



KCC Docket No. 23-EKCE-775-RTS  
August 29, 2023

Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604

**Re: In the Matter of the Joint Application of Evergy Kansas Central, Inc., Evergy Kansas South, Inc., and Evergy Metro, Inc. for Approval to Make Certain Changes in their Charges for Electric Service**

To Whom it May Concern:

The Climate + Energy Project (“CEP”) is pleased to submit the following direct testimony of James Owen.

CEP is located in Hutchinson, Kansas. It began as a project of the highly-renowned Land Institute located in Salina, Kansas. CEP is now a separate, incorporated non-profit. Its goal is to support the cost-effective, sustainable deployment of energy efficient and renewable energy technologies in an effort to reduce greenhouse gases. The mission of CEP is to infuse the following core values into local, regional and national discussions: (1) stewardship of the Earth’s resources; (2) development of flexible energy systems; (3) balance of the benefits and burdens of energy technologies; and (4) support of creative implementation of energy efficient and renewable energy technologies that are environmentally and socially sustainable. CEP maintains an extensive website at <http://www.climateandenergy.org>, which helps it to pursue and accomplish its mission.

CEP appreciates the opportunity to participate in this docket and to submit the direct testimony of James Owen on CEP’s behalf.

Sincerely,

Timothy J. Laughlin  
Attorney for Climate + Energy Project

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

In the Matter of the Joint Application            )  
of Evergy Kansas Central, Inc., Evergy        )  
Kansas South, Inc., and Evergy Metro, Inc.    )       Docket No. 23-EKCE-775-RTS  
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**DIRECT TESTIMONY OF JAMES OWEN**

1    **I.     Introduction**

2    **Q:     Please state your name, title, and business address.**

3    A:     James Owen, Executive Director, Renew Missouri Advocates d/b/a Renew Missouri  
4         ("Renew Missouri"), 915 East Ash, Columbia, Missouri 65201.

5    **Q:     Please describe your education and background.**

6    A:     I obtained a law degree from the University of Kansas as well as a Bachelor of Arts in  
7         Business and Political Science from Drury University in Springfield. Prior to my career in  
8         energy policy and utility ratemaking, I have practiced law for a number of years and served  
9         as an Associate Circuit Court Judge in Webster County, Missouri.

10   **Q:     Please summarize your professional experience in the field of utility regulation.**

11   A:     Before becoming Executive Director of Renew Missouri, I served as Missouri's Public  
12         Counsel, a position charged with representing the public in all matters involving utility  
13         companies regulated by the State. While I was Public Counsel, I was involved in several  
14         rate cases, CCN applications, mergers, and complaints as well as other filings. As Public  
15         Counsel, I was also involved in answering legislators' inquiries on legislation impacting  
16         the regulation of public utilities. In my role as Executive Director at Renew Missouri, I  
17         continue to provide information and testimony on pieces of proposed legislation that may  
18         impact how Missouri, and other states, approach energy efficiency and renewable energy.

1 **Q: Have you been a member of, or participant in, any workgroups, committees, or other**  
2 **groups that have addressed electric utility regulation and policy issues?**

3 A: In May 2016 I attended the National Association of Regulatory Utility Commissioners  
4 Utility Rate School. In the Fall of 2016, I attended Financial Research Institute's 2016  
5 Public Utility Symposium on safety, affordability, and reliability. While I was Public  
6 Counsel, I was also a member of the National Association of State Utility Consumer  
7 Advocates and, in November of 2017, the Consumers Council of Missouri named me the  
8 2017 Consumer Advocate of the Year. Most recently, I was appointed to the Missouri Net  
9 Metering and Distributive Energy Resources Task Force that was created by statute in  
10 2022.

11 **Q: What work does Renew Missouri conduct in the field of energy policy?**

12 A: Most recently, Renew Missouri staff and myself have developed and offered educational  
13 programs on topics related to energy law and policy in Missouri on topics including the  
14 Inflation Reduction Act, demand response aggregation, accounting authority orders, and  
15 our year-end update covering state and federal rulemakings, PSC appeals, and energy  
16 efficiency and renewable energy updates. We have provided nearly seventy-five hours of  
17 continuing legal education credit over the past five years.

18 **Q: What experience does Renew Missouri have in advocating for low-income**  
19 **ratepayers?**

20 A: Renew Missouri is deeply engaged with obtaining policy results that provide access for  
21 low-income residents to renewable energy and energy efficiency. Through our  
22 representation of nationwide groups such as National Housing Trust and Missouri Energy  
23 Efficiency for All, Renew Missouri has secured energy efficiency programs for all

1 ratepayers as well as crafting on-bill financing tariff programs designed to aid low- income  
2 customers in making improvements to their living spaces. Before the Kentucky Public  
3 Service Commission, I have provided testimony for a coalition that includes the  
4 Metropolitan Housing Coalition located in Louisville, Kentucky in regards to rate increases  
5 proposed during the COVID-19 crisis. Additionally, Renew Missouri has worked with  
6 utility companies to develop pilots to provide community solar to low-income  
7 neighborhoods. We have worked to expand these efforts throughout Missouri and Kansas.  
8 We are currently working with Missouri utilities to help conform data collection in order  
9 to address critical issues such as energy burden and disconnection rates.

