

Narrative Information—DA 400

Division of the Budget
State of Kansas

Agency CITIZENS' UTILITY RATEPAYER BOARD
Program ADMINISTRATION

September 15, 2023

Adam Proffitt, Director
Division of the Budget
900 SW Jackson, Suite 504-N
Landon State Office Building
Topeka, Kansas 66612

Dear Mr. Proffitt:

As Chair of the Citizens' Utility Ratepayer Board (CURB), I hereby submit for your consideration the Fiscal Year 2025 budget document for the agency. It has been prepared in accordance with the instructions transmitted with your letter of July 6, 2023. To the best of my knowledge and belief, the information and explanation included in this budget request are correct and complete.

As always, CURB staff is prepared to provide any additional information which you or our budget analyst may require.

Sincerely,

David W. Michel,
Consumer Counsel for
Carol Barta
Carol Barta
CURB Chair

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September 15, 2023

J.G. Scott, Director
Legislative Research Department
Room 68-W, State Capitol Building
300 SW 10th Street
Topeka, Kansas 66612

Dear Mr. Scott:

As Chair of the Citizens' Utility Ratepayer Board (CURB), I hereby submit for your consideration the Fiscal Year 2025 budget document for the agency. It has been prepared in accordance with the instructions transmitted with Division of the Budget Adam Proffitt's letter of July 6, 2023. To the best of my knowledge and belief, the information and explanation included in this budget request are correct and complete.

As always, CURB staff is prepared to provide any additional information which you or our budget analyst may require.

Sincerely,

David W. Mickel
Consumer Counselor
Carol Barta
Carol Barta
CURB Chair

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**ORGANIZATIONAL STRUCTURE OF THE
CITIZENS' UTILITY RATEPAYER BOARD**

FIVE BOARD MEMBERS

CONSUMER COUNSEL

ATTORNEY ATTORNEY ATTORNEY

SENIOR REGULATORY ANALYST REGULATORY ANALYST ACCOUNTANT

PUBLIC SERVICE ADMINISTRATOR

SENIOR ADMINISTRATIVE SPECIALIST

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AGENCY MISSION

Our mission is to zealously protect the interests of residential and small commercial utility ratepayers before the Kansas Corporation Commission and the Kansas legislature.

AGENCY VISION

Our vision is to protect Kansas residential and small commercial utility ratepayers by promoting the delivery of optimal utility services — being safe, reliable and technically robust, environmentally sensible, cost-effective, and equitably provided to all Kansas utility consumers at just prices.

AGENCY PHILOSOPHY

The Citizens' Utility Ratepayer Board (CURB) is guided by the belief that residential and small commercial utility ratepayers are entitled to competent, quality legal representation before the Kansas Corporation Commission (KCC or Commission), the Courts and the Legislature, given that the gas, electric, and telephone utility companies in Kansas all enjoy significant legal representation in these areas. CURB is committed to providing efficient and effective legal and technical representation for the residential and small commercial utility ratepayers of Kansas for the goal of ensuring that utilities are allowed to charge only just and reasonable rates to Kansans. CURB represents those Kansans, who would not ordinarily be able to:

- afford the cost of hiring their own attorney and technical experts to represent their interests;
- understand the complicated regulatory process and the technical and legal issues involved;
- participate in technical hearings held during the business hours in Topeka;
- compete with the virtually unlimited funding available to a utility, large industrial customer or large commercial customer to participate in these cases.

The Board believes public service mission is a public trust, and as public servants, the Board takes pride in the service CURB performs for Kansas citizens.

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PROGRAMS ESTABLISHED TO ASSIST WITH AGENCY MISSION

Administration

STATUTORY HISTORY

Initially, the chairman of the Kansas Corporation Commission established CURB in 1988, when he perceived a need for a stronger consumer advocate. During the 1989 Legislative session, House Bill 2454 was passed and signed by the Governor. This bill established CURB as a state agency effective July 1, 1989. House Bill 2454 contained a two-year sunset provision. CURB's enabling legislation is set forth in K.S.A. 66-1222 et. seq. (1989). During the 1991 Legislative session, House Bill 2439 was passed by the Legislature and signed by the Governor. This bill re-authorized CURB and clarified its funding mechanism and budgeting process. This bill also separated CURB from the Commission for budgetary purposes and made CURB an independent agency.

K.S.A. 66-1222 CURB has a five-member board appointed by the Governor. There is one member appointed from each of the four congressional districts in Kansas and one board member from the state at-large. Each member of the board serves for a term of four years.

K.S.A. 66-1223 The Consumer Counsel may:

- a) represent residential and small commercial ratepayers before the state corporation commission;
- b) function as an official intervenor in cases filed with the state corporation commission, including rate increase requests;
- c) initiate actions before the state corporation commission;
- d) represent residential and commercial ratepayers who file formal utility complaints with the state corporation commission;
- e) intervene in formal complaint cases which would affect ratepayers; and
- f) make application for a rehearing or seek judicial review of any order or decision of the state corporation commission.

K.S.A. 66-1224 The Board and Consumer Counsel do not have the power or authority concerning any action taken by an electric or telephone cooperative with a membership of less than 15,000.

K.S.A. 66-1225 CURB is funded through assessments to jurisdictional utility companies that are passed through to utility ratepayers.

