



CURBside News

NEWS FROM THE WATCHDOG FOR RESIDENTIAL AND SMALL COMMERCIAL CONSUMERS OF UTILITIES APR. 2014

R.I.P. A.W. "Bill" Dirks 1924-2014



A.W. "Bill" Dirks, a longtime member of CURB's board, died on February 22, 2014, at the age of 90. Bill served sixteen years on our board, setting a record for longevity of service to ratepayers that has yet to be matched by any other board member.

Bill worked as a teacher and administrator for the school district in Wichita for 40 years, and afterwards served as a volunteer for several organizations, including AARP, his church and the board of directors of McPherson College, his alma mater. He is remembered as an excellent teacher and admired as a fair and creative administrator who mentored many educators throughout his career. Bill was instrumental in forging the alliance of CURB with AARP, working together on legislative agendas and educational projects on behalf of utility customers.

Born in 1924 in Saskatchewan, young Bill was sent to live with relatives in Kansas after

his mother died. His service as a frogman in the US Navy during World War II earned him his US citizenship. He was also a licensed pilot who celebrated his eightieth year by flying a wartime-era plane. His love of travel was shared with his wife, June, with whom he shared 67 years of marriage.

Bill is survived by June, their daughters Sheri Hiebert and Suzanne Scott, two granddaughters, and his sister Marie Krehbiel of Moundridge. His memorial was held in Wichita on March 8.

We who knew Bill and worked with him on the CURB board remember his intelligence and tact, as well as his thoughtful analysis of issues facing utility customers. He was a tireless advocate for ratepayers, an invaluable asset to their cause. He was a special man who will be missed by many who appreciated his dedication to his work, devotion to his family and his church, and the energy and cheerfulness with which he approached every day of his life.

We offer our sincere condolences to his family. ♦

Commission approves \$43.6 million increase for Westar transmission rates

The Commission recently approved a Westar request to increase its transmission rates by \$43.6 million annually. This increase is Westar's annual filing under its Commission-approved Transmission Delivery Charge.

The increase was requested to recover expenditures made by Westar to build transmission lines and to recover the cost of regional transmission charges billed by the Southwest Power Pool.

By law, the Commission must approve the increase within 30 days, but in this instance, the Commission approved the increase, but made it subject to refund.

Accountants from the KCC and CURB are reviewing the filing and will recommend adjustments to the KCC if errors are found.

This is Westar's 20th rate increase since January 2009, for a total of over \$526 million.

KCC Docket No: 14-WSEE-393-TAR

Howison Heights customers get decision on rates, still awaiting fate of operations

At an open meeting on April 3, the KCC announced that it would soon issue an order awarding a \$27,266 rate increase to Howison Heights, Inc., a small Saline County water utility. In doing so, the Commission declined to make permanent the interim rate increase of \$47,000 it approved last year. The amount of the increase was based on CURB's recommendation, which the KCC staff adopted late in the proceedings.

The order it issued on April 7 confirmed the KCC's earlier announcement, and adopted an approach that incorporated many, but not all of the recommendations that CURB has made throughout the rate case and investigation into Howison's quality of service. The Commission stated, for example, that the Staff's recommendation last May that the Commission should grant an increase of \$47,000 had been "based largely on assumptions and conjecture regarding Howison's expenses due to the utility's poor recordkeeping practices." That's what CURB had been arguing all along.

Unfortunately, the smaller increase isn't likely to culminate in customer refunds, because for several months, Howison charged rates that were actually less than it was authorized to charge, due to some calculation errors in the

tariff that was approved by the Commission. The KCC Staff and CURB are going to have to determine how much Howison actually collected from customers during the time the interim rates have been in effect, and then compare that figure to what would have been collected under the \$27K increase to determine whether customers are entitled to refunds or credits.

Given Howison's precarious financial condition—including no access to borrowed capital—ordering refunds might be futile if the utility has no money, is liquidated or sold to another utility. If customers have overpaid, it's possible that they might receive credits or discounts on future bills, rather than refunds.

The Commission stated that this order will not be a final order, and ordered its Staff to work closely with Howison to ensure that a chlorinator is installed on the backup well that the utility uses to meet peak demand in the warmer months. Currently, Howison only has a functional chlorinator on its main well.