10 **Q: Have you testified previously, participated in cases, or offered testimony before any**  
11 **state regulatory bodies?**

12 A: Yes, in my prior role as Acting Public Counsel, I participated in a number of cases before  
13 the Missouri Public Service Commission (the “PSC”) as an attorney and director of that  
14 office. During that time, I also offered testimony in rulemaking hearings before the  
15 Commission. Since becoming Executive Director of Renew Missouri, I have contributed  
16 to Renew Missouri’s filed testimony in a number of matters. In my capacity as an expert  
17 witness employed by Renew Missouri, I have provided testimony on behalf of a coalition  
18 of clean energy advocates before the Kentucky Public Service Commission involving  
19 Kentucky Power Company’s 2020 rate case with a specific emphasis on the Company’s  
20 proposed rates for net-metered customers. In addition, I was retained to serve as an expert  
21 witness before the Kansas Corporation Commission (the “KCC” or the “Commission”) in  
22 Evergy’s pending KEEIA Cycle-One portfolio. I have also provided consulting for clean

1 energy advocates around the country regarding on-bill finance tariff programs such as Pay  
2 As You Save®. A list of my case participation is attached as **Schedule JO-1**.

3 **II. Purpose and summary of testimony**

4 **Q: What is the purpose of your testimony?**

5 A: I am testifying on behalf of the Climate + Energy Project. The purpose of my testimony is  
6 to provide the Commission with information as to how a high customer charge, as proposed  
7 by Evergy’s Kansas utilities (together, “Evergy” or the “Company”), can be detrimental to  
8 low-income families and can disincentivize investments in energy efficiency. These  
9 outcomes are contrary to public policy objectives in the state of Kansas and serve to harm  
10 ratepayers as a whole.

11 **Q: What is your recommendation to the Commission in this case?**

12 A: My recommendation is the Commission reject Evergy’s proposed fixed customer charge.  
13 The Commission should, in fact, reduce the current customer charge. But, if it is necessary  
14 to approve Evergy’s requested customer charge or even if the Commission feels the *status*  
15 *quo* must remain, the Commission should evaluate the steps necessary to establish a  
16 separate low-income rate to mitigate the impacts to Evergy’s most vulnerable customers.

17 **III. Customer Charge**

18 **Q: Please summarize the testimony you would like to respond to.**

19 A: The testimony of Evergy witnesses Marisol Miller, Brad Lutz, and Kim Winslow discuss  
20 Evergy’s proposed rate design. Ms. Miller’s testimony more specifically addresses the  
21 fixed customer charge, proposing a customer charge of \$16.71.<sup>1</sup> According to Ms. Miller,  
22 the results of the Class Cost of Service Study (“CCOS”) indicate that an appropriate

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<sup>1</sup> Kansas Corporation Commission Docket No. 23-EKCE-775-RTS, *Direct Testimony of Marisol Miller*, p. 37-38.

1 customer charge would be \$23.92, but the Company chose to pursue a lower amount in  
2 hopes of mitigating impacts to lower-use customers.<sup>2</sup>

3 **Q: How do you respond?**

4 A: The positions of these witnesses should be rejected. Setting aside the CCOS, Evergy's  
5 proposed customer charge remains substantially higher than the customer charges for  
6 comparable utilities across the Missouri-Kansas state lines, including for Evergy's  
7 Missouri operations (which apply a residential customer charge of just \$12).<sup>3</sup> Moreover,  
8 high customer charges lead to several undesirable outcomes, such as disproportionate  
9 impacts on low-income customers and disincentivizing energy efficiency investments.

10 **Q: What are the detrimental and inequitable effects of higher customer charges on low-**  
11 **income households?**

12 A: Low-income customers are more susceptible to the worst effects of a fluctuating  
13 marketplace. In addition to the challenge of paying a utility bill at all, the utility costs to  
14 low-income customers are often a larger percentage of their household budget than other  
15 customers. This concept is known as an "energy burden." Studies have shown that, on  
16 average, low-income households spend three times more of their income on energy bills  
17 than households with higher incomes.<sup>4</sup> This disproportionate energy burden issue is  
18 pervasive and presents a real challenge to low-income customers: pay the utility bill and  
19 forgo other essential needs, or vice versa. Disproportionately high energy burdens are a  
20 recurring problem that families in Evergy's territory are confronted with, as data indicates

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<sup>2</sup> *Id.*

<sup>3</sup> Evergy Missouri West and Missouri Metro. "Detailed Tariffs: Residential Service." January 9, 2023. Accessed at: <https://www.evergy.com/manage-account/rate-information-link/how-rates-are-set/rate-overviews/detailed-tariffs/authentication>

<sup>4</sup> Drehobl, Ariel and Castro-Alvarez, Fernando, "Low-Income Energy Efficiency Programs: A Baseline Assessment of Programs Serving the 51 Largest Cities," An ACEEE White Paper (July 2017).

1 certain census tracts in Wichita face average energy burdens of 7-9%, while the statewide  
2 average is 3%.<sup>5</sup> This is true for Lawrence as well, where the average energy burden in  
3 certain areas reaches 10%.<sup>6</sup>

4 In general, low-income customers are less able to respond to large rate swings and  
5 have less ability to invest in energy efficiency measures to mitigate the bill impacts of rate  
6 increases.<sup>7</sup> In addition, low-income ratepayers tend to use less energy during peak hours,  
7 have flatter load profiles, and, in some utility territories, use less energy overall as  
8 compared to the average ratepayer.<sup>8</sup> As such, rate designs with a high fixed customer  
9 charge disproportionately impact low usage, low-income customers.

