

**BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI**

In the Matter of a Proposed)	Case No.	AX-2003-0193
Amendment to Commission Rule)		
4 CSR 240-13.180)		

COMMENTS OF KANSAS CITY POWER & LIGHT COMPANY

COMES NOW Kansas City Power & Light Co. ("KCP&L" or "Company"), and pursuant to the *Notice to Submit Comments* published June 2, 2003, in the Missouri Register, files its comments on the issue of proposed amendments to Commission Rule 4 CSR 240-3.180, *Submission of Electric Utility Residential Heat-Related Service Cold Weather Report*.

1. KCP&L holds Certificates of Convenience and Necessity from the Commission to transact business as an electric public utility in certain areas of the State of Missouri and is principally engaged in the generation, transmission, distribution and sale of electric power and energy. KCP&L is required to comply with the reporting requirements contained in 4 CSR 240-3.180 and has an interest in the above entitled matter.

2. Communications regarding this matter should be addressed to:

Tim M. Rush
Director Regulatory Affairs
Kansas City Power & Light Company
1201 Walnut
P.O. Box 418679
Kansas City, Missouri 64141-9679
Telephone: (816) 556-2344
Telecopy: (816) 556-2110
Email: tim.rush@kcpl.com

Michael A. Rump
Senior Attorney
Great Plains Energy Services
1201 Walnut
P.O. Box 418679
Kansas City, Missouri 64141-9679
Telephone: (816) 556-2483
Telecopy: (816) 556-2787
Email: mike.rump@kcpl.com

DISCUSSION

3. KCP&L appreciates the opportunity to formally provide comments relating to the proposed amendment to 4 CSR 240-3.180, *Submission of Electric Utility Residential Heat-Related Service Cold Weather Report*. In September 2002, KCP&L supplied informal comments that were much the same as the formal comments supplied here. At that time, KCP&L raised issues and concerns regarding the proposed rule amendments. The rule as published is nearly identical to the proposal KCP&L saw last year. Little has been changed, and no feedback was received from the Commission Staff regarding the concerns raised at that time. Consequently, many of KCP&L's concerns and issues are identical to those raised almost a year ago.

4. KCP&L recommends that an informal working group be established to evaluate the reporting needs and requirements, and establish a reporting form prior to the implementation of any rule. By doing this, the Commission will be able to collaboratively work with the utilities, social agencies and other parties in establishing a well-thought out rule.

5. The purpose of this amendment as stated is, "*PURPOSE: This amendment makes public more efficient information in aggregate form as a standing practice, removing need for commission approval to release individual company reports*

upon a party's request, as required by section 386.480, RSMo 2000." KCP&L has concerns regarding making this information public. This report is a reflection of KCP&L's business practices and customer base, and as such is considered confidential by KCP&L. Section 386.480 RSMo imposes restrictions on the public inspection of information provided by a public utility. The reporting requirements set forth in this proposed amendment to the Cold Weather Reporting rule appear to conflict with this statute.

6. KCP&L also questions the validity of the stated purpose. Even a cursory review of the proposed amendment vs. the existing rule reveals major changes in the reporting requirements. The proposed reporting requirements are much more extensive, and as proposed, require information that is not available to KCP&L in some instances. KCP&L can only report information as supplied by either the customer or an agency. The Company has no knowledge of transactions solely between the customer and an agency, the customer and another customer, or a customer and others. For example, Section "C" of the proposed amendment as written would require KCP&L to report information it doesn't have and can't get. If the purpose of the amendment is to make the information public, that could be accomplished without completely overhauling the reporting requirements.

7. KCP&L estimates the cost to make necessary programming changes to enable the reporting outlined in Proposed Amendment to be \$24,000. This is an increase from the previous informal estimate of \$17,100. This estimate is based on the assumption that modifications to the rule are implemented that will allow KCP&L to report the information as set out in its comments and that KCP&L will not be required to

develop additional systems or practices to capture information that is not currently provided by either the customer or an agency. KCP&L will incur additional costs if it is required to develop such additional systems or practices. These additional costs are not included in the estimate shown above.

