

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

In the Matter of the Complaint Against)
Evergy Kansas Central, Inc. by) Docket No. 25-EKCE-123-COM
by Shelia D. Hudson.)

NOTICE OF FILING STAFF REPORT AND RECOMMENDATION

COMES NOW the staff of the State Corporation Commission of the State of Kansas (“Staff” and “Corporation,” respectively) and for its Notice of Filing Staff Report and Recommendation states as follows:

Staff hereby files the attached Report and Recommendation dated January 14, 2025, providing Staff’s analysis and recommendation regarding Sheila D. Hudson’s complaint alleging Evergy Kansas Central (“Evergy”) kept inconsistent billing records, inflated the amount due on bills, and continued charging for electrical usage after service was disconnected.

The Staff Report and Recommendation indicates the Staff reviewed Sheila D. Hudson’s complaint and Evergy’s response. Based upon its review and investigation, Staff concluded no evidence elicited that Evergy violated any tariff, Commission order, rule, regulation, or Kansas law. Accordingly, Staff recommended the complaint be dismissed.

WHEREFORE, Staff presents its Report and Recommendation for the record and further determination by way of approval in a Commission Order.

Respectfully Submitted,

Brett Berry

Brett Berry, KS Bar #15026
Litigation Counsel
Attorney for Staff
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, Kansas 66604-4027
E-mail: brett.berry@ks.gov
Phone: 785-271-3287

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

Laura Kelly, Governor

**REPORT AND RECOMMENDATION
UTILITIES DIVISION
PUBLIC VERSION**

TO: Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

FROM: Douglas Hall, Senior Rate Analyst
Justin Grady, Deputy Director of Utilities
Jeff McClanahan, Director of Utilities

DATE: January 14, 2025

SUBJECT: Docket No. 25-EKCE-123-COM: Formal Complaint Against Evergy by Sheila D. Hudson.

EXECUTIVE SUMMARY

On August 8, 2024, Sheila D. Hudson filed a Formal Complaint against Evergy Kansas Central (“Evergy”) alleging that Evergy kept inconsistent billing records, inflated the amount due on bills, and continued charging for electrical usage after service was disconnected. In support of these allegations, Ms. Hudson attached two Financial History statements to the Formal Complaint.

On August 15, 2024, an Order on Prima Facie Determination was filed finding that the Formal Complaint meets the procedural requirements set forth in K.A.R. 82-1-220(b) and would be served to Evergy for an answer.

On August 26, 2024, the Answer of Evergy Kansas Central, Inc. was filed. Evergy expressed disagreement with Ms. Hudson’s complaint that Evergy’s billing records are inconsistent, explaining that while the two Financial History statements contained different levels of detail, the final amounts due are consistent between the two statements. With respect to the allegation that Evergy continued to charge for service after it was disconnected, Evergy asserts that a final bill was sent on April 10, 2024, for service provided from March 11, 2024, to April 1, 2024, and the only subsequent adjustments to that balance are a late fee and a payment. Evergy requests that the Commission deny the Formal Complaint.

Staff has investigated this complaint, and has reviewed the two Financial History statements, as well as the Evergy answer. Staff has not encountered any evidence that Evergy has violated any tariff, Commission order, rule or regulation, or Kansas law. Accordingly, Staff recommends that the Commission deny the Formal Complaint. Staff appreciates that Ms. Hudson has been notified

that she can find information for other energy assistance at United Way 2-1-1 or set up an appointment to apply for Evergy Cares through <https://www.evergy.com/landing/evergy-cares>.

BACKGROUND

On August 8, 2024, Sheila D. Hudson filed a Formal Complaint against Evergy Kansas Central (“Evergy”) alleging that Evergy kept inconsistent billing records, inflated the amount due on bills, and continued charging for electrical usage after service was disconnected on April 1, 2024. In support of these allegations, Ms. Hudson attached two Financial History statements to the Formal Complaint. The Formal Complaint expresses a need for help but does not outline specific relief sought.

On August 15, 2024, an Order on Prima Facie Determination was filed finding that the Formal Complaint meets the procedural requirements set forth in K.A.R. 82-1-220(b) and would be served to Evergy for an answer.

On August 26, 2024, the Answer of Evergy Kansas Central, Inc. was filed. Evergy expressed disagreement with Ms. Hudson’s complaint that Evergy’s billing records are inconsistent, explaining that while the two Financial History statements contained different levels of detail, the final amounts due are consistent between the two statements. According to Evergy, one of the statements reported detail from its accounting system which treats payment agreements as a separate account, and when a payment agreement breaks, the balance is transferred into the main account. Evergy cites this as the reason for any discrepancies that appear on the two different Financial History statements, noting that the total amount due in any given month is consistent between the two.