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AGENCY WIDE OVERVIEW OF CURRENT YEAR ESTIMATE AND BUDGET YEAR INFORMATION:

CURRENT YEAR:

CURB is a fee-funded agency and receives no money from the State General Fund. CURB is funded through assessments to the utility companies that are then paid for in the utility rates of the consumers CURB represents. Assessments to the utility companies are made quarterly. The assessment is made against all public utilities as required by K.S.A. 66-1503.

The agency's revised FY 2024 estimate is \$87,749 more than was approved by the 2023 Legislature. The increase is associated with a balance of \$87,749 of unexpended money in professional services from FY 2023. The agency is allowed to "carry forward" any unused balances in consulting fees from the previous year but can only use this money for contracts on consultants. Also, the Legislature approved a Pay Plan Adjustment for FY24, which increases the FY24 budget for CURB by \$32,543; therefore, the agency is requesting the total approved level for FY 2024 be set at \$1,358,733.

CURB's most well-known role is to represent residential and small commercial customers in cases involving the determination of utility rates and the approval of policies and practices that may affect utility ratepayers. While the traditional utility rate case review remains a top priority, CURB must also devote resources to the review of non-traditional regulatory proposals presented by the Kansas utilities. These cases involve a wide gamut of issues from the costs and benefits of electric efficiency programs to the need for gas pipeline replacement. To this point, commencing in FY 2020 and continuing through FY 2021, CURB is involved in several dockets pertaining to the effects of COVID-19 on residential and small commercial utility customers and the utilities that serve them.

CURB's involvement in these cases is important to Kansas citizens. Indeed, those familiar with the utility regulatory process know and appreciate that CURB is dedicated to zealously represent only residential and small commercial ratepayers in KCC dockets and other utility matters. There is no other party so dedicated. Industrial consumers can afford their own counsel. The KCC staff represents the public generally, meaning that its positions in utility matters often take into account the positions proffered by the utilities and other consumers classes. Thus, CURB is the only entity appearing before the KCC with clear-throated advocacy towards residential and small commercial ratepayers. Yet, CURB is only an advocate; it cannot guarantee that its position will be adopted by the KCC or any court. Without CURB, however, positions that are held solely by residential and small commercial rate classes would be unheard.

In addition to representing its constituents in rate and utility practices cases, CURB assists consumers who contact CURB needing assistance in the KCC complaint process. Also, CURB espouses the viewpoint of residential and small commercial utility classes before the Kansas legislature when a new law or a change to existing law is proposed either in the Kansas House of Representative or in the Kansas Senate.

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CURB seeks to ensure that its clients are not placed at an unfair disadvantage as utilities adjust to changing federal and state laws and policy initiatives. All of these tasks are important and within the statutory authority of CURB.

CURB does not control the nature and timing of filings made at the Kansas Corporation Commission or Kansas courts by utilities or other parties. CURB must respond to all significant filings on a resource available basis. CURB's actions are also influenced by agency policy pronouncements or litigation results both at the state and federal level. As litigation and other costs rise, CURB is increasingly challenged to maintain a presence in rate cases and other utility matters, to help consumers with complaints to be filed with the KCC, to participate in the several periodic audits that pertain to utility cost changes, and to participate in relevant policy decisions concerning a host of dynamic technological advancements.

For the electric utility industry, several broad issues have emerged over the last few years that serve to drive resource mix, cost of service and the regulatory model under which the utilities operate. First, federal and state environmental regulation has increased the cost of existing fossil fuel resources. Fossil fuel generating plants are currently or will soon be subject to increasingly stringent emission requirements for sulfur dioxide, nitrogen oxides, particulate matter, mercury, as well as more stringent Clean Water Act requirements and Coal Combustion Residuals rules. Plant retrofits to meet these regulations will increase costs to consumers.

Importantly, environmental laws are dynamic. For instance, in 2007 the U.S. Supreme Court found that carbon dioxide and other greenhouse gases fall under the definition of pollutants under the Clean Air Act. In 2009, the Environmental Protection Agency (EPA) found that such gases were a danger to health and environment. In 2013, the EPA issued rules that will limit carbon dioxide emissions from new fossil fuel generating plants. In August of 2015, the EPA issued a final rule that will require a material reduction in carbon dioxide emissions from existing fossil fuel generation plants. Changes in environmental regulations alter the economics of utility business practices.

A substantial amount of the electricity in Kansas, and in the greater Great Plains region is produced from coal-fired generation. Under the new regulations, utilities must determine whether it is more cost effective to retrofit existing plants to meet the new requirements or to shut down existing plants and replace them with a mix of new generation (traditional and renewable) and increased use of demand side management and energy efficiency. As utilities seek to limit their regulatory liability during this period of uncertainty, it is critical that consumer interests remain at the forefront. Costly pollution controls have been added to several plants in recent years and the Commission recently approved a \$1.23 billion retrofit of a large coal plant in LaCygne, Kansas. With the EPA and state environmental rules, regulations and orders that are issued for existing fossil generation, CURB will work to ensure that ratepayers' current and long-term interests are fully represented. For example, CURB will intervene in cases dealing with the question of what long-term strategic resource mix will best meet the needs of the consumer, minimize cost and meet the strictures of new environmental rules. The use of securitization for purposes of stranding existing coal-fired generation is an issue which has arisen recently in the Kansas legislature. CURB expects that this issue will continue to be a focal point for the Kansas legislature during FY21. CURB will advocate for residential and small commercial ratepayers on this issue.

