

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

Before Commissioners:

Susan K. Duffy, Chair
Dwight D. Keen
Andrew J. French

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

**ORDER EXTENDING CONSUMER PROTECTIONS FOR CUSTOMERS OF KANSAS
JURISDICTIONAL UTILITIES FOR DURATION OF COVID-19 PANDEMIC**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the public record, the Commission makes the following findings:

1. On March 11, 2020, the World Health Organization (WHO) declared the COVID-19 virus a pandemic. On March 12, 2020, Governor Kelly issued an emergency declaration for the State of Kansas in response to COVID-19, authorizing the use of state resources and personnel to assist with response and recovery operations in affected counties. On March 13, 2020, President Trump declared the COVID-19 pandemic a national emergency.
2. As a result of the actions by the WHO, Governor Kelly, and the President of the United States, on March 16, 2020, the Commission issued an Emergency Order Suspending Disconnects through April 15, 2020, pursuant to K.S.A. 77-536(b) to prevent or avoid the immediate danger to the public health, safety or welfare, and directs all public utilities under the Commission's authority to suspend the practice of disconnecting service for non-payment while customers and communities are experiencing potential hardship from the COVID-19 virus.
3. On March 17, 2020, Governor Kelly issued Executive Order 20-05, prohibiting utility and internet disconnects until May 1, 2020. Executive Order 20-05 covered utilities that are not subject to the Commission's jurisdiction.

4. On April 14, 2020, the Commission issued a Second Emergency Order Suspending Disconnects through May 15, 2020, and provided the Commission may extend the suspension period in a subsequent order pursuant to its emergency powers under K.S.A. 77-536.¹

5. On April 30, 2020, Governor Kelly issued Executive Order 20-28, extending Executive Order 20-05 temporarily prohibiting utility disconnects until May 31, 2020.

6. Since the threat of the COVID-19 pandemic remained, and in recognition of Executive Order 20-28, on May 5, 2020, the Commission issued a Third Emergency Order Suspending Disconnects until May 31, 2020.

7. On May 6, 2020, Commission Staff (Staff) filed Notice of Filing of Commission Staff's Report and Recommendation recommending establishing baseline customer protections for residential and small commercial customers of all electric, natural gas, and water utilities, before the expiration of our disconnect order and the resumption of disconnection and collection activities, including: (1) offering a payment plan up to 12-months and (2) the waiver of any late fees for any residential or small commercial customer unable to pay their bill during the period that disconnections were prohibited.²

8. Once disconnection and collection activities resume, Staff recommends extending these baseline protections for the remainder of 2020, for any residential or small commercial customer that has experienced negative financial impact during the COVID-19 pandemic, and with the likelihood of an additional extension if the COVID-19 pandemic stretches into 2021.³

¹ Second Emergency Order Suspending Disconnects, Apr. 14, 2020, ¶ 3.

² Staff Report and Recommendation, May 6, 2020, p. 1.

³ *Id.*

9. Staff has remained in regular communication with the Commission's jurisdictional electric, gas, and water companies since the onset of the COVID-19 pandemic to determine financial, operational, and customer impacts, as well as the utilities' mitigation efforts.⁴ Several utilities have offered customers the opportunity to repay their arrearages over a period up to 12-months, similar to the protection available under the Cold Weather Rule (CWR).⁵

10. Beyond the CWR, the Commission's Billing Standards require jurisdictional utilities to offer eligible residential customers⁶ the ability to repay their arrearage balances over a 12-month period. Several Kansas utilities have waived late fees for residential and small commercial customers during the COVID-19 pandemic.

11. On May 21, 2020, the Commission issued an Order Concerning Kansas Jurisdictional Utilities Following Expiration of Prohibition of Disconnects, adopting Staff's recommendations to require all jurisdictional natural gas, electric, and water utilities to: (1) offer residential and small commercial customers a payment plan of up to 12-months to pay off any arrearage balances accumulated during the pendency of the Commission's prohibition on disconnections; and (2) waive late fees for these customers.⁷ The Commission also ordered the jurisdictional utilities to offer 12-month payment plans and waive late fees for any residential or small commercial customer that has experienced negative financial impact during the COVID-19 pandemic through 2020. These customer protections should be the minimum customer protection offered. The Commission directed Staff to file a report and recommendation if it believes these customer protections should be extended beyond the end of 2020.⁸

⁴ Staff Report and Recommendation, p. 2.

⁵ *Id.*

⁶ To be eligible, residential customers must have repaid any balances from any previous payment plan. *Id.*, pp. 2-3.

⁷ Order Concerning Kansas Jurisdictional Utilities Following Expiration of Prohibition of Disconnects, May 21, 2020, ¶ 20.

⁸ *Id.*, ¶ 21.

12. In accordance with the Commission's directive, on December 9, 2020, Staff filed a Report and Recommendation, recommending the Commission extend the minimum protections currently in place, until the official end of the COVID-19 pandemic.⁹ Staff seeks an Order before these minimum customer protections expire on December 31, 2020.¹⁰

13. The COVID-19 pandemic continues to impact businesses and employment levels.¹¹ While Kansas continues to make an economic recovery during the pandemic, the level of unemployment still remains historically high.¹² Statistical data from the Kansas Department of Health and Environment demonstrates COVID-19 continues to be a pandemic.¹³

14. Since the threat of the pandemic remains, the Commission believes the customer protections should remain in place. Furthermore, Staff reports the minimum protections appear to be working as intended.¹⁴ With one exception (Liberty-Empire), customer arrearage balances are falling and four of the six utilities have seen declines in active accounts in arrears.¹⁵ The net number of customers disconnected is below 1% of customers and roughly 90% of customers are keeping up with the payment plans currently in place.¹⁶ Based on Staff's analysis, the minimum protections in place appear to be working well for both customers and the utilities. Therefore, the Commission adopts Staff's Report and Recommendation to extend the requirement for all jurisdictional electric, natural gas, and water utilities to offer their residential and small commercial ratepayers: (1) a payment plan of up to 12-months to pay off any delinquent account balance; and (2) waiver of all

⁹ Staff Report and Recommendation, Dec. 9, 2020, p. 6.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*, p. 5.

¹⁵ *Id.*

¹⁶ *Id.*

late fees during the period of delinquency and repayment, until the COVID-19 pandemic has officially ended.

15. The Commission is aware that some members of the public are advocating for an order reinstating the suspension of disconnects. Therefore, the Commission directs Staff to file a Report and Recommendation on whether an additional suspension of disconnects is warranted. Staff's Report and Recommendation is due January 8, 2021. Parties to the Docket can respond to Staff's Report and Recommendation by January 15, 2021.

THEREFORE, THE COMMISSION ORDERS:

A. Staff's Report and Recommendation is adopted. All jurisdictional electric, natural gas, and water utilities are required to offer their residential and small commercial ratepayers a payment plan of up to 12-months to pay off any delinquent account balances; and waive all late fees during the period of delinquency and repayment. These protections should continue for the duration of the pandemic for any customer or small commercial customer that has experienced negative financial impact during the COVID-19 pandemic. These customer protections are the minimum a utility must offer.

B. Staff is directed to file a Report and Recommendation on whether an additional suspension of disconnects is warranted by January 8, 2021. Parties to the Docket can respond to Staff's Report and Recommendation by January 15, 2021.

C. 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).¹⁷

¹⁷ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 12/15/2020

Lynn M. Retz

Lynn M. Retz
Executive Director

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20-GIMX-393-MIS

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