8. There will be additional on-going expense to KCP&L due to the proposed additional reporting requirements. This additional expense is not reflected in the estimate above. The proposed changes will increase the amount of time required of KCP&L personnel to prepare and review the information every month of the reporting period.

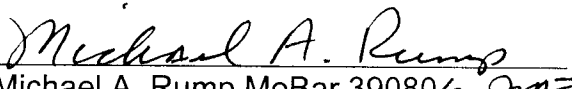
9. As published in the June 2, 2003, Missouri Register, the estimated private cost of these amendments was stated as "*PRIVATE COST: This proposed amendment will cost private entities seventeen thousand and one hundred dollars (\$17,100) in the aggregate.*" It is interesting to note this estimate is identical to the informal estimate KCP&L previously supplied. It seems logical to assume that changes in reporting as extensive as these proposed amendments, would cost all reporting private entities some amount to comply. While all reporting entities may not have supplied a cost estimate for compliance, it is surely an error in logic to assume that the only additional cost is that experienced by KCP&L.

10. KCP&L's comments regarding the proposed amendment are contained in Exhibit 1. Exhibit 1 is a copy of the rule as proposed, with KCP&L's comments embedded. KCP&L's comments can be found following the heading "KCP&L RESPONSE" throughout the proposed rule.

SUMMARY

WHEREFORE, Kansas City Power & Light Company respectfully requests that the Commission consider its comments, and thanks the Commission for the opportunity to present its views.

Respectfully Submitted,


Michael A. Rump MoBar 39080 *by sm*
Senior Attorney
Great Plains Energy Services
1201 Walnut
P.O. Box 418679
Kansas City, Missouri 64141-9679
Telephone: (816) 556-2483
Telecopy: (816) 556-2787
Email: mike.rump@kcpl.com

Attorney for
Kansas City Power & Light Company

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent via U.S. Mail,
postage prepaid on this 3rd day of July 2003, to the following:

Dana Joyce
General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

John Coffman
Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

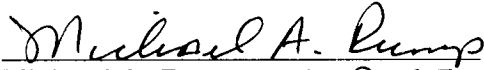
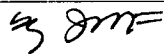

Michael A. Rump 

EXHIBIT 1

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements PROPOSED AMENDMENT

4 CSR 240-3.180 Submission of Electric Utility Residential Heat-Related Service Cold Weather Report.

The commission is amending section (1).

PURPOSE: This amendment makes public more efficient information in aggregate form as a standing practice, removing need for commission approval to release individual company reports upon a party's request, as required by section 386.480, RSMo 2000.

KCP&L RESPONSE

KCP&L has concerns regarding making this information public. This report is a reflection of KCP&L's business practices and customer base, and as such is considered confidential by KCP&L. Section 386.480 RSMo imposes restrictions on the public inspection of information provided by a public utility. The reporting requirements set forth in this proposed amendment to the Cold Weather Reporting rule appear to conflict with this statute. Furthermore, the desire to make this information public, does not explain the purpose of the extensive changes in the reporting requirements.

(1) Each utility providing heat-related utility service shall submit a report to the consumer services department of the commission for each calendar month no later than the twentieth day of the following month. The utility shall provide a copy of each report to the Office of the Public Counsel. *[The report shall include the information listed below]* **The utility shall report for each operational district into which the utility has divided its Missouri service territory[.] the number of days it was permitted to discontinue service under 4 CSR 240-13.055, and the utility shall separately report on the information listed below for customers receiving energy assistance and customers who are affected by 4 CSR 240-13.055 and known not to be receiving energy assistance. All information submitted shall be considered public information; however, no customer-specific information shall be reported or made public.** Utilities providing both electric and gas service shall report the information separately for their gas-only territory[.].

KCP&L RESPONSE

The inclusion of reporting requirements for customers "known not to be receiving energy assistance", implies that KCP&L has some way to know which customers receive energy assistance from any and all sources. This is not the case. KCP&L does not know or have the means to capture information that would

indicate the customer is not receiving energy assistance. KCP&L cannot comply with this requirement as proposed. Any reporting on customers "not known to be receiving energy assistance" would be strictly an assumption that if the customer or an agency did not indicate they were receiving assistance, that they did not receive assistance. In other words, it would be a mathematical calculation, subtracting those customers known to be receiving energy assistance from the total population. The reporting would not be based on any "known" fact, and would not fulfill the requirement.

