

CURB News

News from the Watchdog for Residential and Small Commercial Utility Consumers

SECOND QUARTER 2023



THE CITIZENS' UTILITY RATEPAYER BOARD OF KANSAS

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Evergy Files Its First Kansas Rate Case Post-Merger

KCC Docket No. 23-EKCE-775-RTS

On April 25, 2023, Evergy filed an Application with the Kansas Corporation Commission ("Commission") to make certain changes in rates for electric service in its Kansas service territories ("Rate Case").

This Rate Case is Evergy's first that has been filed with the Commission since 2018, when the Commission approved the merger of Westar Energy, Inc. ("Westar") with Great Plains Energy, Inc., the parent of Kansas City Power & Light Company ("KCP&L"). Subsequent to the merger, Westar was renamed Evergy Kansas Central and KCP&L's Kansas service territory was renamed Evergy Kansas Metro. This Rate Case reflects the capital expenditures made by the joint applicants from their last rate cases as well as savings arising out of the merger. Although Evergy Kansas Central, Inc. ("EKC") and Evergy Kansas Metro, Inc. ("EKM") are separate utilities, one docket contains the applications and supporting testimony for both service territories because of common interests and expenses.

This article will highlight some of the material issues raised in the Rate Case:

Summary of Requested Revenue Increases

Evergy Kansas Central

EKC seeks a \$279 million increase in base rates offset by: (a) a reduction of \$41.5 million that reflects the expiration of large power purchase agreement between EKC and Mid-Kansas Electric Co.; and (b) a reduction of \$33.3 million related to re-basing property taxes currently collected through the Property Tax Surcharge.

As a result of these reductions, EKC seeks a net increase of \$204.2 million (9.77%) in its revenue requirements. The primary contributor to the increase is a \$480 million increase in physical plant investment between EKC's 2018 rate case and June 30, 2023, and a corresponding increase in EKC's overall cost of capital from 7.0573% to a requested 7.4189%. This equates to a \$14.24 av-

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MAJOR CASES WE ARE CURRENTLY FOLLOWING:

- **22-EKME-254-TAR**
Evergy – Energy Efficiency Programs
- **23-EKCE-775-RTS**
Evergy RATE CASE

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erage increase to the average residential customer. The net increase is also brought about by an increase sought by EKC in its depreciation expense, due to the increase in investment in physical plant (as referenced above), an adjustment of depreciable lives of existing generating assets, and inclusion of the costs of dismantling retired plants. The increase also reflects the expiration of certain corporate owned life insurance that was used to reduce the cost of service associated with the Wolf Creek nuclear generating plant. In addition, EKC has experienced a loss of revenues from the expiration of three wholesale energy contracts since its last rate case. However, EKC's net revenue requirement also reflects merger savings of \$89.4 million which offsets part of the gross revenue requirement.

Evergy Kansas Metro

EKM seeks an increase of \$25.1 million in its base rates, offset by a \$10.9 million reduction related to re-basing property taxes currently collected through the Property Tax Surcharge. As a result, EKM seeks a net increase of 14.2 million (1.95%) in its revenue requirement. Similar to EKC, the primary contributor to EKM's revenue increase is a \$195 million increase in physical plant investment between EKC's 2018 rate case and June 30, 2023, and a corresponding increase in EKC's overall cost of capital from 7.0728% to a requested 7.4282%. This equates to an average increase of \$3.47 to the average residential customer. EKC's revenue requirement reflects merger savings of \$39.2 million which offsets the gross revenue requirement.

Cost of Capital

A utility's cost of capital is the weighted average cost of the utility's cost of debt and return on equity ("ROE"). Evergy states that the proposed capital structures reflect the projected capital structures of each utility as of June 30, 2023.

EKC is requesting an ROE of 10.25%. (EKC was authorized an ROE of 9.3% in its last rate case.) EKC's proposed cost of debt is 4.35%. EKC is proposing a capital structure composed of 52.0376% equity and 47.9624% long-term debt. Thus, EKC's estimated overall cost of capital is equal to 7.4282%.

