

Kansas Administrative Regulations

Kansas Corporation Commission

Article 1.—Rules of Practice and Procedure

82-1-231a. Filing requirements for rate proceedings by rural electric distribution cooperative systems providing service to fewer than 15,000 customers.

(a) In lieu of filing a rate case application according to K.A.R. 82-1-231, any rural electric distribution cooperative with memberships of fewer than 15,000 may elect to prepare a less extensive application with schedules that are more appropriate to the operations of smaller utilities.

(b) Applications and evidence.

(1) The application and schedules shall be in the form and substance permitted by the commission and shall include an electronic application as described in K.A.R. 82-1-231(c)(3). The application shall include the following:

(A) Supporting schedules as required by the commission;

(B) a copy of the financial statements of the rural electric distribution cooperative for a test year. These financial statements shall have been audited by an independent certified public accountant and an opinion rendered on them;

(C) a copy of the monthly REA form seven for the test year; and

(D) a copy of the most recent tariffs with penciled-in proposed changes. The test year selected by the applicant may be disapproved by the commission for cause.

(2) A rate case application shall not be considered under this regulation unless all of the following conditions are met:

(A) The commission has received written notice of the intent to file an application not less than 30 and not more than 90 days before the application filing date.

(B) The applicant has met with technical staff to inform the technical staff of the applicant's approximate revenue requirement, any proposed changes in the apportionment of the revenue requirement among rate classes, and any proposed rate design changes.

(C) The applicant has held a public meeting, for which adequate notice was given, to inform its membership of its intent to file an application and to allow its membership to comment. The applicant's public meeting notice shall include a statement of applicant's approximate revenue requirement, any proposed changes in the apportionment of the revenue requirement among rate classes, and any proposed rate design changes.

(3) Within 30 days of a third consecutive filing by an applicant under this regulation, a determination shall be made by the commission as to whether the filing may again be treated as an alternative filing under this regulation, or whether the filing warrants an extended investigation under K.A.R. 82-1-231.

(c) General procedure.

(1) The technical staff shall meet with applicant within 10 days after the application is filed to discuss the technical staff's preliminary review of the application and the appropriateness of addressing the application under this regulation.

(2) Any data request issued by the technical staff shall be answered by the applicant within seven calendar days of issuance. If the data request cannot be answered within seven calendar days, the applicant shall provide the technical staff with a written explanation of the failure to comply. The technical staff may conduct a field audit to verify any information that the technical staff considers essential to a rate proceeding.

(3) The technical staff shall complete the audit of the application and forward a written recommendation to the commission and to the applicant within 60 days after the application is filed.

(4) If the technical staff recommendation is to approve the application with modification or to deny the application, the applicant may submit written comments, which may include a request for hearing, to the commission within five days from receipt of the technical staff's recommendation.

(5) The application shall be considered by the commission within 15 days after receipt of the technical staff's recommendation. The application may be ruled upon by the commission in any of the following ways:

(A) Approved as filed;

(B) approved with modifications;

(C) suspended by the commission pending an order setting the matter for hearing and directing the technical staff to conduct a further investigation; or

(D) denied.

(6)(A) If the commission approves the application pursuant to paragraph (c)5(A) or (c)5(B), an interim order seeking comment shall be issued within 25 days after receipt of the technical staff's recommendation. The interim order shall be subject to a comment period of 90 days. The applicant shall notify its membership of the interim rates, interim rate design, and the comment period within 20 days after the commission's issuance of the interim order.

(B) If at the close of the 90-day comment period, substantial comment has not been received, a final order making the temporary rates permanent shall be issued by the commission. If at the close of the 90-day comment period, substantial comment has been received, further investigation and hearing may be ordered by the commission.

(7) If the commission orders a further investigation and hearing under paragraph (c)(5)(C) or (c)(6)(B), a hearing date and dates by which parties shall file written testimony shall be specified by the commission.

(d) Consideration of an application under this regulation may be suspended and converted to an application subject to K.A.R. 82-1-231 at any time during the proceeding and for good cause. Such a conversion may be made on the motion of the technical staff or the commission.

(e) For good cause shown, any requirements of this regulation may be waived by the commission.

(Authorized by K.S.A. 2001 Supp. 66-106; implementing K.S.A. 2001 Supp. 66-106 and K.S.A. 2001 Supp. 66-117; effective May 1, 1988; amended July 23, 1990; amended Oct. 10, 2003.)

***** Authenticated Kansas Administrative Regulation *****