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A second issue that services to drive utility resources mix is Kansas membership in the Southwest Power Pool (SPP), the regional transmission organization for Kansas and surrounding states (SPP members). Notably, the state of Kansas and all Kansas electric investor-owned utilities are members of SPP. Significantly, the Federal Energy Regulatory Commission (FERC) has approved SPP to allocate the cost of building large transmission lines across the territories of all SPP members. Clearing this cost allocation hurdle, a traditional sticking point for building transmission, should encourage additional transmission development in Kansas and surrounding states. Accordingly, the Commission has approved applications for several major transmission line additions in Kansas with more expected. Other state utility commissions have likewise approved transmission line additions throughout the SPP footprint. While the cost of additional transmission causes upward pressure on consumer rates, the potential reduction in transmission congestion and the effective movement of least-cost power throughout SPP may benefit consumers through lower electricity prices, the abatement of the build-out of new generation resources, and retirement of high-cost generation facilities. CURB will intervene in appropriate Kansas proceedings to ensure that consumers derive the greatest benefit from least-cost investment, controlling long-term upward rate pressure.

Indeed, Kansas utilities' membership in SPP has significantly transformed the utility regulatory model. Where local utilities historically dispatched local generation plants to meet local needs, with the day-ahead generation market launched by the SPP in March 2014, all generation in the SPP region is now bid into a centralized market, and all demand in the region is met based on supply and prices in the centralized market. Not every plant a local utility owns is necessarily going to be dispatched in this market, and utilities will pay centralized market prices to meet consumer needs. Indeed, there is substantial excess capacity throughout the SPP footprint. While it is anticipated that the SPP centralized market will lower costs to all consumers through increased efficiency, there is no guarantee that any utility, or its customers will pay less overall for energy. Although CURB's statutory authority is confined to Kansas proceedings, CURB will actively monitor the outcome of Kansas utilities' activities in this central market to ensure customers benefit from lower energy costs derived through membership in the SPP.

Finally, advances in technology significantly affect a utility's resource mix and cost of service. Principally among technological advancements today are advanced grid technology, advances in electric efficiency measures, the increasing number of electric vehicles, and the deployment of rooftop solar projects. Many of these advancements have associated rate design issues. Battery storage (the storage of generated electricity) is seen as imminent as improvements in technology and decreasing costs have been occurring; the widespread use of battery storage could fundamentally alter how utility services are rendered. Because many of these advancements are in their infancy, it is difficult to measure their effect upon residential and small commercial ratepayers as classes. These advancements are often the focus of the Kansas legislature, as well as the KCC.

With respect to advanced grid technology, there have been efforts by the U.S. Department of Energy and local utilities to install advanced grid technology that allows automated monitoring of the utility distribution system and two-way communication between the customer meter and the utility. Consumers pay the cost of installing new metering technology. The technology can be used for simple monthly automatic meter reading services or more comprehensive energy services. Electricity pricing could be offered in discrete increments as small as quarter-hour increments, and allow smart appliances in the customer's home to be controlled centrally by the utility. Advanced grid technology can and

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typically does collect and store a large number of data, some of which would be considered confidential, including personal identifying information. Thus, advanced grid technology increases the agency's concerns about consumer protection, privacy and grid security. On the other hand, advanced grid technology can provide substantial benefits to consumers. For example, this new technology allows consumers to become much more knowledgeable about energy use and pricing than under traditional meter technology. It allows consumers to control their smart appliances remotely or to program them to level their electric load. Advanced grid technology can also allow communities to improve the general welfare of their residents, such as the creation of smart cities. CURB will monitor the costs and benefits of these emerging technologies and will strive to inform and protect consumers as regulatory issues are considered.

In the face of rising rate and regulatory uncertainty, CURB expects that costs as well as conservation and energy efficiency efforts could increase in the coming years. Proposed advanced metering technology will likely influence the type and scope of these programs. Conservation and energy efficiency are a benefit to consumers if they reduce household and business energy needs in the present and forestall the need for expensive new generation in the future. Energy efficiency and conservation are a leading component of the EPA's proposed strategies to meet the new carbon dioxide emission restrictions. One of the compelling problems with electric efficiency tariffs is that the cost of these measures could be borne by those who are unable to take advantage of the efficiency measures. Examples include consumers residing in multi-unit housing, and those on low or fixed income. If electric efficiency tariffs are approved without protecting low income or fixed income consumers from rate increases due to utility-sponsored electric efficiency measures which are included in rates, an avoidable inequity could develop. Moreover, demand response (DR) measures (seeking to avoid the costs of building new generation) may have low present value to consumers in view of the excess generation capacity in the marketplace that exists now and will likely continue to exist in the immediate future. DR measures must be realistically valued in order to avoid inefficient deployment. Finally, electric efficiency measures stem from several sources such as Department of Energy guidelines, private industry and government led initiatives, creating noise that makes it difficult to evaluate, measure and verify the benefits, if any, from utility-sponsored electric efficiency technology. In short, energy efficiency programs, particularly those sponsored by utilities, involve extremely complicated issues. They are aided when public policy establishes goals and guidelines. CURB will intervene in energy efficiency cases to ensure that utility-sponsored energy efficiency programs are truly cost-effective (meaning that the benefits of these programs outweigh their costs) and that low income or fixed income consumers are protected from rate increases due to utility-sponsored electric efficiency measures.