EKM is also requesting an ROE equal to 10.25%. (EKM was also authorized an ROE equal to 9.3% in its last rate case.) EKM's proposed cost of debt is 4.37%. EKM is proposing a capital structure composed of 52% equity and 48% percent long-term debt. Therefore, EKM's estimated overall cost of capital is equal to 7.4189%.

Persimmon Creek Wind Farm

Persimmon Creek Wind Farm ("Persimmon Creek") is a 199 MW wind generating facility located in western Oklahoma, built in 2018. In August 2022, EKC entered an agreement to purchase it for \$250 million. EKC seeks Commission approval to recover the cost of Persimmon Creek over its remaining initial life, estimated to be 15.67 years, resulting in a levelized revenue requirement of approximately \$24.4 million per year.

EKM Allocation between Kansas and Missouri

Collectively, Evergy's Kansas Metro and Missouri Metro service territories form "Evergy Metro." Within Evergy Metro, EKM shares common generation facilities with Evergy Missouri Metro ("EMM"), which serve customers who are located in Kansas and Missouri.

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Map of Evergy Service Territories



EMM is regulated by the Missouri Public Service Commission (PSC) and EKM is regulated by the KCC. Importantly, as part of EKM’s rate cases, the KCC determines EKM’s fixed capacity (demand) cost that should be allocated to Kansas customers. Separately, as part of EMM’s rate cases, the Missouri PSC determines EMM’s fixed capacity (demand) cost that should be allocated to Missouri customers.

Demand cost can be allocated between customers based upon various models. Indeed, demand allocation refers to the method of apportioning fixed capacity costs among customer classes or jurisdictions. One general method of allocating demand costs is known as the coincident peak method. A coincident peak (CP) is the peak demand of a facility (or class of customers or jurisdiction, as applicable) at the time of system-wide peak demand. Importantly, CP allocation can be performed in multiple ways. The allocation can be performed based upon one coincident peak (1 CP) per year or up to 12 monthly coincident peaks (12 CP) per year. For example, under a 1 CP method, the allocator for Kansas would be developed by dividing EKM’s CP for the year by Evergy Metro’s system peak. Whereas, under a 12 CP method, the numerator would consist of the average of EKM’s coincident peaks for each of the 12 months, while the denominator would consist of the average of Evergy Metro’s total system peaks for each of those months.

Currently, the KCC requires EKM to use a 12 CP method of demand allocation to allocate capacity costs to EKM customers, while the Missouri PSC requires EMM to allocate capacity costs to EMM customers based upon a 4 CP method. Evergy states that the difference in allocation methods between the two states results in a significant loss of authorized revenue to EKM. Thus, Evergy now asks the Commission to adopt a 4CP methodology for EKM for various reasons, effectively aligning methodologies between Kansas and Missouri jurisdictions. Essentially, this request shifts the revenue loss to Kansas customers.

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EKC's 8% Interest in Jeffrey Energy Center

Jeffrey Energy Center ("JEC") is a coal-fired power plant located in St. Marys, Kansas. EKC owns an 8% undivided interest in JEC which is not included in rate base and is not currently being used to serve EKC customers. EKC's ownership represents 174 MW of generating capacity. Based upon the purchase price of \$3.7 million, Westar obtained the resource at a cost of \$21/kW. It is important to note that the issue of whether it was in the public interest to include that cost in rate base for EKC was previously determined by the Commission in Docket No. 19-WSEE-355-TAR. In that case, the Commission determined not to include the 8% interest in JEC into EKC's rate base. The Commission reasoned as follows:

"Customers do not benefit by paying for capacity and/or energy they are not reasonably expected to need. Westar was aware that the 8% portion of JEC was not necessary for it to meet its capacity requirements when it entered into its new lease and purchase agreement. Therefore, the Commission finds Westar has not demonstrated that it would be prudent for customers to bear the new costs associated with the new lease and purchase of the 8% interest."

EKC claims that new circumstances warrant reconsideration of that issue. These include increased capacity reserve requirements prescribed by Southwest Power Pool wherein EKC sells and purchases power to serve Kansas ratepayers, and increased load requirements which may come about due to the new Panasonic plant located in the EKC service territory.