10 Moreover, low-income multifamily households have higher-than-average energy  
11 burdens. For example, a 2016 study found the median energy burdens for low-income  
12 multifamily households in Kansas City (6.36%) were significantly higher than the median  
13 for all households in the same city (4.48%).<sup>9</sup> Indeed, Midwestern multifamily homes use  
14 43% *more energy per square foot* than single-family detached homes.<sup>10</sup> However,  
15 Midwestern multifamily households tend to use *less total energy* than other households:  
16 less than half of what is consumed by a Midwestern single family detached home according

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<sup>5</sup> This statistic is sourced from the Low Income Energy Affordability Data tool (LEAD) of the Department of Energy's Office of Energy Efficiency & Renewable Energy. This data is based on results of the 2012-2016 censuses. The LEAD tool can be accessed at <https://www.energy.gov/eere/slsc/maps/lead-tool>.

<sup>6</sup> *Id.*

<sup>7</sup> Baatz, Brendon, *Rate Design Matters: The Intersection of Residential Rate Design and Energy Efficiency*, American Council for an Energy Efficient Economy, March 2017, p. 30.

<sup>8</sup> *Id.*

<sup>9</sup> Drehobl, A. and Ross, L., *Lifting the High Energy Burden in America's Largest Cities: How Energy Efficiency Can Improve Low Income and Underserved Communities*, Energy Efficiency for All and ACEEE, April 2016, p. 46. [http://www.energyefficiencyforall.org/sites/default/files/Lifting%20the%20High%20Energy%20Burden\\_0.pdf](http://www.energyefficiencyforall.org/sites/default/files/Lifting%20the%20High%20Energy%20Burden_0.pdf)

<sup>10</sup> U.S. Energy Information Administration, *Residential Energy Consumption Survey*, 2009. Table CE1.3: Summary Totals and intensities, Midwest Homes, <https://www.eia.gov/consumption/residential/data/2009/>. Note: 66,000 Btu per square foot for households in multifamily buildings of 5+ units vs. 46,100 Btu per square foot for single family detached homes.



1 to 2009 Residential Energy Consumption Survey data.<sup>11</sup> As comparatively low energy  
2 users, low-income multifamily households are thus at particular risk of harm from high  
3 customer charges.

4 **Q: How do high customer charges impact implementation and investment in energy**  
5 **efficiency measures?**

6 A: Let me begin this segment by reminding the KCC and the parties involved with this case  
7 that the Kansas Legislature has determined “(i)t is the goal of the state to promote the  
8 implementation of cost-effective demand-side programs in Kansas”<sup>12</sup> and that any decision  
9 by this Commission should work towards achieving that goal. My testimony on behalf of  
10 Climate + Energy Project emphasized this goal in last year’s docket for Evergy’s KEEIA  
11 docket. We would urge the Commission to approve the Stipulation and Agreement for  
12 which Climate + Energy Project was a signatory in that earlier case and reject Evergy’s  
13 customer service charge in this case to achieve the goals as set forth by the Kansas  
14 Legislature.

15 The role customer charges play into energy efficiency is relatively straight-forward.  
16 Low fixed charges maximize the volumetric portion of a customer’s bill, while high fixed  
17 charges lower the volumetric portion. Accordingly, low customer charges incentivize  
18 energy efficiency and conservation, and they prevent low energy users from being unfairly  
19 overcharged for their usage patterns. Conversely, higher customer charges reduce a  
20 household’s ability to lower their total bill through energy efficiency and conservation.  
21 High customer charges penalize low energy users, including those living in lower-square-

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<sup>11</sup> *Id.* Note: 51.9 million Btu per household for multifamily buildings of 5+ units vs. 128.0 million Btu per household for single family detached homes.

<sup>12</sup> KSA 66-1283(b).

1           footage homes, such as multifamily apartments. Higher customer charges would make it  
2           harder for customers to impact their total bills through installing measures that save energy  
3           in their homes. Each energy saving step taken would have lower payback, thereby  
4           disincentivizing behavior change and the installation of energy saving measures.

5           Studies have indicated the effects of high customer charges on the payback period  
6           for energy efficiency measures are substantial. In this case, “payback period” refers to the  
7           amount of time it takes a customer to break even on their energy efficiency investment,  
8           with energy bill savings as the source of repayment. In 2017, the American Council for an  
9           Energy Efficient Economy (“ACEEE”) published a study entitled *Rate Design Matters:  
10          The Intersection of Residential Rate Design and Energy Efficiency*. The study found, for  
11          flat and tiered rates, moving from a \$5 to \$25 monthly customer charge resulted in a 31%  
12          longer payback period for energy efficiency measures.<sup>13</sup>

13          For time-of-use (“TOU”) rates, a high customer charge caused the largest shifts in  
14          payback periods.<sup>14</sup> Under a TOU rate structure, the study found that a shift from a \$5 to  
15          \$25 customer charge resulted in a payback period increase of 25-34%, depending on the  
16          measure.<sup>15</sup> While the study found that payback periods increased under all demand rate  
17          scenarios evaluated, it noted payback periods increased more with a high customer charge.

18          <sup>16</sup> Simply put, high customer charges, such as Evergy’s proposal, distort payback periods  
19          and cancel out many of the financial benefits customers receive from investing in energy  
20          efficiency.

21          As a final note, Missouri regulators have found that high customer charges may

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<sup>13</sup> *Rate Design Matters*, at 25.

<sup>14</sup> *Id.* at 27.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.* at 28.