[(A) The number of days on which discontinuance of service was not prohibited by the cold weather rule's daily temperature moratorium (4 CSR 240-13.055(4));

(B) The utility shall report the following information for all residential customers and state separately the information for those on whose behalf the utility has received notice of qualification for publicly funded energy assistance:

1. The number of residential customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055(8);

2. The number of residential customers whose heat-related utility service was discontinued due to failure to make timely payments under a 4 CSR 240-13.055(8) agreement;

3. The total amount due and owing from residential customers whose utility service was discontinued due to failure to make timely payments under a 4 CSR 240-13.055(8) agreement;

4. The number of residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under a 4 CSR 240-13.055(8) payment agreement; and

5. The total amount due and owing from residential customers whose heat-related utility service was involuntarily discontinued and who were not participants under a 4 CSR 240-13.055(8) payment agreement.]

(A) How many customers were disconnected at the end of the period:

1. Of those disconnected, how many customers had service discontinued for non-payment during the period;

2. Of those disconnected during the period, how many customers were restored to service during the period.

KCP&L RESPONSE

(A) 1. and 2. KCP&L does not object to this reporting provision. This information is available at no additional cost.

(B) Of customers reported as disconnected at the end of the period:

1. How many had broken a cold weather rule pay agreement;

2. How many had broken a non-cold weather rule pay agreement;

3. How many had not been on a pay agreement.

KCP&L RESPONSE

(B) 1. KCP&L does not object to this reporting provision. This information is available at no additional cost.

(B) 2. and 3. KCP&L does not currently track the number of customers disconnected due to a broken non-Cold Weather Rule pay agreement, or the number who had not been on a pay agreement. Programming work is needed if this is to be provided. The estimated cost of this programming is \$2,700.

(C) Of those customers reconnected during the period:

1. How many customers received energy assistance (pledged or paid) from:
 - A. Low Income Home Energy Assistance Program (LIHEAP);
 - B. Energy Crisis Invention Program (ECIP);
 - C. Other.
2. How much energy assistance was provided by:
 - A. LIHEAP;
 - B. ECIP;
 - C. Customer;
 - D. Other.

KCP&L RESPONSE

(C) 1. and 2. These reporting provisions are problematic. Reporting assistance “pledged or paid” will result in double counting. The assistance pledged and subsequently paid can occur in the same reporting period, making it appear that twice the amount of assistance was received. KCP&L can supply this information, but it will be misleading. The provision should be changed to require the reporting, of either “pledged” or “paid”, not both, so that the information may prove useful to the Commission. This is an example of where a working team may be useful in preparing a rulemaking such as this.

KCP&L has never tracked Cold Weather Rule reconnections and the associated assistance funding to this level of detail. Our Customer Information System currently has no provisions to allow the distinction of funding. Even if Customer Information System had this capability, agencies can pledge grants from one source, but ultimately pay from another. KCP&L has no way to discern the source of the paid grant. KCP&L cannot comply with this requirement as proposed.

KCP&L requests clarification of “1. C. Other” and “2. C. Customer” and “2. D. Other”. If this is meant to mean energy assistance was provided from one customer to another, the Company is not provided that information and could not report on it. The “Other” classification poses the same problem for KCP&L. The

Company is not provided that information and could not report on it. KCP&L cannot comply with this requirement as proposed.

KCP&L could provide a breakdown of grant pledges from clearly defined sources that report the information to the Company. Currently, the business practices necessary to enable this tracking are not in place. Programming work is needed if this is to be provided. The estimated cost of this programming is \$6,300.

(D) Of customers restored to service during the period:

- 1. How many were put on a cold weather rule pay agreement;**
- 2. How many were put on a non-cold weather rule pay agreement.**

KCP&L RESPONSE

(D) 1. and 2. KCP&L does not currently track this information based on restoration of service. Programming work is needed if this is to be provided. The estimated cost of this programming is \$2,400.