Additionally, the Commission stated that it would permit Howison's customers to migrate to another utility if they wish, a stance that CURB cannot support. The 60-customer utility is already too small to be viable; losing customers to other utilities will reduce revenues further, and leave the remaining customers to cover the costs.

The KCC's preference for the utility's ultimate fate was not discussed, but the commissioners' remarks at the open

meeting implied that they expect that the utility will eventually be sold to or operated by another utility.

This less-tentative stance concerning Howison may be a result of the KCC becoming convinced that it can legally continue to fully regulate Howison during its bankruptcy proceeding, or perhaps a result of finally hearing live testimony on the problems at Howison, particularly that of its owner, Tim Howison.

On February 6 and 7, the KCC held a hearing on the financial state of Howison, as well as witnesses' concerns about the water utility's quality of service, mismanagement and the potential impact of the utility's bankruptcy proceeding on its future.

Owner Tim Howison testified for most of the first day about his experiences in operating the 60-customer water utility in suburban Saline County, and described some of the problems he's faced in keeping the utility running properly.

The KCC's Director of Pipeline Safety, Leo Haynos, described his visits to the Howison facility, stating that he observed unacceptable operational practices and systemic problems that won't be solved without considerable investments in the utility's infrastructure.

Altogether, the testimony made clear that Howison has historically relied on revenues from Mr. Howison's other businesses to make repairs and improvements to the utility, and

that until the economy improves, there is little likelihood that Howison will have the revenues to make needed improvements to the chlorination system and to improve low pressures for homes located at higher elevations in Howison's territory.

Mr. Howison also testified that the utility's lenders have been ordered by the FDIC to call in the utility's loans, which far exceed the value of the utility's assets. These revelations did nothing to relieve CURB's concerns about the ability of the utility to serve customers over the long haul.

The parties filed post-hearing briefs that addressed testimony heard at the hearing, as well as the legal issues concerning Howison's bankruptcy and foreclosure proceedings.

Howison's attorneys, as well as the Commissioners, had expressed concerns that a stay imposed by the bankruptcy court may preclude the KCC from taking any action that may diminish the utility's revenues or value of its assets. CURB and the Commission Staff took the position that the KCC may continue to regulate Howison and take any action concerning Howison that is consistent with the public interest and intended to preserve the safety and delivery of water service to its customers. The KCC now appears to agree with its Staff and CURB on this issue.

The Commission's decision on Howison's rates was issued well ahead of the May 13 deadline, but there is no dead-

line for additional decisions it may make as a result of its investigation into Howison's ability to provide sufficient and efficient service. The commissioners' remarks at the open meeting made it clear that the KCC intends to continue to closely monitor Howison to ensure that essential repairs and improvements are completed and that it will make every effort to ensure Howison's customers have a reliable, safe water supply now and in the future.

KCC Docket Nos. 13-HHIW-460-GIV and 13-HHIW-570-RTS

Farewell to CURB atty. Steve Rarrick

The staff of CURB bid a sad farewell to attorney Steve Rarrick on March 27. Steve joined CURB in 2004 and immediately jumped into the first of several telephone company deregulation battles that he fought on behalf of consumers over his decade at CURB.

As KCC regulation of telecoms was reduced, Steve moved into handling electric and gas cases. He was instrumental in litigating several major KCPL cases, including the company's five-year regulatory plan designed to finance the construction of its Iatan II plant and the case approving the expenses of the environmental upgrade to the LaCygne plant.

CURB staffers will always remember our shock, awe and admiration of Steve and his wife Jayne, who—after over 20

years of marriage without kids—took into their home and eventually adopted four young siblings who had spent most of their lives bouncing in and out of foster care. Lots of laughs ensued as Steve came in each morning to relate his new experiences—trying to keep shoes tied, hats and books corralled and wondering if he would get to enjoy jelly-free countertops ever again.

If Steve hadn't already earned our admiration for his great legal skills, the way he took on the new tasks of fatherhood cinched a firm place in our hearts. It hasn't all been laughter and joy (whose family is?), but he and Jayne went from a serene DINK (double-income, no kids) lifestyle to forging an energetic and close-knit family of six that is founded in faith, love and affection. That's an accomplishment for which they both have every reason to be proud.

