

**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 of the                      )  
Citizens' Utility Ratepayer Board Against                      )  
Kansas Electric, Natural Gas, Water and                      )                      Docket No. 18-GIMX-273-COM  
Telecommunications Public Utilities                      )  
Regarding Federal Income Tax Reform of                      )  
2018 and Its Effect on Jurisdictional Retail                      )  
Utility Rates.

**ORDER GRANTING CURB'S MOTION TO DISMISS CERTAIN  
PARTIES WITHOUT PREJUDICE**

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:

1. On December 29, 2017, the Citizens' Utility Ratepayer Board (CURB) filed a Complaint against all regulated electric, natural gas, water, and telecommunications public utilities operating in Kansas, alleging the Tax Cut and Jobs Act, which reduces the federal corporate income tax rate from 35% to 21%, effective for tax-year 2018, renders the utilities' retail rates unjust and unreasonable.<sup>1</sup>

2. On January 2, 2018, Commission Staff (Staff) filed Notice of Filing Legal Memorandum, advising the Commission that CURB's Complaint complies with the procedural requirements set forth in K.A.R. 82-1-220 and recommending the Complaint be served upon all regulated electric, natural gas, water, and telecommunications public utilities for an Answer.<sup>2</sup>

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<sup>1</sup> Complaint, Dec. 29, 2017, ¶ 7.

<sup>2</sup> Notice of Filing Legal Memorandum, Jan. 2, 2018, p. 1.

3. On March 6, 2018, the Commission issued an Order Adopting Legal Memorandum, finding the Complaint establishes a prima facie case for Commission action and ordering it be served upon all regulated electric, natural gas, water and telecommunications public utilities operating in Kansas.

4. On March 16, 2018, CURB filed a Motion to Dismiss Without Prejudice its claims against Black Hills/Kansas Gas Utility, LLC, d/b/a Black Hills Energy; Kansas City Power & Light Company, Inc.; Westar Energy, Inc. and Kansas Gas Electric Company; Atmos Energy Corporation; Empire District Electric Company; and Kansas Gas Service, a division of ONE Gas, Inc.<sup>3</sup> CURB explains it has entered settlement agreements or is currently negotiating a settlement with the respondents it wishes to dismiss from the Complaint.<sup>4</sup>

5. Based on CURB's assertion that its Complaints against the respondents identified in paragraph 4 of this Order have been or are being amicably resolved, the Commission grants CURB's Motion to Dismiss Complaint Without Prejudice Against Certain Respondents, finding it is the interest of justice and administrative efficiency

6. CURB's Complaint against the remaining respondents is still pending before the Commission.

**THEREFORE, THE COMMISSION ORDERS:**

A. CURB's Motion to Dismiss Complaint Without Prejudice Against Certain Respondents is granted. Black Hills/Kansas Gas Utility, LLC, d/b/a Black Hills Energy; Kansas City Power & Light Company, Inc.; Westar Energy, Inc. and Kansas Gas Electric Company; Atmos Energy Corporation; Empire District Electric Company; and Kansas Gas Service, a division of ONE Gas, Inc. are dismissed from the Complaint without prejudice.

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<sup>3</sup> Motion to Dismiss Complaint Without Prejudice Against Certain Respondents, Mar. 16, 2018, ¶ 1.

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

B. The parties have 15 days from the date this Order was electronically served to petition for reconsideration.<sup>5</sup>

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

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

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: 03/29/2018



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Lynn M. Retz  
Secretary to the Commission

BGF

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<sup>5</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**CERTIFICATE OF SERVICE**

18-GIMX-273-COM

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 03/29/2018.

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