Solar power and distributed generation is becoming more economic, allowing more home owners to install generation at the local level than in the past. While the combination of grid-level technology and affordable distributed generation can be exciting from a consumer standpoint, it has forced the regulated community to evaluate the cost recovery and pricing models that underlie the current regulated framework. Receiving and/or paying fair compensation to distributed generators for the costs a utility incurs to provide grid level service is paramount to insuring that all customers of the utility are treated fairly, and not burdened by the costs created by other customers. The emergence of solar energy and distributed generation will have a substantial impact on residential and small business ratepayers. Kansas Utilities (particularly gas distribution companies) are confronted with replacing an aging infrastructure. CURB will work to ensure that utility programs are approved, which provide reliable heat and energy at the least reasonable cost possible.

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Electric vehicles will likely become prevalent in Kansas in the future, but prices of these vehicles and the size and range of electric battery storage has dampened growth to date. However, with recently enacted federal legislation which provides governmental incentives toward electrification of transportation and other goals, the electric vehicle market is developing rapidly with several automobile manufacturers offering new and generally affordable products to consumers. This market expansion could trigger a need for expanded electric vehicle charging infrastructure. Moreover, as technology develops, electric vehicle charging technology will likewise develop. In these regards, electric vehicle technology, including battery-charging technology, is subject to rapid change. Furthermore, significant policy questions such as whether or not battery charging stations should be a regulated business have not been answered by Kansas policy makers. Therefore, questions exist as to whether or not it is appropriate to allow utilities to build out an electric vehicle charging infrastructure. It is important to note that home charging, particularly at night, may help to level utility loads. Thus, building out a vehicle charging infrastructure that may incent use of electricity at times of high demand may actually increase peak load responsibilities of utilities. CURB will continue to monitor cases involving utility sponsored electric vehicle charging infrastructure to ensure that these infrastructures will be used and required to be used.

With respect to the regulation of natural gas utilities, most know that natural gas prices, with some recent exceptions surrounding Winter Storm Uri and other low temperature events, gas prices have remained relatively moderate over the last several years due to increased production from new shale formations. CURB expects that gas production will remain robust in the immediate future, reducing the overall price of natural gas and more importantly, reducing volatility in the price of natural gas. Since natural gas costs flow directly to consumers through the energy cost adjustment on heating bills, this reduction in price and price volatility should result in consumers having lower heating bills than in the past. CURB will monitor utility rates to ensure that lower natural gas costs are properly reflected in the energy cost adjustment on utility bills.

One issue that has arisen recently that has had a substantial effect upon gas utility bills is the need for replacement or repair of aging utility infrastructure, in particular gas pipelines. In 2008, the Kansas legislature enacted the Gas Safety and Reliability Act (GSRRA) that creates a surcharge of up to \$0.40 per month per residential consumer to be used to recover costs of pipeline replacement related to federal safety requirements. The GSRRA was amended in 2018 to increase the maximum surcharge to \$0.80 per month per residential customer and to add to the types of expenditures which can be collected through the surcharge. Collecting plant replacements through a surcharge represents a change in the traditional regulatory model where these costs were collected through rate base after a rate case was filed by the gas utility. The GSRRA requires regulatory oversight to ensure that the recovery of costs through the GSRRA surcharge are within statutory authorization and are prudently incurred. CURB will intervene in GSRRA filings made by gas utilities to ensure that these regulatory goals are being met by Kansas gas utilities. In addition, some utilities have requested additional surcharges for the purpose of pipeline replacement over and above that contemplated by the GSRRA. In one instance, the Commission has approved a pilot program for such a surcharge up to a limit of \$35 million expended beyond the \$0.80 per month per residential customer limit of the GSRRA, but the utility must meet certain conditions to qualify. CURB was involved in the docket in which that extraordinary relief was approved for the gas utility.

CURB has also been involved with several small water utility cases in the last few years. While there are only a few regulated water utilities in the state, they are small and face unique challenges as large capital cost increases have to be spread to only a few customers. CURB

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will continue to work with the Commission and jurisdictional water operators to insure efficient service while providing flexibility to meet these new financial challenges.

CURB is impacted by decisions at the federal level. As noted above, many of the issues surrounding carbon policy, emissions regulation, advanced metering technology, incentives for renewable resources and energy efficiency that will impact electric utility rates in the future are being made at the federal level. The regulatory scheme for the provision of telecommunications services continues to change through Federal Communications Commission (FCC) initiatives and as a result of litigation at the federal level. Technology is changing the face of telecommunications service, bringing increased broadband deployment and alternative communication services, like Voice-Over Internet Protocol (VOIP). While this technology presents opportunities and potential savings, CURB must work to ensure that consumer protection for these services is comparable to those of traditional local telephone companies.

Moreover, the KCC has reinstated the use of energy cost adjustments for electric utilities. Electric customers now see the changes in fuel prices each month on their bills. Additionally, the KCC has begun the process of putting FERC transmission costs directly on consumer bills in a separate line item as allowed by the Legislature (K.S.A. 66-1237). As noted above, natural gas utilities have a line item charge to recover capital expenditures that occur between rate cases (GSRRA, at K.S.A. 66-2201 et seq.) and several natural gas utilities have requested the Commission authorize additional programs to recover capital expenditures between rate cases to rebuild outdated infrastructure. Most utilities also collect annual increases in ad-valorem property tax payments through a line item on consumer bills. (K.S.A. 66-117(f)) The KCC allows costs related to energy efficiency programs to be collected in an annual line item charge. This shift to line item rate increases between traditional rate cases has put upward pressure on consumer bills. CURB will continue to monitor and intervene where necessary to minimize the imposition and impact of these line item charges. Finally, costs incurred by utilities to comply with federal environmental regulations are also allowed to be collected by utilities through surcharges. Importantly, increases in FERC allowed transmission costs and environmental riders have resulted in an aggregation of substantially higher utility bills than were the case merely ten years ago. These increases are either federally imposed or federally allowed, and CURB has no authority to challenge actions at the federal or SPP level. Nonetheless, CURB maintains that the use of surcharges should be reduced whenever practical and will expend resources in appropriate KCC dockets in these regards.