We'll miss Steve on a personal level for his wry sense of humor, and will miss him as a professional for the quality of the legal work he did on behalf of utility customers.

We wish Steve, Jayne and their children the best as he moves on to new ventures.♦

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Westar asks for \$12.3 million increase for environ. upgrades

Westar has filed a request with the KCC to increase its Environmental Surcharge by \$12.3 million per year. This increase is Westar's annual filing made under its Commission-approved Environmental Cost Recovery Rider. The increase is being requested to recover the expenditures made by Westar to install air emission retrofits and related environmental upgrades at Westar's coal generation facilities.

Accountants from the KCC's Staff and CURB are reviewing the filing and will make adjustments if warranted. If approved, this will be Westar's 21st rate increase since January 2009, for a total of over \$538 million.

Go to <http://curb.kansas.gov/> for a full listing of Westar's rate increases since 2009

KCC Docket No: 09-WSEE-737-TAR

KCC grants waiver of refunds owed to co-op customers over CURB's objection

On February 18, 2014, the KCC granted Mid-Kansas Electric Company (MKEC) a waiver of the refund obligation of its member cooperative, Victory Electric. A 2007 settlement required Victory to initiate refunds to customers if certain financial metrics were exceeded.

However, a provision of the agreement authorized the KCC to waive the refund obligation if the utility could establish that retaining the refunds "provides benefits to customers that exceed the benefits that otherwise would be provided to the customers by refund."

After reviewing and investigating Victory's request for waiver of the refund obligation, CURB recommended that Victory's \$583,227 refund obligation should not be waived, because the financial metrics under the 2007 settlement were exceeded for the year 2010. CURB noted that the refund should have been made contemporaneously with a report Victory should have filed by March 2011, and Victory's failure to file the report when the settlement required should not give Victory the opportunity to argue that the present circumstances support its waiver request.

MKEC and Victory argued that retaining the refund would be more beneficial to customers than giving them a refund, pointing to a \$370,345 energy cost adjustment refund in 2010, approximately \$3 million in capital improvements, and capital credits provided to customers.

CURB pointed out that not only was the energy cost adjustment refund completely unrelated to the settlement's refund requirement, it was already recognized in the financial metric calculations requiring the 2010 refund. With respect to capital improvement investments by Victory, CURB

noted these capital investments were normal and necessary investments required to provide safe and reliable service and therefore were not a separate benefit related to the refund requirement.

Finally, CURB reasoned that the capital credits did not fulfill the refund requirement since capital credits were considered and specifically mentioned in the 2007 settlement, in addition to the requirement to make refunds when specific financial metrics were exceeded. Further, the present value of refunds to customers greatly exceeded the remote future benefits related to capital credits.

Unfortunately, the KCC rejected CURB's arguments and granted Victory's request for a waiver of its refund obligation specified in the 2007 settlement.

KCC Docket No. 06-MKEE-524-ACQ

Mid-Kansas co-op elects to deregulate

On November 22, 2013, Mid-Kansas Electric Company, LLC filed with the KCC its notice of election to deregulate pursuant to K.S.A. 66-104d.

On January 7, 2014, the Commission issued an order affirming the utility's election to deregulate.

KCC Docket No. 14-MKEE-253-DRC

Call 211
for information about
obtaining assistance with
utility bills from agencies
and programs associated
with the United Way in
Kansas.

Atmos seeks \$7 million base rate increase

Atmos Energy, a natural gas utility that serves 129,000 customers in 106 communities in Kansas, filed an application in January for a net base rate increase of \$7.005 million. Atmos is requesting an overall rate of return of 8.44%, based on a capital structure of 48.76% debt and 51.24% equity, with a 10.53% return on equity.

Atmos states that the increase is approximately 13% of overall revenues. The net overall increase is actually \$8.765 million, but it includes revenues from the Gas Safety and Reliability Surcharge (GSRs) and the ad valorem surcharge that will be rolled into base rates. These line items will increase base rates but the surcharges will be rolled back to zero on customer bills, so they are not considered part of the increase.