(E) How much was owed by those disconnected at the end of the period:

- 1. How much was owed by those disconnected during the period;**
- 2. How much was owed by those reconnected during the period.**

KCP&L RESPONSE

(E) and (E)1. and 2. KCP&L requests clarification. (E) speaks of the amount owed at the "end of the period". (E) 1. and 2. speak of the amount owed "during the period". These amounts would be different and the wording should be made consistent. KCP&L cannot comply with this requirement as proposed due to the inconsistency of the language.

(E) 1. KCP&L does not object to this reporting provision assuming the language is clarified. This information is available at no additional cost.

(E) 2. KCP&L does not currently track this information based on restoration of service. Assuming the language is clarified, programming work is needed if this is to be provided. The estimated cost of this programming is \$2,700.

(F) How many customers were registered under 4 CSR 240-13.055(1)(D) at the end of the period:

- 1. How many customers registered during the period;**
 - 2. How many of such registered customers had service discontinued during the period.**
-

KCP&L RESPONSE

(F) 1. and 2. KCP&L does not currently track the number of customers registered under 4 CSR 240-13.055(1)(D) for the purposes of reporting. This will require programming to generate reports based on this information. The estimated cost of this programming is \$3,300.

(G) For how many customers during the period did the utility receive:

- 1. LIHEAP;**
- 2. ECIP;**
- 3. Other assistance.**

(H) How much cash did the utility receive on behalf of customers during the period from:

- 1. LIHEAP;**
- 2. ECIP;**
- 3. Others.**

KCP&L RESPONSE

(G) 3. and (H) 3. KCP&L requests clarification of “(G) 3. Other Assistance” and “(H) 3. Others”. The Company can only report on information it has knowledge of. A requirement to report “Other assistance” and “Other” cash received, implies the Company has knowledge of other sources of assistance and payment. This is often not the case. KCP&L cannot comply with this requirement as proposed. Please see KCP&L’s comments regarding Section C above.

(G) & (H) 1. 2. and 3. These reporting provisions are problematic. “Other assistance” and “Other” cash received cannot be reported without further definition.

KCP&L has never tracked Cold Weather Rule assistance funding to this level of detail. Our Customer Information System currently has no provisions to allow the distinction of funding. Additionally, the business practices necessary to enable this tracking are not in place. Programming work is needed if this is to be provided. The estimated cost of this programming is \$3,300.

It should be noted, only those payments received through KCP&L’s Credit & Collections could be tracked. If a customer receives assistance, especially from private funds, which are given directly to the customer to be mailed, there is no way to track it and it can’t be reported.

(I) How many customers who requested reconnection under terms of this rule were refused service pursuant to section 4 CSR 240-13.055(9).

KCP&L RESPONSE

(I) The language of this provision is unclear. No customer would request reconnection under terms of "this rule", which deals with reporting only. This provision should refer to the Cold Weather Rule 4 CSR 240-13.

KCP&L believes this reporting provision is vague and needs clarification. If a customer complies with the terms of the rule, they are not disconnected, and should they be disconnected because they had broken a Cold Weather Rule pay agreement, or not requested one, they would be reconnected once they met the terms of the rule. KCP&L has no comment regarding this reporting provision, and seeks clarification.

(J) How many customers received energy assistance insufficient in amount to retain or restore service.

KCP&L RESPONSE

(J) KCP&L does not have this exact information and cannot comply with this requirement as proposed.

KCP&L could estimate the number of customers who received insufficient assistance by (1) identifying accounts that had a pending grant at the time service was disconnected for non payment and (2) identifying accounts that had a grant and were cut for non payment at the time the grant was assigned, but were not reconnected.

If the language is changed to allow this estimate, the programming to generate reports based on this information is estimated to cost \$3,300.

(K) The number of customers who agreed to pay for their heat-related utility service under a payment agreement in accordance with 4 CSR 240-13.055.

KCP&L RESPONSE

(K) KCP&L does not object to this reporting provision. This information is available at no additional cost.