Rate Design and Cost of Service Study

EKC alleges that its residential class is not paying its fair share of costs, by virtue that its Cost of Service Study ("COSS") shows that the residential class revenues (1.4%) are well below the total Kansas retail rate of return level, while many other classes are above that level. Therefore, EKC asserts that the residential class should bear a higher rate increase relative to the rate increase allocated to several other classes (40.2%). EKC proposes a Customer Charge equal to \$16.71 per month for the residential class (currently \$14.50).

EKM alleges that its residential class is not paying its fair share of costs, by virtue that its COSS shows that the residential class revenues are well below the total Kansas retail rate of return level (3.6%) while many other classes are above that level. Therefore, EKM asserts that the residential class should bear a higher rate increase relative to the rate increase allocated to several other classes (26.4%). EKM also proposes a Customer Charge equal to \$16.71 per month for the residential class (currently \$14.25).

Residential Time of Use Rates and Peak Rates

EKC and EKM both propose to offer voluntary residential Time-of-Use ("TOU") rates and residential peak (demand) rates to customers as an optional alternative to the traditional Straight Volumetric Rate offered to residential customers. EKC and EKM are offering TOU rates featuring three time periods with different volumetric energy charges (the periods being: "On-Peak" between 4:00–8:00 p.m. M–F, excluding certain holidays; "Super Off-Peak" between 12:00–6:00 a.m. every day; and "Off-Peak" during all other hours). In addition, EKC and EKM are offering Residential Demand Service featuring a demand charge (\$/KW of maximum monthly peak demand, with the peak period being 4:00–8:00 p.m. M–F, excluding certain holidays).

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CURB's Involvement

CURB has retained the services of consultants to cover all aspects of these applications. At present, these experts are engaged in discovery and evaluation of the issues and evidence filed in this docket. All plan to file testimony at the appropriate time.

Schedule

Upcoming significant events in the timeline for this Docket are as follows:

- July 2023 | Public Hearings. (Detailed information regarding the public hearings will be provided in the next article.)
- August 29, 2023 | Direct Testimony from KCC Staff and Intervenors (including CURB) is due.
- September 29, 2023 | Public Comment Period Ends
- October 3, 2023 | Settlement Deadline
- October 9-13, 2023 | Evidentiary Hearing

- ◆ December 21, 2023 | Commission Order Due (if substantial Settlement)
- ◆ January 4, 2024 | Commission Order Due (if no substantial Settlement)

We will provide updates in CURB News as the Docket progresses.

Details on Public Hearings and Comment Period for Evergy Rate Case

KCC Docket No. 23-EKCE-775-RTS

The Commission has scheduled a series of public hearings concerning Evergy's Rate Case. These hearings will provide information about Evergy's applications, including the potential impact on customers' bills, as well as an opportunity for customers to ask questions and to present comments for the Commission's consideration.

A public hearing typically consists of two parts: During the first part, representatives of Evergy, KCC Staff, and CURB will give short presentations about their roles in the docket. Each party will summarize the issues involved and will be available to answer customers' questions pertaining to the application. In the second part of a public hearing, customers may make formal statements to the Commission concerning the application. However, the Commission may determine how to best accommodate the public participation in this important rate proceeding.

The dates and times of the Evergy public hearings are:

- **Tuesday, July 11, 2023, beginning at 6:00 p.m.**

Washburn Institute of Technology — Main Conference Center, Building A
5724 SW Huntoon Street
Topeka, KS

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- **Thursday, July 13, 2023, beginning at 6:00 p.m.**

KU Edwards Campus — BEST Conference Center
12600 S Quivira Road
Overland Park, KS

- **Thursday, July 27, 2023, beginning at 6:00 p.m.**

Wichita State University — Lowe Auditorium in Hughes Metropolitan Complex
5015 E 29th Street North
Wichita, KS

As depicted in the map in the previous article, Evergy operates two separate service territories in Kansas: Kansas Central and Kansas Metro. The Overland Park public hearing will likely feature an equitable emphasis on both Kansas Metro and Kansas Central territory applications. The Topeka and Wichita public hearings will likely focus on the Kansas Central territory application.

