer, and that if a utility elects to offer a customer payment plan or customer care plan that

contains greater customer protections, it should continue to do so, with the specifics of any such plan addressed in a utility-specific Application or applicable pending Accounting Authority Order request.

3. Staff recommends that all jurisdictional electric, natural gas, and water utilities be allowed to defer any extraordinary bad debt expenses and foregone fee revenue that may arise from these customer protections into a regulatory asset. These deferrals should be for accounting purposes only, with all justifications related to whether these costs are appropriate for recovery, the application of any carrying charges, and the proper amortization period deferred until the utility's next rate case or alternative rate recovery filing.

4. Black Hills' number one priority is our customers, employees and communities. We continue to monitor the COVID-19 situation and have measures in place to ensure we continue to serve our customers in a way that is safe for both our customers and our employees. We have the privilege and responsibility of providing an essential service that our communities rely on. We are ready and committed to serving the needs of our customers today and every day.

5. To support our customers during the nation's and State of Kansas' response to COVID-19, Black Hills voluntarily suspended nonpayment disconnections for our customers effective March 16, 2020. On the same date, the Commission issued its first Emergency Order Suspending Disconnections, requiring utilities to suspend disconnection of customers for nonpayment. Black Hills further realizes that during this time customers may face financial hardships effecting their ability to timely pay their energy bills. Therefore, in addition to the suspension of disconnections for nonpayment, Black Hills is currently offering payment arrangements of up to 12 months for customers.

5. Black Hills appreciates Staff's desire to formalize protections for utility customers and utilities and offers the following additional comments on the R&R to ensure a better understanding and application of the proposed requirements.

a. Application to Residential and Small Commercial Customers

Staff recommends that its proposed minimum customer protections apply to residential and small commercial customers. Staff, in footnote 8 of the R&R, recognizes that "the definition of 'small commercial' may differ based on the tariffs of each utility." Black Hills agrees with Staff's recommended approach to rely upon each utility's tariff in determining the thresholds to use for defining small commercial. Black Hills' Small Commercial Service (SC-1) Rate Schedule applies to non-residential customers with annual usage less than or equal to 500 Mcf. Therefore, Black Hills intends to apply such protections, if approved by the Commission, to all residential customers and non-residential customers receiving service pursuant to the SC-1 Rate Schedule.

b. Protections for Customers with a Negative Financial Impact Through 2020

Once the Commission allows disconnection and collection activities to resume, Staff recommends that the Commission require utilities to offer these customer protections through 2020 (12-month payment plans and waived late fees) for any residential or small commercial customer that has experienced negative financial impact during the COVID-19 pandemic. Staff, in footnote 11 of the R&R, states that it

"is open to discussions to define or refine the term 'negative financial impact.' The concept here is that if someone has experienced job loss, significant income deterioration, business disruption, etc., then these customer protections would be available to them after the expiration of the Commission's prohibition on disconnects."

Black Hills generally supports Staff's recommendation that certain customer protections may need to be available beyond the current May 31 expiration date of the Commission's prohibition

on disconnects as a result of financial hardships experienced by customers. With respect to extending the customer protections recommended by Staff beyond May 31 to customers that have experienced a negative financial impact during the COVID-19 pandemic, Black Hills is concerned that from an administrative standpoint it would be difficult and time consuming to assess, validate, and document if a customer's inability to pay was due to COVID-19. While Black Hills is open to considering ways to accomplish this, Black Hills recommends that a customer would not be required to demonstrate that its inability to pay is due to COVID-19 and that Black Hills would not be required to obtain proof from the customer that its inability to pay was due to COVID-19. Therefore, if the Commission determines that these customer protections should apply beyond the current moratorium period on disconnects, Black Hills recommends that the protections continue to apply to residential customers and qualifying small commercial customers in order to ensure Black Hills can implement the customer protections in a consistent and fair manner.

c. Deferral of Extraordinary Bad Debt Expense and Forgone Fee Revenue

Staff recommends that the Commission allow utilities to defer any extraordinary bad debt expenses and foregone fee revenue that may arise from the customer protections into a regulatory asset. On April 14, 2020 Black Hills; Kansas Gas Service, a Division of ONE Gas, Inc.; and Atmos Energy Corporation (Gas Utilities) filed a Joint Application for an Accounting Authority Order (AAO) allowing the Gas Utilities to record and preserve costs and lost revenues related to the COVID-19 virus. While the Gas Utilities' AAO application addresses potential financial implications beyond bad debt expense and forgone fee revenues, Black Hills agrees with Staff's recommendation in its R&R to allow utilities deferral for bad debt expense and forgone fee revenues.

6. Black Hills is actively monitoring the impact of the COVID-19 situation on customers and may, in the future, supplement these comments with additional customer protection proposals in a utility-specific Application or in the Gas Utility's pending Accounting Authority Order request.

WHEREFORE, Black Hills submits its comments to the R&R for Commission consideration.

Respectfully submitted,

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