1 impact customer engagement with TOU rates, stating, “It is likely that significantly raising  
2 the residential customer charge will mute the TOU pricing signals such that interest or  
3 follow-through with TOU rates will wane as they cannot achieve their expected savings  
4 from TOU mitigation due to a higher customer charge.”<sup>17</sup>

5 **Q: Does disincentivizing investment in energy efficiency have impacts on potential**  
6 **emissions reductions?**

7 A: Certainly. Advocates often say, “the cleanest energy you can use is the energy you don’t  
8 use at all.” This role is filled by energy efficiency, which is a critical component to  
9 decarbonizing the nation’s electric grid. When rate design discourages adoption of energy  
10 efficient technologies, we forgo the emissions reductions that could have been achieved  
11 for households that would have pursued energy efficiency measures otherwise. It is  
12 important to note that residential energy efficiency is key to meeting the nation’s climate  
13 goals. As a 2017 Natural Resources Defense Council study points out, residential energy  
14 efficiency can account for around 550 million metric tons of CO2 equivalent emissions  
15 reductions annually by 2050.<sup>18</sup> As such, rate design that encourages adoption of energy  
16 efficient measures should be pursued if emissions reductions goals are to be achieved.

17 **Q: Is Evergy’s proposed customer charge higher than that of utilities in surrounding**  
18 **states?**

19 A: Yes. Not only is Evergy’s proposed customer charge of \$16.71 higher than that of Missouri

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<sup>17</sup> Missouri Public Service Commission Case Nos. ER-2022-0129 and ER-2022-0130, Doc. No. 658: *Amended Report and Order*, p. 75.

<sup>18</sup> Shahyd, Khalil, “Residential Energy Efficiency is Largest Source of CO2 Reduction Potential,” Natural Resources Defense Council (October 5, 2017). Accessed at <https://www.nrdc.org/bio/khalil-shahyd/residential-energy-efficiency-largest-source-co2-reduction-potential#:~:text=Residential%20Energy%20Efficiency%20Leads%20the,intervention%20is%20residential%20energy%20efficiency>.

1 investor-owned utilities, but its current customer charge of \$14.25 is already higher than  
2 that of similarly-situated Missouri utilities. For comparison, the customer charge approved  
3 by the Missouri PSC in Ameren’s recent rate case is \$9.<sup>19</sup> The customer charge for Liberty  
4 Utilities’ Missouri service area is \$13.<sup>20</sup> Finally, and most notably, the Missouri PSC  
5 approved a customer charge of \$12 for Evergy’s Missouri service areas in December of  
6 2022.<sup>21</sup> This is significant in that Evergy’s customers on the Kansas side of the state line –  
7 if Evergy’s proposal was approved – would be faced with a customer charge \$4.71 higher  
8 than that of their Missouri counterparts. This difference is substantial and would result  
9 disparate impacts to Evergy Kansas and Missouri customers that, in some cases, literally  
10 live across the street from one another. Comparable regulated utilities elsewhere in the  
11 region assess and collect customer charges ranging from half the charge proposed by the  
12 Company in this case to several dollars less. For example, Oklahoma Gas and Electric –  
13 serving nearly 900,00 accounts, collects a customer charge of \$13.00. Entergy Arkansas,  
14 which serves over 700,000 accounts, has a customer charge of only \$8.40; and the Empire  
15 District Electric Company which, though smaller, serves a neighboring service territory in  
16 Kansas at a customer charge of just \$11.04.

17 Furthermore, although the Company seeks this increase to the customer charge, other  
18 regulated utilities have recently been required to *decrease* fixed customer charges. In  
19 Wisconsin, regulators required Madison Gas & Electric to lower customer charges from  
20 \$19 to \$15 in 2023, while the Public Service Company of Oklahoma was ordered by

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<sup>19</sup> See Missouri Public Service Commission Docket No. ER-2022-0337.

<sup>20</sup> Missouri Public Service Commission Docket No. ER-2021-0312, Doc. No. 275: *Order Approving Stipulations and Agreements*, p.7.

<sup>21</sup> Missouri Public Service Commission Docket No. ER-2022-0129 and ER-2022-0139, Doc. No. 658: *Amended Report and Order*, p. 75.

1 regulators to reduce a \$20 customer charge to just \$12.<sup>22</sup> In that case, commissioners noted  
2 the former high charge was “contrary to conservation and efficiency” – a point we agree  
3 with and apply to this case (above).<sup>23</sup>

4 **Q: What is your conclusion and recommendation to the Commission?**

5 A: The high customer charge proposed by Evergy will disproportionately impact low-income  
6 ratepayers who suffer from already high energy burdens. Moreover, high customer charges  
7 disincentivize investments in energy efficiency by distorting price signals and lengthening  
8 payback periods. The Commission should reject Evergy’s proposed customer charge and  
9 order that the customer charge be reduced to alleviate impacts on the most vulnerable  
10 customers and ensure that the adoption of energy efficient technologies is not hindered by  
11 mitigation of savings opportunities. This should be achieved by ordering Evergy to adjust  
12 its customer charge with a focus on impacts involving low-income customers as will be  
13 discussed in the next section, on encouraging conservation, and finding a rate that will  
14 encourage energy efficiency investments.

