

HOUSE BILL No. 2440

By Committee on Taxation

2-22

1 AN ACT concerning public utilities; relating to the state corporation
2 commission; requiring public utilities to report information regarding
3 customer assistance programs, account delinquencies and
4 disconnections; requiring monthly, annual and historical reporting of
5 such information.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. (a) As used in this section:

9 (1) "Customer assistance program" means any program intended to
10 assist customers to afford to pay periodic utility service charges or manage
11 their outstanding arrearages, including, but not limited to, federal, state,
12 municipal or ratepayer-funded bill assistance programs, percentage-of-
13 income payment plans, discounted rate programs, arrearage management
14 or debt forgiveness programs and conservation or efficiency assistance
15 programs.

16 (2) "Extreme weather protection program" means any program, rule
17 or statute that limits or prohibits service disconnections based on high or
18 low temperatures or other extreme weather.

19 (3) "Medical protection program" means any program, rule or statute
20 that limits or prohibits service disconnections based on the medical
21 condition or needs of the customer or a member of the customer's
22 household or such individuals' use or need for electrically powered life-
23 sustaining medical equipment, including, but not limited to, ventilators,
24 defibrillators, oxygen concentrators, electric heart pumps and nebulizers.

25 (4) "Public utility" means the same as defined in K.S.A. 66-104, and
26 amendments thereto.

27 (5) "Small public utility" means a public utility that serves fewer than
28 10,000 individuals in Kansas or earns less than \$250,000 in annual gross
29 revenue.

30 (b) (1) On or before the 15th day of each month, a public utility shall
31 file with the state corporation commission and make publicly available the
32 following information regarding the utility, organized by the type of utility
33 service provided, customer class, income level, census tract and zip code,
34 from the preceding month:

35 (A) The number of customers;

36 (B) the total dollar amount billed to and collected from customers;

- 1 (C) the average amount billed to and collected from customers;
- 2 (D) the average utility usage per customer;
- 3 (E) the number of customers receiving assistance under the utility's
- 4 assistance program on the last day of each month;
- 5 (F) the number of customers that received disconnection notices due
- 6 to bill nonpayment;
- 7 (G) the number of customers disconnected due to bill nonpayment;
- 8 (H) the number of customers whose service was reconnected after
- 9 being disconnected due to bill nonpayment;
- 10 (I) the average time between service disconnection due to bill
- 11 nonpayment and service reconnection;
- 12 (J) the number of customers that became eligible for disconnection
- 13 due to bill nonpayment but were not disconnected because of a medical
- 14 protection program;
- 15 (K) the number of customers that became eligible for disconnection
- 16 due to bill nonpayment but were not disconnected because of an extreme
- 17 weather protection program;
- 18 (L) the number of customers that became eligible for disconnection
- 19 due to bill nonpayment but were not disconnected because of any legally
- 20 mandated or voluntary suspension of disconnections;
- 21 (M) the number of customers charged late fees and the total dollar
- 22 amount and average amount of such late fees;
- 23 (N) the number of customers charged reconnection fees and the total
- 24 dollar amount and average amount of reconnection fees;
- 25 (O) the number of customers charged penalties other than late fees
- 26 and reconnection fees and the total dollar amount and average amount of
- 27 those penalties;
- 28 (P) the number of customers in arrears by 30, 60 and 90 days on the
- 29 last day of each month and the total dollar amount owed and average
- 30 amount owed by customers in arrears for each period of time;
- 31 (Q) the number of customers enrolled in deferred payment
- 32 agreements on the last day of each month, the total dollar amount and
- 33 average amount of arrears owed by customers subject to deferred payment
- 34 agreements and the average length of the repayment term under deferred
- 35 payment agreements;
- 36 (R) the number of customers that entered a new deferred payment
- 37 agreement and the number of customers that successfully completed a
- 38 deferred payment agreement;
- 39 (S) the number of customers that defaulted from a deferred payment
- 40 agreement;
- 41 (T) the total dollar amount of arrears and average per-customer
- 42 amount of arrears for customers subject to deferred payment agreements;
- 43 (U) the number of customers whose accounts were reported to a third

1 party for the purpose of debt collection;

2 (V) the number of customers notified by the utility that the customer's
3 account debt has been reported to a third party for the purpose of debt
4 collection;

5 (W) the number of customers whose accounts were reported to a
6 credit reporting agency;

7 (X) the number of customers notified by the utility that the customer's
8 account debt has been reported to a credit reporting agency;

9 (Y) the number of liens placed, sold or enforced on real property due
10 to nonpayment of utility accounts, if applicable; and

11 (Z) such additional information as the commission shall determine is
12 prudent to accomplish the goals of this section and promote the public
13 health, safety and welfare.