Atmos is also requesting to replace the GSRs surcharge with a mechanism for recovery of costs for “system integrity projects.” The new mechanism would not be limited to 40 cents/month per year increases like the GSRs, and is intended to recover the costs of large-scale replacements of aging steel and cast-iron mains throughout Kansas. A regulatory asset would be created annually for ongoing costs, which would then be recovered through a surcharge similar to the GSRs. However, the amount flowed through the

surcharge would likely be significantly larger.

The Commission rejected a similar proposal last year by Kansas Gas Service for recovery of cast-iron main replacement costs, stating that the legislature, in enacting the GSRs statute into law, had expressed its preference to limit the types of projects and the amount of costs that should be allowed extraordinary recovery through a surcharge.

As for the rates themselves, Atmos also proposes to increase facilities charges for residential customers and schools. This charge—the flat monthly charge that remains the same each month, regardless of usage—would increase from \$16.75 to \$22.94 per month for residential customers. However, commodity charges to residential customers would decrease slightly from \$0.13700/ccf to \$0.13698/ccf.

For schools, the facilities fee would increase from \$45.00 to \$69.05 per month, with no change to the commodity charges.

Commercial Sales and Public Authority Sales Service commodity charges would be reduced by \$0.00002/ccf to \$0.13698/ccf.

Atmos proposes no change to the rates of Industrial Sales Service, Small Generator Sales Service, Large Industrial Sales Service—Interruptible, Irrigation Engine Sales Service, Interruptible Transportation Service Post '95, or any Special Contract tariff.

Thus, residential customers and schools are bearing the brunt of the increase because Atmos' cost-of-service study indicates that the company is not recovering enough revenues from them to cover their contributions to the overall cost of service.

CURB's staff and its consultants are in the process of analyzing Atmos' application and cost-of-service study to verify the accuracy and appropriateness of Atmos' request for this increase. Testimony is due to be filed on May 20.

A public hearing on Atmos' application was held on April 7 in Overland Park, and was simultaneously broadcasted to Independence, Hillsboro and Ulsysses so that members of the public in all areas of Atmos' service territory could observe the presentations by the parties, participate in the question-and-answer session and offer testimony to the Commission.

Comments on Atmos' rate increase and its other proposals may be submitted to the KCC through June 19, 2014. Comments regarding the case should reference KCC Docket No. 14 – ATMG-320-RTS, and may be sent to the KCC, Office of Public Affairs and Consumer Protection, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, or emailed to public.affairs@kcc.ks.gov. You may also call toll-free at 1-800-662-0027.

KCC Docket No. 14-ATMG-320-RTS

Westar prepay proposal opposed by Staff, CURB

Westar Energy has proposed a new pilot program that would waive deposit requirements for customers in exchange for their agreement to prepay for electric service.

Westar is touting the proposal as an attractive payment option for customers, but CURB and the Commission Staff are concerned that the prepay option will not simply be an option, but the only option for customers who want electric service, but find deposit requirements burdensome or impossible to meet.

As proposed, the prepay option would only be available to customers whose homes have the new automated electronic meters. Currently, Lawrence and Wichita are the only areas where substantial numbers of the meters have been installed.

Prepay customers will have to agree to receive notices of low balances, pending disconnections and other matters via email or text message. Additionally, prepay customers will pay a \$4.00 per month service charge. They will waive certain rights under the KCC standards, including the strict notice requirements prior to disconnection. However, disconnection fees will be waived, and reconnection fees will be \$10.00, lower for than for other customers.

Prepay customers would also waive certain rights under the KCC's Cold Weather Rule, but

at this juncture, it isn't certain how Westar would deal with prepay customers. Westar's original application called for a policy of not disconnecting prepay customers in non-freezing weather if their account balances dropped below zero, but Westar would have limited the amount of power they would receive each month to that of a "subsistence" level of power sufficient to keep the heat and lights on. Additionally, customers would have had to agree to payment plans that would pay off arrearages much more quickly than under typical payment plans.

Now, however, Westar has withdrawn the proposal to provide subsistence-level power, stating that its system doesn't have the capability to do so. Whether Westar intends to treat prepay customers differently under the Cold Weather Rule in some other way still isn't clear.