The KCC will provide a livestream for the public hearings. Kansans wishing to make a public comment via Zoom during a hearing must register in advance at <https://kcc.ks.gov/your-opinion-matters> to receive login information and time restraints for presentations. As there may be limited capacity, registration will be first come, first serve.

A live video stream will also be available on the KCC YouTube Channel for individuals to watch, but not comment, during the public hearing. No registration is required for viewing only.

Comment Period

The Commission is accepting written comments from the public until 5:00 p.m. (CDT) September 29, 2023. Comments regarding this case should reference Docket No. 23-EKCE-775-RTS. The public can submit comments through the Commission's website <https://kcc.ks.gov/your-opinion-matters> or via e-mail to public.affairs@kcc.ks.gov. The public can mail their comments to:

Kansas Corporation Commission Office of Public Affairs and Consumer Protection
1500 SW Arrowhead Road
Topeka, Kansas 66604-4027

Liberty's Winter Storm Uri Recovery Plan

KCC Docket No. 21-EPDE-330-GIE

On November 22, 2022, Liberty/Empire Electric ("Liberty") filed its Application to recover Winter Storm Uri costs.

Liberty claimed it incurred approximately \$10,773,444 in extraordinary fuel costs ("extraordinary fuel costs") in the state of Kansas in addition to carrying costs of \$1,829,960 from February 2021 thru May 2023.

In order to mitigate the financial impact on customers, Liberty requested the Commission's approval to recover its extraordinary fuel costs over a period of thirteen years with carrying costs at Liberty's weighted av-

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average cost of capital (or “WACC,” currently 8.8107%), beginning May 1, 2023. This would have resulted in an average monthly bill increase of \$7.32, or 6.33%, for an average residential customer using 1,000 kWh per month.

On March 31, 2023, the parties filed a Unanimous Settlement Agreement. The Settlement was approved by the Commission on June 1, 2023. Key aspects of the Settlement include:

- Liberty will recover its extraordinary fuel costs over a period of thirteen years through a volumetric (per kWh) charge. The charge will be a separate line item on customers’ monthly bills.
- The rate on pre-collection costs up thru May 2023 is 3.76%. During the collection period, costs will be recovered at 5.71%.
- The average monthly bill impact to the average residential ratepayer will be \$5.73 per month.
- Parties agreed to enter into good-faith discussions regarding Liberty’s implementation of a gas hedging plan applicable to its Kansas operations to assist in the mitigation of natural gas volatility and for Liberty to file an application for approval of such a plan. The parties further agreed to discuss how placing Liberty’s Wind Projects in rates could mitigate fuel prices.

Compared to the initial proposal, Settlement negotiations reduced total customer payments over the thirteen-year period by approximately \$4.7 million and the average monthly bill impact to the average residential ratepayer by approximately \$1.59.

Unanimous Settlement Agreement Approved in Atmos Rate Case

Docket No. 23-ATMG-359-RTS

After the submission of prefiled testimony by all parties and Atmos Energy Corporation (“Atmos” or “Company”), CURB, KCC Staff, and other intervening parties met with representatives from Atmos to discuss possible settlement options during the week of February 15, 2023.

On February 21, 2023, CURB, KCC Staff, and other intervenors filed a joint motion and settlement agreement on all the issues in this docket. The agreement represented a “black box” settlement in that not every adjustment and detail was determined, but which created a resolution to all disputed items in terms of overall adjustments to rates. The unanimous agreement contained the following key provisions:

- A net revenue increase of \$2.2 million and resetting the GSRS to \$0;
- An agreed pre-tax cost of capital of 8.7% for calculating adjustments to the Company’s Gas Safety and Reliability Surcharge (“GSRS”) and System Integrity Plan (“SIP”);
- Withdrawal, without prejudice, of the request to modify the current SIP budget and proposed five-year SIP extension;
- Acceptance of KCC Staff’s depreciation rates while preserving the issue for parties in future rate cases;
- Withdrawal of the request to eliminate certain miscellaneous fees from tariffs, while agreeing to remove the charge for credit/debit cards;

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- Approval of the SmartCarbon Credit Offset program as a pilot program for six years; and
- Approval of a rate design and class allocation of the revenue requirement.