14 (2) The commission shall establish uniform standards for the
15 reporting of data by public utilities pursuant to this section. In establishing
16 such uniform standards, the commission shall verify accuracy and
17 preciseness of and compare such data provided by public utilities for
18 reporting. The commission may establish an online reporting system for
19 each public utility to report such data.

20 (3) The commission shall make each monthly report submitted by
21 each public utility pursuant to this section publicly available on the
22 commission's website in an electronic spreadsheet within 30 days after
23 receipt of such information.

24 (c) By September 1, 2024, and annually thereafter, each public utility
25 shall file with the commission a written report containing the following
26 information:

27 (1) A description of available customer assistance programs,
28 including terms of eligibility, the available budget for each program, any
29 changes to the programs during the reporting year and any planned future
30 changes to the programs;

31 (2) the public utility's benchmarks, goals or targets concerning
32 customer assistance programs, if any, and the public utility's performance
33 relative to such benchmarks, goals or targets during the reporting year;

34 (3) the public utility's policies concerning service disconnections,
35 including the minimum amount of arrears that must accumulate before a
36 customer is issued a disconnection notice, the minimum time between bill
37 nonpayment and issuance of a disconnection notice and the minimum time
38 between issuance of a disconnection notice and disconnection of service
39 and how, if at all, those policies differ based on a customer's assessed risk,
40 payment history or other factors;

41 (4) the public utility's policies concerning debt collection, including
42 the minimum amount of arrears that must accumulate before a customer's
43 account is sent to a third-party debt collector and how, if at all, such

1 policies differ based on a customer's assessed risk, payment history or
2 other factors; and

3 (5) excluding any customer-specific communications, the methods
4 and contents of communications to customers concerning available
5 customer assistance programs, service disconnections, debt collection,
6 customer rights and remedies, including medical protection programs,
7 seasonal protection programs and extreme weather protection programs.

8 (d) By January 31 of each year, the commission shall prepare and
9 publish a report containing:

10 (1) A summary of the data reported by public utilities pursuant to
11 subsection (b)(1) for the reporting year, including any significant trends or
12 changes concerning customer assistance programs, service disconnections
13 and debt collection;

14 (2) the commission's assessment of the impact of customer assistance
15 programs, service disconnection policies and collections policies on the
16 affordability and accessibility of utility service, including whether certain
17 customer segments are disproportionately impacted by a public utility's
18 disconnections and collections policies based on a customer's zip code,
19 income level or race;

20 (3) the commission's assessment of whether additional data reporting
21 would identify issues related to the affordability and accessibility of utility
22 service; and

23 (4) the commission's assessment of whether the data reported by
24 public utilities pursuant to subsection (b) identifies issues impacting the
25 public health, safety or welfare that may require further investigation by
26 the commission or other public officials.

27 (e) On or before July 30, 2024, the commission shall open a
28 proceeding concerning the reporting by public utilities of historical data on
29 customer assistance programs, service disconnections and debt collection,
30 including:

31 (1) The number of customers enrolled in customer assistance
32 programs;

33 (2) the number of service disconnections;

34 (3) the number of service reconnections;

35 (4) the number of customers in arrears and the total dollar amount
36 owned and average amount owed by those customers; and

37 (5) other information the commission deems appropriate to promote
38 the health, safety and welfare of the public.

39 (f) The commission shall establish requirements for the reporting of
40 historical data by public utilities pursuant to subsection (e). The
41 commission shall compare historical data with data disclosed by public
42 utilities pursuant to subsection (b) and make such comparisons publicly
43 available.

1 (g) Within 30 days after the proceeding conducted pursuant to
2 subsection (e), the commission shall prepare and publish a report
3 containing:

4 (1) A summary of the data reported by public utilities pursuant to
5 subsection (e), including any significant trends or changes concerning
6 customer assistance programs, service disconnections and collections
7 during the historical reporting period;

8 (2) the commission's assessment of the impact of customer assistance
9 programs, service disconnection policies and collections policies on the
10 affordability and accessibility of utility service during the historical
11 reporting period; and

12 (3) copies of the raw data reported by public utilities pursuant to
13 subsection (d).

14 (h) Any information published by the commission pursuant to this
15 section shall not include personally identifiable information of any
16 customer.

17 (i) Notwithstanding the provisions of this section, when a small
18 public utility submits a written statement that states full and complete
19 compliance with this section would result in an unjust and unreasonable
20 rate increase, the commission may establish alternative reporting
21 requirements for the small public utility. The alternative reporting shall
22 require, at a minimum, the information in subsection (b)(1)(A), (E), (F),
23 (G), (H), (M) and (Q). In establishing such alternative standards, the
24 commission shall verify accuracy and preciseness of and compare such
25 data disclosed by the small public utility.

26 Sec. 2. This act shall take effect and be in force from and after its
27 publication in the statute book.