CURB, through its involvement in the National Association of State Utility Consumer Advocates (NASUCA), attempts to have input in pertinent federal proceedings and associated litigation. NASUCA provides CURB and the consumers it represents input into the decisions made at the federal level. CURB does not have the resources to independently intervene and participate in such cases. The pooling of numerous state resources through NASUCA provides CURB a reasonable means of achieving federal representation on important NASUCA collaborative issues.

The Consumer Counsel represents CURB and residential and small commercial utility ratepayers before the Legislature. During the legislative session, the Consumer Counsel produces fiscal notes for all utility related legislation as required by the Division of the Budget, evaluates legislation and testifies before any committee considering legislation relevant to CURB, its mission and its clients. CURB also believes that it can perform an educational function for the Kansas legislature. CURB perceives that Kansas legislators desire to know and understand

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how proposed legislation may affect their residential and small commercial constituents. CURB recognizes, however, that policy determination is reserved to the Kansas legislature and only hopes to assist in these regards.

In addition to representing its constituents before the KCC, Kansas courts and the Kansas legislature, CURB strives to advise the public on strategies to conserve energy and minimize the financial impact on households from these changes. As part of its duty to advocate for residential and small commercial ratepayers, CURB will continue in consumer outreach efforts. CURB maintains that educational efforts toward residential and small commercial ratepayers can lead to reduced utility bills. CURB strives to increase its interaction with the public and create the means to increase the agency's ability to disseminate relevant consumer information. CURB has a website that gives the public the opportunity to learn about its efforts. CURB continues to improve the website with updates as resources are available. The website includes information about CURB's staff, board members, board meetings, current cases in which the board has intervened, news alerts, Kids' CURB, monthly fuel prices for gas and electric, and links to other useful consumer information. (CURB's website is: <http://curb.kansas.gov>). CURB publishes the newsletter, *CURB News*, to update interested readers on current cases and other relevant developments. The Consumer Counsel continues to respond to requests for speaking engagements from consumer groups on topics related to utility issues, handles constituent calls, has frequent media contact, and attends and participates in relevant seminars.

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BUDGET YEAR INFORMATION:

FY 2024 and FY 2025 Budget Requests -

CURB does not receive any allocated funds. CURB receives its funds through assessments to the gas, electric, and telephone companies in Kansas. The agency's requests for FY 2025 will allow programs to operate at a level equal to the current fiscal year.

Homeland Security Funds: CURB does not receive any homeland security funds.

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PROGRAM GOAL:

To provide the best possible legal representation for residential and small commercial ratepayers before the Kansas Corporation Commission and the Courts of Kansas; to aggressively oppose unjustified rate increases; to insure that utility service in Kansas is sufficient and efficient; to insure residential and small commercial ratepayer interests are represented in all forums where action may affect those interests.

OBJECTIVE:

To actively seek and support the lowest possible reasonable rates for residential and small commercial ratepayers from the regulated gas, electric, and telephone utilities in the state of Kansas.

Strategies for Objective:

1. Intervene in gas, electric, and telephone cases filed before the Commission that have or could have a direct or indirect impact on residential and small commercial ratepayers.
2. Make recommendations to the Commission to receive the lowest possible reasonable rates for utility customers and support such recommendations by the filing of comments, testimony and briefs and participate in any other forum provided.
3. Appeal decisions issued by the Commission that are not favorable to residential and small commercial ratepayers.
4. Assist in the filing of complaints by residential and small commercial ratepayers.
5. Testify or otherwise participate in the legislative arena in regards to bills or proposals that directly or indirectly impact residential and small commercial ratepayers of Kansas.
6. Participate in cases appealed at the state and/or federal level that impact the residential and small commercial ratepayers of Kansas.
7. Participate in any relevant deliberative body, council or committee that may propose policy or other directives that directly or indirectly impact residential and small commercial ratepayers of Kansas.
8. Develop and employ resources to disseminate relevant utility information to interested parties, including maintenance of an agency web site, media contact and speaking engagements or other consumer outreach programs.

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OUTCOME MEASURES:

	FY21	FY22	FY23	FY24 (Est.)	FY25 (Est.)
% of cases CURB filed testimony, briefs, comments, motions	100%	100 %	100%	100%	100%
Number of cases CURB signed Stipulation & Agreement	1	9	4	n/a	n/a

Output Measures:

Number of interventions in electric cases	35	18	21	22	26
Number of interventions in gas cases	22	12	16	22	16
Number of interventions in telephone cases	1	1	0	0	0
Number of interventions in water cases	0	0	0	0	0
Total number of interventions filed	58	31	37	44	42
Number of open dockets:	69	74	107	80	80

The numbers and types of filings that are made in any given year are primarily driven by the utility industry; therefore, it is impossible to predict future filings and resource commitments. Under K.S.A. 66-117, once a utility company files an application to increase its rates, the Kansas Corporation Commission has 240 days to make its decision. CURB relies heavily on private consultants, including accountants, economists, engineers and financial analysts, to review certain issues arising out of the cases in which the agency intervenes. A majority of the actual work done by the reviewing technical consultant must be completed early in the 240-day clock. CURB's technical consultant(s) will review the filing, issue discovery requests, review discovery data, help develop CURB's position, pre-file direct testimony supporting CURB's position, aid CURB's attorneys in preparing for trial and cross-examination of other technical experts, and review CURB briefs for technical accuracy. Many other cases are not filed pursuant to K.S.A 66-117 and may be prosecuted under a different time frame. CURB can appeal decisions issued by the KCC that have a negative impact on ratepayers. CURB places its highest priority on rate cases and participates in other cases and proceedings on a resource availability basis.