The agreement modified the customer charge to \$19.75, which represents a slight decrease from the current all-in customer charge rate of \$20.20, inclusive of current GSRS rates. Andrea Crane provided testimony in support of the agreement on CURB's behalf and explained how the agreement represented a fair compromise to all the issues and will result in a much lower rate increase for residential and small commercial rate-payers compared to the Company's initial request. She estimated that the overall bill impact for the average residential customer would be an increase of 3.36%.

On March, 7, 2023, the Commission held an evidentiary hearing to review the terms of the settlement agreement. Witnesses from CURB, KCC Staff, and Atmos provided live testimony on the agreement's provisions and explained how the agreement satisfies the Commission's standards for approving settlements.

On May 9, 2023, the KCC issued an order approving the unanimous settlement agreement. The Commission analyzed the agreement using a three-factor test. Notably, the Commission found the evidence presented through testimony and hearing persuasive to adopt the terms of the agreement. The Commission found that the agreement was supported by substantial competent evidence in the record. Further, the rates established by the agreement would be just and reasonable and below the levels from the Company's initial proposal. CURB does anticipate the fixed portion of customer bills to increase in the future once the Company applies for additional GSRS and SIP investment recovery, but the current reduction reflects CURB's advocacy to mitigate the impacts of fixed charges on customers' bills. In regards to the SIP, the parties agreed to revisit the budget and extension in the future to determine appropriate levels and project focus.

The agreement also called for collaboration on revisions to the tariffs applicable to Transportation customers. Transportation customers purchase natural gas directly from third-party suppliers (rather than through the utility) and the suppliers deliver the natural gas to the utility's pipeline for transport to the customers' facilities. In the wake of Winter Storm Uri, all utilities have identified areas to improve tariffs and rules in order to address challenges associated with servicing transportation customers, particularly during periods of supply and/or demand crisis. CURB met with representatives from Atmos, KCC Staff, and various transportation customers to implement changes based on discussions regarding the aftermath of Winter Storm Uri. One important change that was reviewed during the rate case was the expansion of the requirement of Electronic Flow Metering equipment for most transportation customers. While this presents additional costs for some customers, this technology allows customers and the utility to monitor gas usage and deliveries in near-real time, which will assist in resource planning during emergency events. School customers who use gas below a certain threshold will be exempt from this requirement, but still subject to strict Required Daily Quantity requirements used to estimate consumption and maintain system balance. Further, penalties associated with under- and over-delivery of gas onto the system have been modified to levels sufficient to deter unwanted customer behavior without the risk of extreme financial impacts. While CURB did not directly testify on these issues during the proceedings, it participated in all phases of the development of these changes to ensure that the system would be better prepared to handle events like Winter Storm Uri in the future without overburdening the residential and small commercial

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classes of customers.

On May 12 and 22, 2023, Atmos filed its updated tariffs for sales and transportation customers, respectively. These new rates will be reflected on customer bills starting in June 2023.

How to Opt Out of Third-Party Marketing through Black Hills Energy

It has come to CURB's attention that Black Hills Energy ("Black Hills") has recently partnered with HomeServe and will be marketing protection plans to Black Hills' customers. HomeServe offers repair service plans to cover parts and labor for repairs of electrical, gas, heating, cooling, and water systems. This type of partnership is considered an unregulated activity, thus generally bypassing KCC oversight.

Black Hills' principal privacy policy can be found at: <https://www.blackhillsenergy.com/privacy-policy>. Under the policy, "[Black Hills Energy] may provide your personal information to selected companies who perform marketing services on Black Hills Energy's behalf, or to other institutions with which [Black Hills Energy] have joint marketing agreements. Those agreements require that your personal information be used only to alert you to products or services that might interest you."

