

For Immediate Release

RATEPAYERS WIN IN KCC DECISION CONCERNING RESIDENTIAL SOLAR RATES

The Citizens' Utility Ratepayer Board (CURB) commends the Kansas Corporation Commission (KCC) on its February 25, 2021 decision regarding Kansas Distributive Generation (Solar) customers on the Evergy Kansas Central utility system. The KCC's decision in Docket No. 18-WSEE-328-RTS rejected a grid access fee proposed by Evergy and others because of its effect upon Solar customers. The KCC also rejected a minimum bill of \$35 per month on all residential customers. Rather, the KCC elected to place Solar customers on the same electric rate as other residential ratepayers as recommended by CURB and other parties in this case.

As the Kansas state agency in charge of advocating for residential and small business utility ratepayers in Kansas, CURB believes that the KCC's decision is a practical solution arising out of the Evergy (then Westar) rate case. That case was initially heard in 2018 but the demand rate the KCC approved for Solar customers (DG rate design) was appealed to the Kansas Supreme Court. Upon appeal, the Court determined that the DG rate design was unlawful. When this case was returned to the KCC for further proceedings last year, CURB intervened in the proceedings to present testimony and arguments advocating for all residential customers.

In particular, CURB testified that Kansas Solar customers should be charged at the same electric rate as other Kansas residential customers until the next Evergy rate case when a better solution could be determined. CURB testified also that the parties should seek legislative guidance on the issue of appropriate billing rates for Solar customers. This guidance is necessary because the Kansas Supreme Court interpreted Kansas statutes to provide that Evergy could not charge Solar customers a higher price for the same service that other residential customers receive from Evergy. Indeed, in the arguments posed by CURB attorney Joseph R. Astrab, "CURB believes that legislative action in response to the Kansas Supreme Court's opinion on DG rate design is key to resolving the issue equitably."

CURB is very pleased to see that aspect of its position reflected in the KCC's decision, which stated, "The KCC also encourages all stakeholders to explore legislative changes to modernize Kansas's net metering laws and other statutes." David Nickel, Consumer Counsel for CURB, noted that the KCC's decision is an interim solution that will likely be revisited in Evergy's next rate case, which is slated to be filed after the end of Evergy's rate moratorium in the next two years. "Now the hard work must begin to find an equitable rate design for all residential ratepayers," Mr. Nickel stated. CURB has already approached some of the parties in this case to suggest that they work together towards a reasonable legislative solution. "Modernizing Kansas's net metering laws is a very complicated task in which the perspectives and needs of all stakeholders are important,"

said Mr. Nickel, “and CURB is anxious to work with all stakeholders to arrive at a fair and efficient resolution.”

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