15 **IV. Low-Income Rates**

16 **Q: What are the alternative options to mitigate impact to low-income customers when a**  
17 **high customer charge is unavoidable?**

18 A: As mentioned above, low-income customers are disproportionately impacted by high  
19 energy burden. This may be exacerbated by rate design, such as high fixed customer  
20 charges, that low-income customers are less able to mitigate through behavior change or  
21 investment in energy efficiency measures. To help address energy burden and provide

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<sup>22</sup> See Public Service Commission of Wisconsin, Docket No. 3270-UR-124 (2021) and Corporation Commission of Oklahoma, Case No. PUD 202100055 (2021).

<sup>23</sup> Corporation Commission of Oklahoma, “Order in Case No. PUD 202100055”. (2021). Accessed at: <https://imaging.occ.ok.gov/AP/CaseFiles/occ30429037.pdf>

1 financial relief to customers in need, many states require utilities to provide low-income  
2 customers with discounted electric or gas rates.

3 **Q: How are low-income rates implemented?**

4 A: The states and their individual utilities employ a variety of methods in determining income  
5 eligibility for low-income rate programs. Typically, low-income rates are offered to  
6 customers below a certain threshold, such as a percentage of the federal poverty level.<sup>24</sup>  
7 Program designs vary, but include fixed bill credits, fixed percentage discounts, and billing  
8 caps based on a percentage of income.<sup>25</sup> New Hampshire, New York, and Pennsylvania  
9 offer tiered rate discounts depending on income level and/or other eligibility criteria.<sup>26</sup>

10 California Alternative Rates for Energy (“CARE”), Massachusetts, and Green  
11 Mountain Power in Vermont all utilize a “straight discount” approach, in which the total  
12 utility bill is reduced by a specified percentage or dollar amount.<sup>27</sup> This model is  
13 straightforward; with eligibility often determined by participation in LIHEAP.  
14 Administrative costs are relatively low as a result of sticking to this federal designation.<sup>28</sup>  
15 Massachusetts offers a bill discount of 25-36%, CARE offers bill discounts from 30-35%,  
16 and Green Mountain Power offers a discount of 25%.<sup>29</sup> Along these lines, in its 2023 rate  
17 case, Appalachian Power Company agreed to simply *eliminate* fixed fees for qualifying

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<sup>24</sup> Hansen, Lee, *Utility Rate Discounts for Low-Income Customers in Other States*, Connecticut Office of Legislative Research (February 1, 2018). Accessed at: <https://www.cga.ct.gov/2018/rpt/pdf/2018-R-0051.pdf>.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> Connecticut Public Utilities Regulatory Authority Docket No. 17-1203RE11, *Direct Testimony and Exhibits of John Howat on Behalf of the Office of Education, Outreach, and Enforcement*, p. 30 (April 26, 2021).

<sup>28</sup> *Id.*

<sup>29</sup> LeBel, Mark, “LMI Affordability Through Rate Design,” p. 8, Presentation Given at the Midwest Energy Solutions Conference hosted by MEEA on February 18, 2021. Accessed at: <https://www.meeaconference.org/sites/meeaconference.org/files/media/lmi-affordability-through-rate-design-final-widescreen.pdf>.

1 low-income customers (e.g., LIHEAP-eligible and/or recipients of state energy assistance)  
2 to insulate vulnerable customers from other bill increases.<sup>30</sup>

3 Another model commonly used is a tiered bill discount. This framework is utilized  
4 in New York, with a tiered flat dollar amount discount of \$13-\$42.<sup>31</sup> New Hampshire offers  
5 a 5-tier system with discounts ranging from 8-76%.<sup>32</sup> Finally, Rhode Island offers tiers  
6 based on enrollment in other benefit programs, with discounts ranging from 25-30%.<sup>33</sup>

7 Other utilities offer percentage of income payment plans, in which electricity bills  
8 are capped at 6% of household income for income-qualifying households.<sup>34</sup> These  
9 programs, which verify eligibility yearly and treat underpayment as forgivable debt, are  
10 currently offered in several states, including by utilities in Colorado, Ohio and Illinois.<sup>35</sup>  
11 Regulated utilities in Virginia will begin implementing a percentage of income payment  
12 program this fall.<sup>36</sup>

13 **Q: What policy goals are served by mitigating the impacts of high energy burden on low-**  
14 **income customers?**

15 A: There are important social and economic policy considerations for offering discounted rate  
16 programs to the most vulnerable ratepayers. Energy insecurity and high energy burdens  
17 affect a household's ability to pay for other essential needs, such as healthy food or

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<sup>30</sup> See Virginia State Corporation Commission, Case No. PUR-2023-00002. *Motion to Accept Stipulation and Stipulation*. (2023). In this case, the Company sought an overall increase to the fixed charge but exempted qualifying low-income customers entirely. Accessed at:

<https://www.scc.virginia.gov/docketsearch/DOCS/71%40h01!.PDF>

<sup>31</sup> *Id.*

<sup>32</sup> *Id.* at 8.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 9.

<sup>35</sup> *Id.*; Colorado Dept. of Regulatory Agencies, Public Utilities Commission. "Energy Bill Assistance Programs".

Accessed at: <https://puc.colorado.gov/LIprograms>

<sup>36</sup> Virginia Dept. of Social Services, "Percentage of Income Payment Program: Guidelines". Accessed at:

[https://www.dss.virginia.gov/files/division/bp/ea/intro\\_page/manual/PIPP\\_Guidelines.pdf](https://www.dss.virginia.gov/files/division/bp/ea/intro_page/manual/PIPP_Guidelines.pdf)

1 necessary medicine.<sup>37</sup> High energy burdens often contribute to housing insecurity, which  
2 undermines employment, health, education, and other key elements of a sustainable path  
3 out of poverty.<sup>38</sup> Moreover, utility disconnections can subject the most vulnerable  
4 populations to the most extreme weather conditions, placing the health of children and the  
5 elderly at risk.