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		Fiscal Year 2023 Performance Based Budget Measures		Intermediate Impact		Program Cost/Benefit		
Agency Program	Output	Outcome	Outcome	Intermediate Impact	Program Cost/Benefit			
Represents CURB constituents in KCC rate cases. <i>(CURB's core function is to represent its constituents before KCC rate cases to keep rates reasonably low.)</i>	Total number of filed rate cases in which CURB intervened annually	Percentage of total filed rate cases in which CURB intervened on an annual basis	Percent of rate reduction proposed by CURB on annual basis in utility rate cases	Annual cost of CURB involvement in KCC rate cases compared to dollar value of rate case reductions	3	100.00%	78.09%	\$144,590 vs. \$4.5M
Intervenes in KCC cases where necessary to protect CURB constituents from unreasonable utility business practices. <i>(In addition to its involvement in rate cases, CURB represents its constituents in significant KCC cases involving utility business practices.)</i>	Total number of filed utility practices/programs cases in which CURB intervened annually	Percentage of total filed utility practices/programs cases which CURB analyzed and/or intervened in on an annual basis	Percent of utility practices/programs cases in which CURB made recommendations on behalf of its constituents	Annual cost of CURB analysis and involvement in utility practices/programs cases compared to cost of outsourcing representation	34	100.00%	41.46%	\$224,079 vs. \$917,065
Represents CURB constituents before the Kansas legislature. <i>(CURB is tasked with the statutory duty to analyze and provide input in proposed legislation on behalf of CURB's constituents.)</i>	Total number of utility-related legislative bills analyzed and/or presented testimony before Kansas legislature on an annual basis	Total number of bills for which CURB testified as to residential and commercial interests	Percent of total legislative bills that were passed, modified, or failed to advance, in line with comments/proposals made by CURB	Annual cost of CURB analysis and input in Kansas legislation compared to cost of outsourcing representation	16		12.50%	\$30,950 vs. \$114,645
Represents CURB constituents in complaint cases filed by with the KCC. <i>(CURB is authorized to represent its constituents in complaints filed with the Commission. In practice, CURB's involvement is advisory but could intervene for its constituents as a class.)</i>	Number of outreach measures undertaken annually to inform CURB constituents of CURB's function to represent residential and small business interests in KCC matters	# of CURB constituents who contacted CURB with a question or complaint with whom CURB interacted on an annual basis	Percentage of total complainants referred to CURB annually which CURB provided advice and/or assistance in proceeding with a complaint	Annual cost of CURB outreach and representative/advisory work with consumers compared to cost of outsourcing representation	5	42	19.05%	\$40,792.50 vs. \$152,950
Researches, develops and articulates policies and/or best practices intended to provide benefit to CURB's constituents. <i>(In representing its constituents before the legislature and KCC, CURB provides information on best practices and policies for the benefit of CURB's constituents.)</i>	Number of utility-related policies which CURB researched, analyzed or developed data/information to benefit CURB's constituents	Percent of staff time that CURB expended in research, analysis or data/information development of utility-related policies to benefit CURB's constituents	Percentage increase/decrease in CURB staff time expended in utility-related policy research, analysis and development relative to previous three-year average		4	20%	-19.55%	

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EXPENDITURE JUSTIFICATION

Object Code 100 - Salaries and Wages

Summary: Approved staffing for the agency is 9.0 FTE positions: the consumer counsel, three attorneys, three technical positions, and two support staff. There are also five board members who receive a per diem of \$35 for each board meeting they attend.

Current Year 2024: \$886,013 represents the amount needed for the approved nine positions and for five board members to attend six meetings during the year. All positions within the agency are full-time, unclassified.

FY 2025 Agency Request: \$884,493 represents the amount needed for the approved nine positions and for five board members to attend six meetings during the year. All positions within the agency are full-time, unclassified.

Object Codes 200-290: Contractual Services

Summary: Professional services and rent constitute a major portion of the agency's total contractual service costs each year. Professional services funding for technical consultants makes it possible for the agency to effectively represent its clients and meet the deadlines imposed by law and by the KCC. Additional expenses include the agency's obligation for the State's monumental building surcharge, phone and mail services, federal express services, computer-related maintenance agreements, copier lease, support rates for the APB system, Westlaw expenses, membership dues, travel and subsistence for staff and five board members, and ongoing education and training activities for professional staff.

Professional Services: It is difficult to predict the amount needed for outside consultant services. CURB's workload is primarily driven by the timing and nature of utility filings. CURB responds to utility filings on a resource availability basis. The agency was approved an additional technical position to help provide more in-house analysis instead of relying so heavily on outside consultants. This, in turn, will help save on consultant costs. However, it is still necessary for the agency to have adequate funds in its professional services to hire outside technical consultants to review the larger utility filings, present concise and effective advice, and provide written and oral testimony before the KCC. Furthermore, CURB's professional staff attorneys are not allowed to be a witness in a technical hearing before the KCC. Because of this, the agency relies on its technical staff and outside consultants to provide this essential service for CURB.