CURB believes that there may be some Black Hills customers who may not approve of the transfer of their personal information to third parties. Importantly, Black Hills's privacy policy allows customers "to opt-out of the following services: receiving communications from Black Hills Energy about new features or services, and transferring your personal information to third parties for the purpose of offering a product or service that [Black Hills Energy] think would be of value to you." If they desire, Customers may opt out of such use by:

Sending an e-mail request to customerservice@support.blackhillsenergy.com

Sending a letter request by U.S. Mail to:

Black Hills Energy
PO Box 6006
Rapid City, SD 57709-6006

As with any company, including utilities, customers should take such precautions to protect the privacy of their personal information as they deem appropriate. By including the above information, CURB is only providing information which is already available to Black Hills Energy customers and is not providing any advice or verification with respect to any of the foregoing.

2023 Utilities Legislative Session Summary

CURB has compiled a list of pertinent bills from the 2023 Kansas Legislative session, along with CURB's position on record. **All of the bills in which no action was taken can be further addressed during the 2024 Kansas Legislative Session.**

Each bill can be accessed online: http://www.kslegislature.org/li/b2023_24/measures/bills/

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House Bills

House Bill (“HB”) 2154 is an act providing for the statewide election of the commissioners of the state corporation commission; establishing an election schedule for the election of such commissioners; authorizing gubernatorial appointments until commissioners are elected. The bill would transfer the KCC utilities division to the office of the attorney general requiring the office of the attorney general to represent and protect the collective interests of utility customers in utility rate-related proceedings before the state corporation commission and in any other judicial or administrative proceeding. It would also exempt the state corporation commission from the open meetings act. House Energy, Utilities & Telecommunications (“HEUT”) held a hearing over this bill on February 14, 2023. CURB testified neutral on this bill. The bill was withdrawn from the committee and referred to Committee on Appropriations on February 17, 2023 then referred again to HEUT on March 1, 2023. No further action was taken on this bill.

HB 2155 would require the state corporation commission to review the regional rate competitiveness of an electric utility’s rates in electric utility rate proceedings. HB 2155 would require the Kansas Corporation Commission to evaluate three additional criteria during electric utility rate case proceedings: regional competitiveness of the utility’s rates, rate affordability, and the impact of such rates upon the state’s economic development efforts. The committee did not schedule a hearing on this bill.

HB 2156 would allow the Kansas Corporation Commission to approve utility rates that benefit low-income residential customers. The bill would enable but not require public utility companies to propose such rates. This bill was sponsored by CURB. HEUT held a hearing on this bill on February 9, 2023. Both KGS and Evergy testified in favor of this bill during the hearing. KCC testified as neutral. There were no opponents to this bill. No further action was taken on this bill.

HB 2225 would prohibit electrical utilities from recovering costs associated with transmission facilities constructed as a result of such utility’s internal or local planning processes. The bill would only allow the recovery of transmission related costs if such facilities were constructed due to a directive from a regional transmission organization or independent system operator that is regulated by the Federal Energy Regulatory Commission. The bill would only apply to electrical utility companies that are under the jurisdiction of the KCC. CURB submitted neutral testimony. The committee held a hearing on this bill February 14, 2023 then referred the bill to the Committee on Appropriations on February 22, 2023. House leadership sent the bill back to HEUT on March 7, 2023. The amended bill passed out of committee on March 9, 2023 then passed the House on March 16, 2023, on a vote of 120-1. Senate Utilities passed out this bill on March 23, 2023. The Senate approved the bill by a vote of 37-2 on March 29, 2023. Governor Kelly approved the bill on April 13, 2023 with an effective date of July 1, 2023.

HB 2226 would extend the time period for notice of excavations and permit the use of virtual white lining for excavations. White lining means marking an area by an excavator with white paint or flags or both before giving notice to the notification system. The committee heard testimony on this bill February 9, 2023 and passed the bill out favorably on February 16, 2023. The House of Representatives passed the bill favorably on February 23, 2023, on a vote of 121-0. Senate Utilities passed out the bill favorably on March 28, 2023.

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The Senate approved the bill by a vote of 40-0 on March 28, 2023. Governor Kelly approved the bill on April 24, 2023, with an effective date of July 1, 2023.