One of the problems with this docket is that Westar filed a bare-bones application last fall for this pilot, and it took a great deal of discovery to sort out the details on the costs and operation of the proposed program. Apparently in response to CURB's and Staff's complaints about the lack of evidence filed in the case, the Commission ordered testimony to be filed in the docket in late March. Both CURB and Commission Staff filed testimony indicating that the information that Westar had provided was insufficient to support a decision approving the program. Westar provided more information during

discovery and when it filed its testimony, but there are still many unanswered questions for investigators concerned with the proposal's potential impacts on customers.

CURB is concerned that the prepay program will become the default payment method for low-income households or those with bad credit ratings—even if they do pay their utility bills. Ever since Westar sought and received approval for an amendment to the KCC billing standards to allow the utility to increase deposits for customers who have three or more late payments in a twelve-month period, the number of customers calling CURB to complain about the deposit requirements has increased. Many customers, for a variety of reasons, pay their bills every month, but not on time. Customers who tend to be late payers—even though they do pay their bills—may find themselves forced into the prepay program if they cannot afford to pay larger deposits.

Further, Westar can increase deposit requirements for customers who have filed for bankruptcy or who have a lower credit rating than they did when they first initiated service—even if they have maintained a good payment history with Westar. Strict enforcement of these requirements could force many customers into the prepay program who are in good standing with their bills but cannot afford to pay higher deposits.

CURB does not believe customers who pay their utility bills—and any late fees if the

bill is paid late—should be penalized with higher deposits or be forced to prepay their bills because they are having financial problems in other areas of their lives. Late fees are intended to compensate Westar for the inconvenience and costs associated with late payments and to make sure those costs aren't paid by other customers. Larger deposits shouldn't be required. Further, it is unfair to base deposit requirements on factors other than the history of the customers in paying their Westar bills.

If these requirements were eliminated, it is likely that there would be fewer takers for the prepayment option if it were to be approved. CURB believes that it makes more sense to restore the original billing standards rather than create a new program to deal with the problems the new standards have created.

We should make it clear here that CURB is not necessarily opposed to Westar offering a prepay option to customers, but we have been looking for a compromise that might be reached with Westar that would limit eligibility for the prepay pilot to customers who are not financially distressed. We want to see if customers who aren't being forced into a choice between making a deposit or opting to prepay will actually choose the prepay option. If it is true, as Westar contends, that many customers like prepay programs, limiting eligibility to customers who aren't under financial duress should verify that claim.

Finally, CURB is concerned that customers who prepay will be paying more, not less for electric service, even though they will be providing Westar interest-free capital in advance of receiving electric service. Although the service charge is described as justified because the outside vendor that will be operating the prepayment program for Westar will be providing personalized messages and alerts to prepay customers that Westar doesn't normally provide, CURB would like to see some evidence that Westar couldn't offer these services at a lower cost through its own staff and facilities.

Negotiations continue with Westar, and the Commission's decision on Westar's proposal is due to be issued by May 29.

KCC Docket No. 14-WSEE-148-TAR

Tom Wright replaced by Pat Apple at KCC

Governor Sam Brownback has declined to renew the appointment of Commissioner Tom Wright, whose term on the KCC expired on March 15.

Gov. Brownback has appointed Pat Apple of Louisburg as his replacement. An electrician by trade, Apple has most recently served as a state senator in the Kansas Legislature for the 37th District.

The soon-to-be former Senator Apple, whose resignation from the Senate will be effective on April 10, will be sworn in on April 11. He is a Republican who stepped in to

serve as chairman of the Senate's Utility Committee after his fellow Senator Jay Emler left the post. Emler was appointed to serve on the KCC in January.

Comm. Wright, a Democrat, served as chairman of the KCC from his appointment by Governor Sebelius in 2007 until the election of Mark Sievers to the chairmanship in May 2011.

Admittedly, CURB locked horns with Tom Wright a few times over the years, but he's always been a consummate professional in dealing respectfully with our differences, and shown genuine understanding of the importance of the role CURB plays in KCC proceedings. We admire his efforts to learn more about the industries the KCC regulates, and applaud his leadership in pushing the KCC to upgrade and expand its computer capabilities. We especially appreciated his recent expression of support for changing state law to allow utilities to offer a discounted rate to low-income customers, or to find other ways to insure that those least able to afford utility service aren't deprived of access to electric and natural gas service.