Rent: CURB shares space in the Kansas Corporation Commission building at 1500 SW Arrowhead Road in Topeka. This proximity to the KCC is essential to CURB's mission. On a daily basis CURB attends meetings, hearings, and has access to KCC resources. CURB expects

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Agency CITIZENS' UTILITY RATEPAYER BOARD
Program ADMINISTRATION

to maintain this proximity in the future. However, because the agency now has nine approved positions, we have outgrown our workspace. We are currently working with the KCC for additional space, which will increase the amount due for rent.

Association Dues (Other Contractual Services): CURB is a member of the National Association of State Utility Consumer Advocates (NASUCA). These advocates represent millions of residential and small commercial utility consumers nationwide served by investor-owned gas, telephone, and electric companies. NASUCA member offices operate independently from the regulatory commissions in their respective states and are designated by state law to act as ratepayer advocates. NASUCA, on behalf of its member states, participates in cases and rule-making proceedings before federal agencies like the Federal Energy Regulatory Commission (FERC) and the Federal Communication Commission (FCC), and participates in any federal level litigation resulting from actions of those agencies. NASUCA is an effective and efficient vehicle for smaller state consumer advocate agencies to participate at the federal level on issues that will ultimately affect our local retail consumers. Because many of the regulatory initiatives affecting our local utilities are occurring at the federal level, CURB, through its Consumer Counsel's participation in NASUCA, is involved in the formation of regulatory policy on a national level. NASUCA dues are charged to each agency based upon an initial fee, plus a percent of the state agency's approved annual budget.

Travel: To share important information and exchange ideas, NASUCA holds an annual meeting in conjunction with the National Association of Regulatory Utility Commissioners (NARUC) annual meeting. NASUCA also holds a mid-year meeting and periodically holds forums in Washington, D.C. to meet with federal agency staff and commissioners. The Consumer Counsel attends these meetings, and the Board is encouraged to attend the NASUCA meetings, as well. In addition, CURB employees are required to travel throughout Kansas to attend public hearings at the locations of consumers impacted by the cases filed at the KCC. CURB staff must also attend seminars, training, and other meetings related to ongoing education and training, to maintain proficiency in the agency's area of practice and as necessary to appropriately represent the agency's interests in utility cases. The agency also uses its travel funds to send new board members to rate case and regulatory law training. This training is imperative to help new board members understand the issues faced by CURB and to help the Board manage the agency. CURB board members are allowed compensation, subsistence allowances, mileage and toll expenses (K.S.A. 75-3223).

Other: Other obligations include phone and mail services, federal express services, advertising, computer software agreements, OITS, Westlaw expenses, office copier lease agreement, reserved parking downtown, the annual monumental building surcharge, and building security.

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Anticipated filings affecting Current Year 2024 and Fiscal Year 2025 Professional Services expenditures:

The following are cases that CURB reasonably believes will be continuing throughout the year, or will be filed during the year:

Electric and Natural Gas

1.) Current Year 2024

- a. Everyy Kansas Central Rate Case
- b. Everyy Kansas Missouri Rate Case
- c. Southern Pioneer Rate Case
- d. Integrated Resource Docket
- e. Compliance Dockets
- f. General Investigation Dockets
- g. Various Expense Recovery Dockets

2.) FY 2025

- a. Southern Pioneer Rate Case
- b. Empire District Rate Case
- c. Kansas Gas Service Rate Case
- d. Atmos Rate Case
- e. Compliance Dockets
- f. General Investigation Dockets
- g. Various Expense Recovery Dockets

Telephone Cases

- a. Kansas Lifeline Service Program (KLSF)
- b. Revisiting Competitive Neutrality and the porting of KUSF support

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TYPES OF CONSULTANTS RETAINED BY THE AGENCY

	FY21	FY22	FY23	FY24 (est.)	FY25 (est.)
Accountants	1	1	1	1	1
Economists	3	5	3	3	3
Engineers	1	0	1	1	1
Technical Experts	0	1	4	4	4
Policy Analyst	0	0	1	1	1

FUNDING ASSOCIATED WITH CONSULTANTS

	FY21	FY22	FY23	FY24	FY25
Accountants	\$143,650	\$100,640	\$41,480	\$110,749	\$75,000
Economists	\$32,000	\$56,603	\$25,330	\$60,000	\$45,000
Engineers	\$29,750	\$16,198	\$4,465	\$42,000	\$30,000
Technical Experts	\$40,280	\$95,460	\$50,755	\$75,000	\$60,000
Policy Analyst	\$0	\$0	\$28,786	\$50,000	\$40,000
Total:	\$245,680	\$268,901	\$150,816	\$337,749 ¹	\$250,000

¹ Includes \$87,749 of an unencumbered balance that existed from professional services for FY 2023

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Current Year 2024:

\$454,489 represents the amount needed to assist the agency in meeting its contractual obligations for FY 2024. Funding at this level includes an additional \$87,749 over the approved amount, which reflects money carried forward from the agency's unspent professional services budget in FY 2023.