HB 2227 would permit contractual agreements between renewable energy suppliers and host customer-generators in which the supplier agrees to install, own, and operate an eligible renewable energy generation facility on the premises owned or otherwise controlled by the host, and the host agrees to purchase the electricity produced by such facility for a defined period of time. Such sales would be exempt from the Retail Electric Suppliers Act. HB 2227 would also require electric utilities to enter into parallel generation contracts with United States military installations and eligible hospitals and religious organizations. The committee held a hearing on this bill February 7, 2023, in which CURB took a neutral position. HEUT took no further action on this bill.

HB 2228 would require Kansas electric utilities not under the jurisdiction of the Kansas Corporation Commission to make net-metering available under the Net-Metering and Easy Connection Act. The bill would also remove the load size limitation of certain net-metered systems and increase the total generating capacity limit for all net-metered systems from 1.0 percent to 10.0 percent of a utility's peak demand from the previous year. Additionally, HB 2228 would modify how excess energy generated by a net-metered system offsets a customer's utility bill. The committee held a hearing on this bill February 7, 2023, in which CURB took a neutral position. HEUT took no further action on this bill.

HB 2310 increases the number of commissioners on the state corporation commission subject to gubernatorial appointment and senate confirmation from three to five. The committee took no action on this bill.

HB 2327 discontinues property tax exemption for new qualifying pipeline property that experiences a spill or leak. The committee took no action on this bill.

HB 2440 requires public utilities to report information regarding customer assistance programs, account delinquencies and disconnections; requiring monthly, annual and historical reporting of such information. This is the House counterpart to Senate Bill ("SB") 278.

Senate Bills

SB 46 requires existing wind energy conversion systems to install light-mitigating technology systems. These systems are subject to the approval of the Federal Aviation Administration. Senate Utilities held a hearing on this bill January 25–26, 2023, then amended the bill into SB 49.

SB 49 requires new wind energy conversion systems to install light-mitigating technology systems. These systems are subject to the approval of the Federal Aviation Administration. Senate Utilities held a hearing on this bill January 25–26, 2023, but has yet to take further action on this bill. On February 16, 2023, SB 46 was amended into SB 49. The amended bill passed out favorably. The Senate passed out this bill favorably on February 23, 2023. House Energy, Utilities, and Telecommunications passed the bill out favorably on March 23, 2023, with approval by the full house on March 29, 2023 on a vote of 118-6. Governor Kelly signed the bill on April 24, 2023, effective when published in the Kansas Register.

SB 54 would set the state sales tax rate on gas, water, electricity, heat, propane gas, LP gas, coal, wood, and other fuel sources for the production of heat and lighting for any use at 0.0% beginning on July 1,

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2024. The bill would allow local governments to continue to charge a retail sales tax on these fuel sources. The Senate Committee on Assessment and Taxation heard this bill on February 1, 2023 where CURB submitted written and oral testimony as a proponent of this bill. Senate Assessment and Taxation passed out the bill favorably on February 16, 2023; however, no further action was taken on this bill.

SB 68 would provide incumbent electric transmission owners a right of first refusal for the construction, upgrading, ownership, and maintenance of certain electric transmission lines approved in a federally recognized transmission plan by a regional transmission organization. Incumbent owners would be required to provide written notice of their intent to construct, own, or upgrade such lines to the regional transmission organization. If there are two or more incumbent transmission owners, the right of first refusal would be determined by mutual agreement between them. Senate Utilities held four days of hearings on this bill from February 6 through February 9. CURB took a neutral stance on this bill. Senate Utilities committee made several amendments to the bill which it passed out favorably on February 14, 2023. The bill was withdrawn from the Senate calendar and referred to the Senate Ways and Means committee on February 23, 2023. No further action was taken on this bill.

SB 78 would require the Kansas Corporation Commission to evaluate three additional criteria during electric utility rate case proceedings: regional competitiveness of the utility's rates, rate affordability, and the impact of such rates upon the state's economic development efforts. The committee took no further action on this bill.

SB 88 is the Senate counterpart to HB 2154. Senate Utilities heard the bill on February 13 and 14, 2023, but took no action.

SB 154 limits the amount of fees, taxes and other charges on a utility bill assessed by a board of public utilities. The committee took no action on this bill.