CURB wishes Tom and his wife a long and happy retirement.



**Know what's below.
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Legislative Update

Here's a summary of bills that address matters of concern to utility customers that CURB's been tracking during the 2014 session.

Bills that passed

Sen Sub for HB 2482 creates the Energy Efficiency Investment Act. Proposed by Kansas City Power and Light to ostensibly encourage utilities to provide energy efficiency and demand-side resources to help consumers lower their utility bills, it specifies that "it shall be the policy of the state to value demand-side program investments equal to traditional investments in supply and delivery infrastructure." That's a clear policy statement, but it's muddled by the qualifier "as much as practicable," and states that utilities "shall not be required to offer, implement or continue demand-side programs."

The bill does not specify what types of programs shall be offered, does not specify how costs are to be recovered and does not specify whether incentive payments are to be offered to utilities for providing the programs. The KCC must rule on proposed programs within 180 days, but may extend that to 240 days with good cause. And utilities retain the right to discontinue programs if the KCC modifies the program (denying or lowering incentive payments, for example). In essence, if the KCC doesn't pay the utilities at a level they

approve, the utilities won't offer pro-grams that have proved to lower costs. The gas utilities success-fully pressed for a new clause that precludes fuel-switching programs. That will prevent electric utilities from offering rebates to customers who switch out natural gas furnaces for electric heat pumps. The bill is on its way to the Governor for signature.

Sen Sub for HB 2101 modified the Kansas Net Metering Act. Currently, if you have a small solar or wind energy generator at your home or small business, any excess energy you put back into the utility system spins the meter backwards, netting what you use against what you produce. If you produce excess energy for the month, the excess energy is carried forward and credited against future usage/bills. You are paid the equivalent of the full retail rate for the energy you put into the utility system. For net metering customers on the utility system prior to July 1, 2014, this current net metering scheme is grandfathered in until January 1, 2030.

After this July 1, the new law will reduce the generator size limit for new residential net metering customers from 25 kilowatts to 15 kilowatts, and from 200 kilowatts to 50 kilowatts for commercial customers and schools. Also, any excess energy produced over what is used will simply expire at the end of the month and will not carry forward as credits against future bills. This limits net metering to only that

amount that is equal to what is actually used during the month.

Thus, this new law limits but does not eliminate net metering in Kansas. But the limitation will change the financial profile of small generation systems and reduce the subsidies inherent in paying full retail rates to small customer generators. The bill is on its way to the Governor for signature.

-----◆◆◆◆----- Bills that didn't pass

Sen Sub for HB 2014 would have repealed the Kansas Renewable Energy Standards Act (RES). The RES requires electric utilities to acquire a certain percentage of peak needs from renewable resources. In Kansas that's mostly wind, and the requirement is currently 15% by 2016, and 20% by 2020.

Supporters of the bill argued that wind should stand on its own and not be supported by mandates that ultimately increase utility rates. Opponents argued that the utilities have already exceeded the requirements, so repealing the RES is only symbolic. However symbolic its intent, the bill also would have sent a clear message to the wind industry that Kansas does not appreciate its investment and jobs.

The Senate introduced the bill as SB 433, but the Utilities Committee put the contents of SB 433 into House Bill 2014. Sen Sub for HB 2014 passed the Senate 25-15. Since it was placed into a House bill, the House could only vote to

concur with the bill, or to not concur with the bill, which would send it to a conference committee. In the House, a motion not to concur failed by a vote of 51-71. A subsequent motion to concur with the bill and send it to the Governor for signature also failed 44-77. These maneuvers resulted in the bill not passing, but through more procedural maneuvers, it's possible the bill could be revived. At the legislature, nothing is over until the final vote ends the session.

SB 279 is a Westar bill that grants it the right-of-first-refusal in Kansas to build transmission lines smaller than 300 kV in its service territory. CURB opposed. There are several independent transmission companies willing to compete to build lines. We think it is prudent to take advantage of that competition to lower costs. CURB did not believe it was appropriate to simply grant Westar exclusive rights.

