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In the Matter of the Application of Westar Energy, Inc. and  
Kansas Gas and Electric Company for a Waiver of Billing  
Standards Related to Comment Form in Annual Customer Notice

Docket No. 11-WSEE-449-MIS

Kansas Corporation Commission

*2011 Kan. PUC LEXIS 898*

September 8, 2011, Dated

**PANEL:** [\*1] Before Commissioners: Mark Sievers, Chairman; Ward Loyd; Thomas E. Wright

**OPINION: ORDER APPROVING JOINT MOTION AND GRANTING WAIVER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. Background**

1. On December 21, 2010, Westar Energy Inc. and Kansas Gas and Electric Company (collectively referred to as "Westar") filed an application with the Commission seeking a waiver from Section I.F of the Electric, Natural Gas and Water Billing Standards ("Billing Standards") in order to substitute the use of a customer transactional survey for the comment/complaint form identified in the Billing Standards. In its application, Westar explained that the customer transactional survey would be administered to measure the satisfaction of customers that it has had contact with each year on various but consistent matters to gauge how well Westar is meeting its obligation to provide service to its customers. Moreover, each year specialized teams evaluate the results, including comments, [\*2] from customers who responded to the random survey and then propose tasks to improve the overall customer satisfaction of the service provided. Westar has provided survey results to the Commission's Staff in the past and is willing to continue to do so in the future. Westar believes that its annual Customer Transactional Survey produces a more reliable gauge of overall customer satisfaction than the proscribed comment/complaint form set forth in the Billing Standards. The results obtained from Westar's survey are more statistically sound than the results from a comment/complaint form approach. The requirement for the comment/complaint form would be a duplication of Westar's existing procedures.

2. On May 3, 2011, the Staff of the Kansas Corporation Commission ("Staff") filed its Report and Recommendation. Staff noted that Section I.F of the Billing Standards provides:

Once a year, each utility shall mail to each of its customers a notice apprizing them of the Commission's complaint procedure including its role in settling complaints which have reached impasse. The notice should include the Commission's Consumer Protection Office's telephone number as well as a **comment/complaint [\*3] form concerning the utility's performance**. The notices or copies of the notices shall be sent to the Commission. (Emphasis added).

Based on the concern that the transactional survey only reaches a sampling of Westar's customers and does not provide an opportunity for all customers to express their concerns, Staff recommended that the waiver be denied.

3. On May 20, 2011, Westar filed a Response to the Staff Report and Recommendation, in which Westar expressed its intent to schedule a time to meet with Staff in order to explain its proposal in more detail and to discuss opportunities to accomplish the goal of providing customers the opportunity to provide comments without the expense of sending a comment card, collecting and summarizing responsive comments, and then forwarding the comments to the Commission.

4. On August 15, 2011, Westar and Staff (collectively, "Joint Movants") filed a Joint Motion for the Approval of the Application for Waiver. The Joint Movants stated that Westar had agreed to include several different contact methods on its annual notice form, including U.S. mail for customers who have a non-emergency and have limited access to and/or comfort with current [\*4] technology. To expand the communication alternatives for customers and to highlight the Commission's complaint procedures, Westar agreed to provide the revised annual notice on the Westar website, together with a direct link to the Commission's complaint procedures website. In return, Staff agreed to recommend that the Commission grant Westar's request for a waiver.

## II. Analysis

5. Section VI of the Billing Standards provides a procedure for requesting a waiver, which states as follows:

The requirements contained in these standards may be waived in individual cases by the Commission upon written request by the utility and by showing that compliance with the requirement would not serve the interests of either the utility or the customer.

In order to grant the waiver, the Commission must find that compliance with the comment/complaint form required by Section I.F of the Billing Standards does not serve the interests of either the utility or the customer.

6. The comment/complaint procedure was included in the 1989 Billing Standards' revisions in Docket No. 158,796-U. When this procedure was adopted, there were limited ways for customers to contact utilities. With changes [\*5] in modern communication, customers now have a variety of ways to contact and interact with utilities. Customers can communicate over the internet, through social networking, by phone with a customer service representative, by emergency

dedicated phone lines for immediate response, through automated phone response systems and through traditional methods such as a letter, postcard or other writing. There is no need to wait for an annual comment card to have an effective dialogue with a utility. In fact, delaying communication through the use of an annual comment card may not be a proper form of communication if immediate action is required. Accordingly, the Commission finds that the comment card does not serve the interests of the customer because the customer has many ways to communicate with Westar and can voice concerns with utility service in a very immediate and direct way, or by traditional means. On the other hand, the revised annual notice form and the additions to Westar's website do serve the interests of the customer. The comment card does not serve the interests of the utility because it requires extensive administrative efforts with limited benefit.

### III. Conclusion

7. [\*6] Based on the foregoing, the Commission finds that Westar's request for waiver meets the standard set forth in Section VI of the Billing Standards because compliance with the requirement to send an annual comment/complaint form does not serve the interests of either the utility or the customer. Westar's request for a waiver to substitute the use of a customer transactional survey for the comment/complaint form identified in the Billing Standards is reasonable.

8. The Commission conditions this waiver on Westar providing an annual notice to its customers in the form of the notice attached to the Joint Motion as "Exhibit A." The annual notice may be modified from time to time upon consultation with Commission Staff. Moreover, Westar shall modify its website to include a copy of the notice, or amendments thereto, with a direct link to the Commission's procedures for instituting informal and formal complaints.

#### IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Westar's request for a waiver to substitute the use of a customer transactional survey for the comment/complaint form identified in the Billing Standards is hereby granted.

B. Westar shall provide an annual notice to its customers [\*7] as discussed in Paragraph 8 of this Order and shall modify its website to include a copy of the notice, or amendments thereto, with a direct link to the Commission's procedures for instituting informal and formal complaints.

C. The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. *K.S.A. 66-118b; K.S.A. 2010 Supp. 77-529.*

D. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order, or orders, as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Sievers, Chmn.; Loyd, Com.; Wright, Com.

Dated: SEP 08 2011