With respect to the allegation that Evergy continued to charge for service after it was disconnected, Evergy asserts that a final bill was sent on April 10, 2024, for service provided from March 11, 2024, to April 1, 2024, and the only subsequent adjustments to that balance are a late fee and a payment. Evergy requests that the Commission deny the Formal Complaint.

ANALYSIS

The Formal Complaint filed by Ms. Hudson can be separated into two questions: whether there is substantive inconsistency in Evergy’s accounting and billing, and whether Ms. Hudson was charged for electrical service after being disconnected on April 1, 2024.

Evergy’s Accounting and Billing

Staff has reviewed the Financial History statements attached to Ms. Hudson’s Formal Complaint. It is important to note that the statements are not line-item bills; they do not contain full breakdowns of the components that comprise a bill, and the balance is not simply a running tally incorporating the most recent transaction. For example, in Exhibit B, two transaction amounts are listed for October 26, 2023, the first a credit of \$54.00 and the second a charge of \$21.50. However, if reading the statement from bottom to top (to align with the chronological date

ordering), the charge (\$21.50) occurs before the credit (-\$54.00), but the balance corresponding to the charge already incorporates the credit.¹

Another example of the Financial History statements not being line-item bills is noted on Exhibit C, wherein Ms. Hudson notes that for the date of April 6, 2022, the statement attached as Exhibit A shows a “Season PA Xfer credit of \$831.11”, but the statement attached as Exhibit B does not.² Even though the second statement does not reflect such a credit, the balance drops and is equal to the balance shown on the first statement.

In addition to these examples, there are other elements throughout the statements that indicate they were compiled using different filters, as Evergy noted in its Answer. Staff does not believe that the differences between the Financial History statements reflect poor recordkeeping on Evergy’s part. Staff also sees no evidence from the statements indicating that bills were inflated.

Charges After Disconnection

Staff reviewed both of the Financial History statements and compared them to the bill pages attached to the Formal Complaint as Exhibit D. The bill with statement date of April 9, 2024, does indicate that the billing period is for March 11, 2024, to April 9, 2024, and the “current charges” on this bill are \$137.26. However, a corrected final bill with a statement date of April 10, 2024, was sent with a billing period of March 11, 2024, to April 1, 2024. The corrected final bill credits the \$137.26 from the prior day’s bill and adds new, lesser charges for proper billing period. Based on this information, Staff does not believe there is evidence that Ms. Hudson was charged for service after being disconnected on April 1, 2024.

Staff’s Conclusion

Based on the information provided in the Formal Complaint, Staff does not believe that Evergy has kept inconsistent records, regardless of whether such inconsistency would have positively or negatively affected Ms. Hudson. While the Financial History statements cannot be reconciled line by line, as Evergy states, there is consistency with respect to the monthly billing. Staff also does not see evidence that Ms. Hudson was charged for service after being disconnected on April 1, 2024.

Staff has investigated this complaint, and has reviewed the two Financial History statements, as well as the Evergy answer. Staff has not encountered any evidence that Evergy has violated any tariff, Commission order, rule or regulation, or Kansas law. Accordingly, Staff recommends that the Commission deny the Formal Complaint. Staff appreciates that Evergy has notified Ms. Hudson that she can find information for other energy assistance at United Way 2-1-1 or set up an appointment to apply for Evergy Cares through <https://www.evergy.com/landing/evergy-cares>.

RECOMMENDATION

Staff recommends that the Formal Complaint be dismissed.

¹ Docket No. 25-EKCE-123-COM, Complaint Against Evergy Kansas Central, Inc. by Shelia D. Hudson, pg. 7, Aug. 8, 2024.

² *Ibid.*, pg. 10.

CERTIFICATE OF SERVICE

25-EKCE-123-COM

I, the undersigned, certify that a true and correct copy of the above and foregoing Notice of Filing was served via electronic service this 14th day of January, 2025, to the following:

CATHY DINGES, SR REGULATORY AFFAIRS COUNSEL
EVERGY KANSAS CENTRAL, INC
FLOOR #10
818 S KANSAS AVE
TOPEKA, KS 66601-0889
cathy.dinges@evergy.com

SEAN M. MCGIVERN, ATTORNEY
GRAYBILL & HAZLEWOOD, LLC
218 N. MOSLEY STREET
WICHITA, KS 67202
sean@graybillhazlewood.com

AARON BAILEY, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
aaron.bailey@ks.gov

BRETT W. BERRY, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
brett.berry@ks.gov

Ann Murphy

Ann Murphy