6 From a utility perspective, the utility is better off if customers are not disconnected,  
7 as it can continue to collect revenue that would be lost if service was disconnected.<sup>39</sup> In  
8 this scenario, if short-term marginal costs are covered and no additional costs are incurred  
9 to maintain the service, both the utility and its ratepayers as a whole benefit from the  
10 additional revenue (even if discounted).<sup>40</sup> Moreover, avoiding disconnection mitigates the  
11 costs incurred in customer service and restoration of service –among others – down the  
12 line.

13 It should be noted that the development of low-income rates has garnered support  
14 from both the National Association of Regulatory Utility Commissioners (“NARUC”) and  
15 the National Association of State Utility Consumer Advocates (“NASUCA”), which in a  
16 2019 joint resolution recommended that parties:

17 “work to identify and share best practices that demonstrate promise to  
18 reduce delinquencies and disconnections, with the explicit goal of  
19 increasing customers capabilities to pay utility bills over time including best  
20 practices that identify and highlight access to helpful programs and services,

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<sup>37</sup> Hayes, Sarah, and Denson Jr., Ronald, “Protecting the Health of Vulnerable Populations with In-Home Energy Efficiency: A Survey of Methods for Demonstrating Health Outcomes,” American Council for an Energy-Efficient Economy, p. 3 (October 2019); (Citing [census.gov/content/dam/Census/programs-surveys/ahs/publications/HousingAdequacy.pdf](https://www.census.gov/content/dam/Census/programs-surveys/ahs/publications/HousingAdequacy.pdf) (Eggers and Moumen 2013)).

<sup>38</sup> “Preserving Affordable Housing,” Energy Efficiency For All, <http://www.energyefficiencyforall.org/issues/preserving-affordable-housing/>.

<sup>39</sup> Littell, David, and Sliger, Joni, *Making Basic Service More Affordable: Electricity Rates for Low- and Moderate-Income Ratepayers*, The Regulatory Assistance Project, p. 6 (October 2019). Accessed at:

[https://www.raonline.org/wp-content/uploads/2019/10/rap\\_littell\\_sliger\\_new\\_england\\_rate\\_design\\_lmi\\_2019\\_october-1.pdf](https://www.raonline.org/wp-content/uploads/2019/10/rap_littell_sliger_new_england_rate_design_lmi_2019_october-1.pdf).

<sup>40</sup> *Id.*



1 *including bill affordability programs such as discount rates or percentage*  
2 *of income payment plans,* energy efficiency programs and services,  
3 weatherization, consumer education, expanding existing shutoff  
4 protections, custom payment plans that reflect the ability of the customer to  
5 successfully complete the payment plan, and flexible bill due dates;  
6 (emphasis added)”<sup>41</sup>

7 As can be seen above, there are numerous societal and economic benefits that accrue to  
8 low-income customers, the utilities, and ratepayers as a whole from the mitigation of  
9 energy unaffordability. Low-income rates are especially effective at achieving these goals  
10 and providing immediate relief to vulnerable customers.

11 **Q: Didn’t the Kansas Supreme Court already issue a ruling on rate discrimination?**

12 A: In 2020, the Kansas Supreme Court ruled utilities could not subject residential customer  
13 generators to higher rates than other customers based on that distinction.<sup>42</sup> While this  
14 decision, on its face, may sound like it prohibits any rate differentiation based on customer  
15 characteristics, the decision of the Court rested on the application of K.S.A. 66-117d.<sup>43</sup>  
16 This statute prohibits utilities from charging customer-generators more than other  
17 customers. Based upon my evaluation, the Court’s decision would not prohibit the  
18 development of a low-income rate offering.

19 **Q: What is your conclusion and recommendation to the Commission?**

20 A: If it is necessary that Evergy’s high customer charge be approved or that the *status quo* is  
21 maintained, then the Commission should evaluate the steps necessary to mitigate impacts  
22 to low-income ratepayers who will be disproportionately impacted. An approach taken by

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<sup>41</sup> *Resolution on Best Practices in Data Collection and Reporting for Utility Services Delinquencies in Payments and Disconnection of Service*, National Association of Regulatory Utility Commissioners, p. 2 (November 19, 2019). Accessed at: <https://pubs.naruc.org/pub/9392BD1E-D055-4A2C-9677-AAD00FEA7527>.

<sup>42</sup> *In the Matter of the Joint Application of Westar Energy, Inc. and Kansas Gas and Electric Company*, Kansas Supreme Court Decision No. 120,436.

<sup>43</sup> *Id.* (“Our decision today does not impose any restrictions on the Utilities’ and Commission’s economic judgments concerning how best to structure the generation and sale of electricity other than the restriction imposed by the Kansas Legislature in K.S.A. 66-117d.”).

1 many states has been the implementation of low-income rates, which provide meaningful  
2 bill reductions for customers in need. However, this approach is less desirable in the current  
3 case, as it may be a lengthy process to develop and could require legislative intervention.  
4 As such, the most equitable outcome for Evergy's low-income ratepayers is to not approve  
5 the high customer charge proposed.

