

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

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

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

In the Matter of the Joint Application of the)
Gas Utilities for an Accounting Authority)
Order Allowing the Gas Utilities to Record and) Docket No. 20-GIMG-423-ACT
Preserve Costs and Lost Revenues Related to)
the COVID-19 Virus.)
)

In the Matter of the Application of the Empire)
District Electric Company for an Accounting)
Authority Order Allowing the Empire District) Docket No. 20-EPDE-427-ACT
Electric Company to Record and Preserve)
Costs and Lost Revenues Related to the)
COVID-19 Virus.)
)

In the Matter of the Application of Evergy)
Metro, Inc., Evergy Kansas Central, Inc., and)
Evergy Kansas South, Inc., for an Accounting) Docket No. 20-EKME-454-ACT
Authority Order Allowing the Companies to)
Record and Preserve Costs and Lost Revenues)
Related to the COVID-19 Virus.)

**ORDER DISCONTINUING ADDITIONAL CONSUMER PROTECTIONS FOR
CUSTOMERS OF KANSAS JURISDICTIONAL UTILITIES FROM 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 those actions, 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. The prohibition on utility disconnects was extended until May 31, 2020, by Executive Order 20-28, and three Commission Emergency Orders.

4. 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.¹

5. Once disconnection and collection activities resume, Staff recommended 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 stretched into 2021.²

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

² *Id.*

6. 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.³ 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 believed these customer protections should be extended beyond the end of 2020.⁴

7. 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.⁵

8. On December 15, 2020, the Commission extended the requirements that all jurisdictional electric, natural gas, and water utilities 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 for the duration of the COVID-19 pandemic.⁶ The Commission also directed Staff to file a Report and Recommendation on whether an additional suspension of disconnects is warranted.⁷

³ Order Concerning Kansas Jurisdictional Utilities Following Expiration of Prohibition of Disconnects, May 21, 2020, ¶. 20.

⁴ *Id.*, ¶ 21.

⁵ Staff Report and Recommendation, Dec. 9, 2020, p. 6.

⁶ Order Extending Consumer Protections for Customers of Kansas Jurisdictional Utilities for Duration of Covid-19 Pandemic, Docket No. 20-GIMX-393-MIS, Dec. 15, 2020, ¶ 14.

⁷ *Id.*, ¶ 15.

9. On January 7, 2021, Staff filed a Report and Recommendation advising that reestablishing a statewide moratorium on disconnects is unnecessary.⁸ On January 19, 2021, Kansas Appleseed Center for Law and Justice, Inc. (Kansas Appleseed)⁹ filed its comments on Staff's Report and Recommendation, claiming the spread of COVID-19 and the continuing economic fallout from the pandemic mandate a moratorium on utility disconnects and other protections remain in place until at least the summer of 2021.¹⁰

10. On December 2, 2022, Staff filed another Report and Recommendation, recommending discontinuing: (1) the minimum customer protections for COVID-19 currently in place; (2) all Accounting Authority Order (AAO) deferrals related to the COVID-19 pandemic; and (3) the customer reporting requirements.¹¹ Staff believes economic indicators suggest COVID-19 is no longer a serious threat to customers' ability to pay their utility bills.¹² Additionally, Staff notes that most other jurisdictions have allowed the additional protections related to COVID-19 have expired.¹³ Finally, Staff advises that Kansas customers will still have additional protections in the form of the Cold Weather Rule and the Commission's Billing Standards, which prevent disconnections that would be especially dangerous to the health of the customer or their family.¹⁴

11. On December 12, 2022, the Citizens' Utility Ratepayer Board (CURB)¹⁵ responded to Staff's Report and Recommendation, in favor of extending the protections until after the Cold

⁸ Staff Report and Recommendation, Docket No. 20-GIMX-393-MIS, Jan. 7, 2021, p. 12.

⁹ Kansas Appleseed was granted intervention on January 14, 2021.

¹⁰ Kansas Appleseed's Comments in Response to Staff Report and Recommendation, Docket No. 20-GIMX-393-MIS, Dec. 15, 2020, ¶ 4.

¹¹ Staff Report and Recommendation, Dec. 2, 2022, p. 2.

¹² *Id.*, p. 10.

¹³ *Id.*, p. 18.

¹⁴ *Id.*

¹⁵ CURB was granted intervention on February 11, 2021.

Weather Rule lapses in March 2023;¹⁶ and continuing the reporting requirements on customer data, at least quarterly, for another year.¹⁷

12. The Commission is hopeful that the worst of the COVID-19 pandemic is behind us. Unfortunately, the Commission recognizes the impossibility of determining when COVID is no longer a concern. Similarly, the Commission realizes that COVID-19 may continue to impact Kansans indefinitely. Thus, the Commission believes CURB's comments strike the proper balance by waiting until March 2023 to end the additional protective measures. However, the Commission adopts Staff's recommendation to discontinue all AAO deferrals related to the COVID-19 pandemic; and the monthly customer reporting requirements.

THEREFORE, THE COMMISSION ORDERS:

A. 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 through March 2023. These customer protections are the minimum a utility must offer.

B. All Accounting Authority Order (AAO) deferrals related to the COVID-19 pandemic are discontinued.

C. The monthly customer reporting requirements are also discontinued.

D. 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).¹⁸

¹⁶ Response of the Citizens' Utility Ratepayer Board to Staff's Report and Recommendation, Dec. 12, 2022, ¶ 16.

¹⁷ *Id.*, ¶ 20.

¹⁸ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 01/10/2023



Lynn M. Retz
Executive Director

BGF

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20-EKME-454-ACT

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