SB 428 caps the franchise fee that cities can charge utilities at 5% of gross revenues. Franchise fees are passed directly onto consumer bills. CURB supported this cap as a deterrent to cities from increasing franchise fees as a way to avoid increasing other local taxes.

HB 2465 authorizes certain tax-exempt entities such as schools and military bases to build a renewable energy facility on their premises of a size of up to 200% of the entities' annual baseline usage. CURB opposed

since there was no evidence of the costs or benefits to other customers on the utility system of allowing systems of this size to be built.

HB 2460 implements retail wheeling, which requires Kansas utilities to transport another supplier's power to the utilities' customers. The bill allows customers who build a renewable energy generator to become a renewable energy supplier; it also requires utilities to transport the supplier's renewable energy to other customers on the utility's system. CURB offered neutral testimony on the bill. We're interested in learning more about retail wheeling and other forms of generation competition. However, CURB also recommended that the committee not pass the bill as written. ♦

CURBside is brought to you by the Staff of CURB:

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Citizens' Utility Ratepayer Board
CURB

Meet our Members:



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HARVEY**
– CHAIR
TOPEKA



**ELLEN
JANOSKI**
– VICE CHAIR
PECK



**BOB
KOVAR**
– MEMBER
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**BRIAN
WEBER**
– MEMBER
GARDEN CITY



**JAMES L.
MULLIN, II**
– LENEXA

Consumer Counsel's



CORNER

Here in the Corner, we were saddened by the news of the passing of Bill Dirks, a former board member at CURB. Bill was on the board for 16 years, appointed and reappointed by governors from both parties. He served as Chair and Vice-Chair during his tenure, but title never seemed to mean much to Bill. He cared about people, and he believed wholeheartedly that CURB's mission was to be the voice of people who can't otherwise participate in the very legalistic process of setting utility rates. Bill was a long-

time advocate and volunteer at AARP and he brought that advocacy into the board room. For Bill, how we treated the most vulnerable among us was the touchstone principle of our values.

Bill was part of the team that brought me to CURB and I had the pleasure of working for Bill for many years. He had a quiet integrity that required few words to know the direction he thought we should go. He was more mentor than boss, more advisor than director. He was always quick to praise, and on the occasions that we disagreed—more than a few—he was always professional and encouraging.

I never had the impression that Bill saw himself as exceptional. He was just a normal man, living a normal life. He spent a career mentoring teachers; there are likely thousands of children that benefited from

the guidance he provided. He stayed active in his community, his church, and his state. Simply put: he served. And not for glory or awards, but because things needed to be done.

I spoke to Bill several weeks before he passed away. He had read an article in the newspaper about some tussle CURB was having with Westar and called to give me his two cents' worth. He was in good spirits, recovering from a few medical issues, and excited about an upcoming vacation with his wife, June, to visit his children. As always, he asked me to pass on his respect to the staff here at CURB for the work we do. I'm going to miss those calls. He was a good friend.

To June, and all of his family, we offer our condolences. The State of Kansas just lost a good one.

—*Dave Springe*



Dave Springe presents Bill Dirks a plaque commemorating his 16 years of serving ratepayers on the CURB board.

When Cold Weather Rule ends, what to do?

The KCC's Cold Weather Rule protects customers against electric and gas disconnections for arrearages during freezing weather from November 1 through March 31. Customers with arrearages are subject to disconnection outside the Cold Weather Rule period.

Customers with remaining unpaid balances after March 31 period have a few options for continuing service if simply paying off the entire balance isn't an option.

First, it is always important to talk with the utility first to see if a payment plan can be arranged. Most plans require the customer to pay the current bill, as well as pay extra toward the arrearage. The customer may have to pay extra towards a deposit, as well. Unfortunately, many utilities will increase the amount of the deposit for customers with a poor payment history.

Seeking financial assistance is an option for low-income customers. Again, contacting the utility to inquire about the availability of assistance programs is a good first step.

The United Way also operates a toll-free hotline for information about utility assistance programs in Kansas that are funded through the United Way. Call "211" to be connected with information about your area.