6 **Q: Does this conclude your testimony?**

7 A: Yes.

VERIFICATION

STATE OF MISSOURI )  
COUNTY OF Boone ) ss:

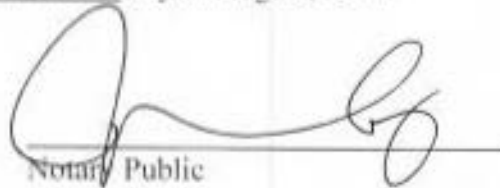
I, James Own, of lawful age and being duly sworn, state and affirm that following: that I was retained by Climate + Energy Project to submit the direct testimony filed herein, I have read and reviewed the above and foregoing *Direct Testimony of James Owen*, and the contents thereof are true and correct to the best of my information, knowledge and belief.



James Owen,  
Director of RenewMO  
Consultant for Climate + Energy Project

SUBSCRIBED AND SWORN to me this 28<sup>th</sup> day of August, 2023.

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Notary Public - Notary Seal  
STATE OF MISSOURI  
County of Boone  
My Commission Expires 2/8/2025  
Commission #21532287

  
Notary Public

My Appoint Expires: 02/08/2025

## ATTACHMENTS

<u>Attachment No.</u>	<u>Description</u>
JO-1	James Owen Case Participation Tracker

**CASE PARTICIPATION OF  
JAMES OWEN**

<b><u>Date</u></b>	<b><u>Proceeding</u></b>	<b><u>Docket No.</u></b>	<b><u>On Behalf of:</u></b>	<b><u>Issues</u></b>
10/20/2017	In the Matter of a Working Case to Explore Emerging Issues in Utility Regulation	EW-2017-0245	Renew Missouri Advocates	<b>Comments:</b> Distributed Energy Resources
2/7/2018	In the Matter of the Application of The Empire District Electric Company for Approval of Its Customer Savings Plan	EO-2018-0092	Renew Missouri Advocates	<b>Rebuttal:</b> Customer savings plan, wind generation, Asbury retirement, federal tax changes
Rebuttal 7/27/2018  Surrebuttal (9/4/2018)	In the Matter of KCP&L Greater Missouri Operations Company's Request for Authority to Implement a General Rate Increase for Electric Service  In the Matter of Kansas City Power & Light Company's Request for Authority to Implement a General Rate Increase for Electric Service	ER-2018-0145/ER-2018-0146	Renew Missouri Advocates	<b>Rebuttal:</b> Demand Response Program  <b>Surrebuttal:</b> Demand Response Program
6/8/2018	In the Matter of the Application of Union Electric	ET-2018-0063	Renew Missouri Advocates	<b>Surrebuttal:</b> Eligibility parameters, wind generation

	Company d/b/a Ameren Missouri for Approval of 2017 Green Tariff			
9/17/2018	In the Matter of Union Electric Company d/b/a Ameren Missouri's 3rd Filing to Implement Regulatory Changes in Furtherance of Energy Efficiency as Allowed by MEEIA	EO-2018-0211	Renew Missouri Advocates	<b>Surrebuttal:</b> Statutory Requirements of MEEIA
9/28/2018	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Public Convenience and Necessity Authorizing it to Construct a Wind Generation Facility	EA-2018-0202	Renew Missouri Advocates	<b>Surrebuttal:</b> Second Non-unanimous Stipulation and Agreement; Need for the project; Conservation conditions
11/16/2018	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for	ET-2018-0132	Renew Missouri Advocates	<b>Surrebuttal:</b> Charge Ahead Programs

	Approval of Efficient Electrification Program			
1/15/2019	In the Matter of a Workshop Docket to Explore the Ratemaking Process	AW-2019-0127	Renew Missouri Advocates	<b>Comments:</b> Ratemaking Process
1/22/2019	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Convenience and Necessity Authorizing it to Construct a Wind Generation Facility	EA-2019-0021	Renew Missouri Advocates	<b>Surrebuttal:</b> Conservation conditions; Tax revenue; Benefits of wind generation
1/28/2019  9/16/2019	In the Matter of Kansas City Power & Light Company's Notice of Intent to File an Application for Authority to Establish a Demand-Side Programs Investment Mechanism	EO-2019-0132/ EO-2019-0133 (GMO)	Renew Missouri Advocates	<b>Rebuttal:</b> PAYS Program  <b>Surrebuttal:</b> Energy Efficiency Policy; Additional programs
3/5/2019	In the Matter of the Application of The Empire	EA-2019-0010	Renew Missouri Advocates	<b>Surrebuttal:</b> Benefits of wind generation;

	District Electric Company for Certificates of Convenience and Necessity Related to Wind Generation Facilities			Conservation conditions; OPC's CCN standard
3/27/2019	In the Matter of the Joint Application of Invenergy Transmission LLC, Invenergy Investment Company LLC, Grain Belt Express Clean Line LLC and Grain Belt Express Holding LLC for an Order Approving the Acquisition by Invenergy Transmission LLC of Grain Belt Express Clean Line LLC	EM-2019-0150	Renew Missouri Advocates	<b>Rebuttal:</b> Commission standard; Benefits of transaction
7/15/2019	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Permission and Approval and a Certificate of Public Convenience and Necessity	EA-2019-0181	Renew Missouri Advocates	<b>Rebuttal:</b> Benefits of wind generation