SB 166 requires public disclosure of an application for a transmission line siting permit under the jurisdiction of the state corporation commission. Senate Utilities held a hearing on this bill February 15, 2023 and passed the bill out favorably on February 20, 2023. The bill was removed from the Senate calendar and referred to the Committee on Ways and Means. No further action was taken on this bill.

SB 214 prohibits public utilities from recovering any dues, donations or contributions to any charitable or social organization or entity through customer rates. It was referred to the Committee on Utilities February 9, 2023. The committee took no action on this bill.

SB 278 requires public utilities to report information regarding customer assistance programs, account delinquencies and disconnections; requiring monthly, annual and historical reporting of such information. CURB submitted neutral testimony on this bill. Senate Utilities heard this bill on March 21, 2023, but took no further action on the bill.

CURB Website Offers Consumer Alerts, Information, and Resources

As part of CURB's commitment to represent ratepayer interests and promote consumer rights, CURB maintains a website to post updates from the KCC and to provide customers with information relevant to their utility needs. Over the past few months, CURB staff has worked to review and update content on CURB's official website as part of the effort to expand public outreach and communication. The main focus of these updates is to provide visitors to the site with helpful links and information regarding utility service in an easy-to-access format. CURB staff edited information regarding topics that are pertinent to utility issues and questions that ratepayers may have about bills and service. Additionally, CURB staff replaced outdated web addresses throughout the page. Below is a summary of the changes and updates recently made to the website:

- **Customer Alerts:** Added articles about the results and impacts of Winter Storm Uri financial recovery dockets and end of COVID-19 pandemic minimum customer protections. Archived past articles.
- **Evergy Rate History:** Updated section with history of Evergy's rate increases and average bill data for both jurisdictions. New format provides increased readability and ease of updating in the future.
- **Lifeline and Affordable Connectivity Program:** Added a new page with benefits and eligibility details and links to federal and state applications for bill assistance towards phone and internet service.
- **Public Hearing:** Added information about virtual hearings and participation, along with the link to the KCC's YouTube channel. Included schedule of upcoming public hearings and methods of submitting public comments.
- **Legislative Issues:** Updated archive of CURB testimony submitted on various bills before the Kansas Legislature.
- **Filing Complaints:** Added links for online informal complaint forms and instructions. Provided link to the KCC formal complaint process page. Updated contact information for Public Affairs and Consumer Protection Division of the KCC.
- **Utility Bill Assistance:** Updated links to customer assistance programs and government websites. Included information for emergency assistance in disconnection situations through local entities, such as Let's Help.

The CURB website can be visited at <https://curb.kansas.gov/>. CURB's contact information can be found through the "Contact Us" tab on the homepage.

Citizens' Utility Ratepayer Board
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ABOUT THE CITIZENS' UTILITY RATEPAYER BOARD

Established in 1988, the Citizens' Utility Ratepayer Board (CURB) is an agency focused on advocacy for residential and small commercial utility consumers in Kansas. The Board is composed of five (5) appointed volunteer members representing the four congressional districts in Kansas and one at-large member. CURB was initially founded by the Chairman of the Kansas Corporation Commission upon a perceived need for a stronger consumer advocate. CURB has evolved into an independent agency, currently employing a consumer counsel, two supporting attorneys, three analysts, and two administrative staff.

OUR MISSION: To zealously protect the interests of residential and small commercial utility ratepayers before the Kansas Corporation Commission and the Kansas legislature.

OUR VISION: To protect Kansas residential and small commercial utility ratepayers by promoting the delivery of optimal utility services—being safe, reliable and technically robust, environmentally sensible, cost-effective, and equitably provided to all Kansas utility consumers at just prices.

Struggling to pay your utility bills?

For financial assistance, visit:

<https://www.dcf.ks.gov/services/ees/Pages/HelpOrg.aspx>

(Search for your city to find local helping organizations.)



The Citizens' Utility Ratepayer Board



Carol Barta
Chair
Manhattan



Leilani Grey
Vice-Chair
Topeka



Mary Treaster
Member
Pretty Prairie



Rachel Jefferson
Member
Kansas City



Dr. Dayna Burks
Member
Wichita