Sometimes churches can be a source of emergency assistance, as well. There's no clearing-

house for church-based assistance, so you'll just have to check around with individual congregations. It doesn't hurt to ask.

Households with family members that have special needs—newborns or those who need oxygen or other life-saving equipment—should ask the utility if they are eligible to remain connected. The utility may require a physician's certification of necessity, or require the customer to agree to a payment plan.

The websites of CURB and the KCC both have similar informational pages about assistance options. The KCC has recently added a map-based search tool that makes it easier to find programs that are offered in the customer's area.

CURB's consumer assistance page can be found at http://curb.kansas.gov/consumer_assistance.htm. The KCC's map tool for finding assistance is at http://kcc.ks.gov/pi/assistance_dir.htm.

Don't overlook programs listed at these sites that offer assistance with making one's home more energy-efficient, which can help to reduce future energy bills.

It's too late now, but keep in mind for next heating season that a customer should contact the utility immediately when it is clear that the payment is going to be late. Cold Weather Rule-style payment plans are much easier to arrange during the period when the Rule is still in effect than they are later on.

But customers who work with the utility and make a good faith effort to catch up their bills will usually find that the utility will respond more favorably to working out payment arrangements when the need arises.

Thinking ahead to next year, households that qualify can also apply for LIEAP assistance funding through the Kansas Department of Children and Families. LIEAP funds are provided primarily for heating assistance, but if funding is sufficient, the program sometimes offers a supplemental payment for summer cooling, as well.

A unique feature of LIEAP funding is that it is available to non-utility customers who use wood or propane for their primary heating source. The application period begins in January of each year. It may be too late this year to apply, but put it on your calendar to check with DCF around the first of the year for the dates of the 2015 application period.

Families who qualify for low-income assistance such as school lunches, food stamps, etc., are usually also eligible to receive LIFELINE funding for basic phone service. Contact your phone service provider and ask for a LIFELINE application. The discount isn't huge, but every little bit helps if you are having trouble paying utility bills.

Finally, Kansas is notorious for having late-season bouts of chilly weather in April and May. Please don't endanger yourself and others by using the

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Cold Weather Rule ends

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kitchen range or a propane grill to warm up the house if you are disconnected. It's dangerous. Every year brings sad news about families poisoned by carbon monoxide or burned out of their homes by amateurish efforts to keep warm.

And please check in on vulnerable friends and relatives who may find themselves without power after the Cold Weather Rule ends. A phone call or a quick visit can avert a tragedy. Most utilities offer a third-party notification plan: a concerned friend or relative will receive a call from the utility if the customer's utility bill isn't being paid, which can forestall an unnecessary disconnection.

It may be tempting to consider doing without electricity or natural gas service to save money during the milder months of spring and summer, but keep in mind that many communities will condemn dwellings as uninhabitable if the

utilities are disconnected. Most landlords also insist on utilities remaining connected, to protect their properties and other tenants from harm.

Those with perennial difficulties keeping up with utility bills may benefit from assistance with budgeting and dealing with credit problems. The National Foundation of Credit Counseling is an organization of reputable, nonprofit community services nationwide that assist households with credit and budgeting problems. You can find the nearest counseling service in your area through their website: <http://www.debtadvice.org/>.

But be wary of so-called "credit repair" services that charge outrageous fees for doing little that you can't do on your own with a bit of effort and guidance. If the company claims it will "fix" your bad credit for a fee, without effort on your part, walk away. A legitimate counseling agency offers families educational materials, personalized assistance in developing budgets, and suggests

strategies for building sound household money management plans—all at low or no cost. Choosing an agency that is an NFCC member is the best way to ensure that you are dealing with financial counselors who are genuinely devoted to helping you to attain financial security.

Finally, for those of you who aren't having trouble paying your utility bills, consider making a tax-deductible contribution to one of the utility assistance programs in your area. Many utilities allow customers to contribute a designated amount each month on their bills. All of them accept contributions made directly to the program. Salvation Army and the United Way also accept donations targeted for utility assistance, and some churches maintain emergency funds that always need contributions. It's a nice way to help keep everyone in the community safer.

CURBSIDE

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