	Under 4 CSR 240-3.105			
10/7/2020	Electronic Application of Kentucky Power Company for (1) A General Adjustment of its Rates for Electric; (2) Approval of Tariffs and Riders; (3) Approval of Accounting Practices to Establish Regulatory Assets and Liabilities; (4) Approval of a Certificate of Public Convenience and Necessity; and 5) All Other Required Approvals and Relief	KPSC Case No. 2020-00174	Mountain Association, Kentuckians For The Commonwealth, and the Kentucky Solar Energy Association	<b>Rebuttal:</b> AMI meters, Net-metering, Energy Efficiency Programs, PAYS®, Economic Impacts, Rate design, Customer charge
3/5/2021	Electronic Application of Kentucky Utilities Company for an Adjustment of its Electric Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering	KPSC Case No. 2020-00349 / Case No. 2020-00350	Mountain Association, Kentuckians For The Commonwealth, the Metropolitan Housing Coalition, and the Kentucky Solar Energy Association.	<b>Direct:</b> AMI meters, Energy Efficiency Programs, PAYS®, Economic Impacts, Rate design, Customer charge

<p>7/13/2021</p> <p>8/5/2021</p>	<p>Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One-Year Surcredit.</p> <p>Electronic Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates, a Certificate of Public Convenience and Necessity to Deploy Advanced Metering Infrastructure, Approval of Certain Regulatory and Accounting Treatments, and Establishment of a One- Year Surcredit.</p>			<p><b>Supplemental Direct Testimony:</b> Value of Solar</p> <p><b>Supplemental Rebuttal Testimony:</b> Value of Solar</p>
<p>4/16/2021</p>	<p>In the Matter of the Investigation into the Sustainability Transformation Plan of Evergy Metro, Inc., Evergy Kansas Central, Inc., and Evergy</p>	<p>Kansas Corporation Commission Docket No. 21-EKME-088-GIE</p>	<p>Climate + Energy Project (“CEP”)</p>	<p><b>Comments:</b> DER, Electrification, Securitization, Transmission upgrades, Solar Resources, Wind Resources, Equitable access</p>



	its Revenues for Electric Service			
4/22/2022	In the Matter of the Electronic 2021 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company	KPSC Case No. 2021-00393	Mountain Association, Kentuckians For The Commonwealth, and the Kentucky Solar Energy Association	<b>Comments:</b> Pay As You Save ®/On-Bill Financing
5/27/2022	In the Matter of the Petition of The Empire District Electric Company d/b/a Liberty to Obtain a Financing Order that Authorizes the Issuance of Securitized Utility Tariff Bonds for Energy Transition Costs Related to the Asbury Plant	EO-2022-0193	Renew Missouri Advocates	<b>Surrebuttal Testimony:</b> Securitization
6/17/2022	In the Matter of the Application of Evergy Kansas Metro, Inc., Evergy Kansas South, Inc. and Evergy Kansas Central, Inc. for Approval of its Demand-Side Management Portfolio pursuant to the	Kansas Corporation Commission Docket No. 22-EKME-254-TAR	Climate + Energy Project (“CEP”)	<b>Direct Testimony:</b> MEEIA Programs, Hard-to-Reach Homes Program, Pay As You Save®/On-Bill Financing, Non-Energy Benefits  <b>Settlement Testimony:</b>

	Kansas Energy Efficiency Investment Act (“KEEIA”), K.S.A. 66-1283			Supporting Original Settlement Agreement on Programs and Financial Recovery, Opposing Alternative Settlement Agreement
7/13/2022	In the Matter of Evergy Metro, Inc. d/b/a Evergy Missouri Metro’s Request for Authority to Implement a General Rate Increase for Electric Service  In the Matter of Evergy Missouri West, Inc. d/b/a Evergy Missouri West’s Request for Authority to Implement a General Rate Increase for Electric Service	ER-2022-0129/ ER-2022-0130	Renew Missouri Advocates	<b>Rebuttal Testimony:</b> Time-of-Use Rates for Distributed Generation Customers, Green Pricing REC Program, Energy Burden Data Sharing
1/18/2023	In the Matter of the Application of Union Electric Company d/b/a Ameren Missouri for Approval of a Subscription-Based Renewable Energy Program	EA-2022-0245	Renew Missouri Advocates	<b>Surrebuttal Testimony:</b> Public Interest, Corporate Need for Renewables

1/31/2023	In the Matter of the Application of Evergy Missouri West, Inc. d/b/a Evergy Missouri West for Permission and Approval of a Certificate of Convenience and Necessity Authorizing It to Operate, Manage, Maintain and Control an Existing Wind Generation Facility in Oklahoma	EA-2022-0328	Renew Missouri Advocates	<b>Surrebuttal Testimony:</b> Public Interest, Value of IRP Process
2/15/2023	In the Matter of Union Electric Company d/b/a Ameren Missouri's Tariffs to Adjust its Revenues for Electric Service	ER-2022-0337	Renew Missouri Advocates	<b>Rebuttal Testimony:</b> Time of Use Rates for Distributed Generation Customers, Customer Charge
5/15/2023	In the Matter of the Application of Grain Belt Express LLC for an Amendment to its Certificate of Convenience and Necessity Authorizing it to Construct, Own, Operate, Control, Manage, and	EA-2023-0017	Renew Missouri Advocates	<b>Surrebuttal Testimony:</b> The Public Interest, Intent of the Legislature

	Maintain a High Voltage, Direct Current Transmission Line and Associated Converter Station			
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## CERTIFICATE OF SERVICE

I hereby certify that on this 29<sup>th</sup> day of August 2023, the foregoing *Direct Testimony of James Owen* was electronically filed with the Kansas Corporation Commission and that one copy was delivered electronically to all parties on the service list as follows:

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