FY 2025 Agency Request:

2025. \$386,340 represents the amount anticipated by the agency to provide basic operating expenses and contractual services for budget year

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Program ADMINISTRATION

Object Codes 300-390: Commodities

Summary: Requests within these object codes are for consumable supplies, materials, and parts used in carrying out routine duties of CURB. Supplies include stationary, copy paper, office supplies, computer supplies, legal books for the law library and repairs. CURB also pays for a portion of paper towels, toilet paper, soap, etc. used in the restrooms and break rooms. While these expenses are minimal, they are necessary to maintain effective operations within the agency.

Current Year 2024:

\$5,931 represents the amount of funds necessary to purchase needed consumable supplies, materials and parts used in carrying out routine tasks and duties.

FY 2025 Agency Request:

\$6,305 represents the amount needed to maintain a "maintenance" level for basic operating supplies in the office and within the building.

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Object Code 400: Capital Outlay

Summary: The agency has relatively low capital outlay costs. Items in this category include IT replacements and computer upgrades based on recommendations of the KCC's Information Technology personnel.

Current Year 2024:

\$12,300 represents the amount needed for the agency to purchase a monitor, two new laptops, new office chair/furniture for approved position, and computer licenses and software.

FY 2025 Agency Request:

\$10,960 represents the amount needed for the agency to purchase two new laptops and computer licenses and software.

402 Agency Summary

Division of the Budget
KANSAS

Agency : Citizens Utility Ratepayer Board
 Agency No : 00122
 Version : 2025-A-02-00122

Date: 09/08/2023
 Time: 13:25:00

Summary by Program	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Request	FY 2024 Adjusted Budget Request	FY 2025 Posted Payroll	FY 2025 Base Budget Request
Program Description 01030 Administration	1,054,540	886,013	1,358,733	1,358,733	884,493	1,288,098
Total by Program:	1,054,540	886,013	1,358,733	1,358,733	884,493	1,288,098

402 Agency Summary

Agency : Citizens Utility Ratepayer Board
 Agcy No : 00122
 Version : 2025-A-02-00122

Date: 09/08/2023
 Time: 13:25:00

Division of the Budget
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Summary by Funding Source		FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Request	FY 2024 Adjusted Budget Request	FY 2025 Posted Payroll	FY 2025 Base Budget Request
Fund Description							
2030 Utility Regulatory Ff		1,054,540	886,013	1,358,733	1,358,733	884,493	1,288,098
Total by Funding Source:		1,054,540	886,013	1,358,733	1,358,733	884,493	1,288,098

404 Report

Agency : 00122 Citizens Utility Ratepayer Board

Version : 2025-A-02-00122

Fund Number: 2030 2000

Name: UTILITY REGULATORY FF

	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
40007 CASH FORWARD	224,218	253,496	155,512
420100 AUDITS AND INSPECTIONS	488,434	592,000	673,000
462110 RECOVERY OF CURRENT FY EXP	449,297	584,000	660,000
469010 RECOVERY OF PRIOR FY EXP	37	0	0
Total Available	1,161,986	1,429,496	1,488,512
Total Reportable Expenditures	908,490	1,273,984	1,288,098
Total Expenditures	908,490	1,273,984	1,288,098
Balance Forward	253,496	155,512	200,414

404 Report

Agency : 00122 Citizens Utility Ratepayer Board

Version : 2025-A-02-00122

Fund Number: 2030 2030

Name: URFF-CTRL FOR PROF SERVICES

	FY 2023 Actuals	FY 2024 Adjusted Budget Request	FY 2025 Adjusted Budget Request
40007 CASH FORWARD	(32,370)	(178,420)	(175,420)
40002 REAPPROPRIATION	0	87,749	0
Total/Available	(32,370)	(90,671)	(175,420)
Total Reportable Expenditures	146,050	84,749	0
Total Expenditures	146,050	84,749	0
Balance Forward	(178,420)	(175,420)	(175,420)

Explanation of Receipt Estimates—DA 405

Division of the Budget

Agency CITIZENS' UTILITY RATEPAYER BOARD

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UTILITY REGULATORY FEE FUND

420100 K.S.A. 66-1503

This assessment is levied quarterly against all jurisdictional public utilities under KCC jurisdiction. The assessment is determined by ascertaining actual expenditures for the prior quarter, plus anticipated expenses for the ensuing quarter, less amounts collected under K.S.A. 66-1502. The assessments are assessed in proportion to the respective gross operating revenues and are limited to the greater of \$100 or 0.2% of the utility's gross operating revenue derived from intrastate operations, as reflected in the last annual report filed with the commission.

462110 K.S.A. 66-1502

Recovery of Expenditures – The actual costs expended for employing outside personnel investigations of public utilities, plus staff salary and travel expenses incurred in investigations of public utilities, where such costs are expected to exceed \$100 would be assessed back against the utility involved. The assessment is limited to 3/5 of 1% (.006) of the public utility's gross intrastate operations as reflected in the last annual report filed with the commission.

The fund is required to finance payments for outside accounting, legal and economic advisory services incurred in connection with this investigative work. Also, the fund must pay salary and travel expenses incurred by CURB staff in such cases. All of these costs are subject to reimbursement by the company involved in the investigation. These outside services and staff expenses are billed and paid on a monthly basis, whereas assessments against the companies involved are made periodically and sometimes only after the investigation or hearing is completed. The time between payment of bills and reimbursement by assessment can be several months.

	FY 2021	FY 2022	FY 2023	FY 2024 (est.)	FY 2025 (est.)
	\$669,123	\$1,004,212	\$937,731	\$1,358,733	\$1,288,098

Custom 406/410 Report

Dept. Name: General
 Agency Name: Citizens Utility Ratepayer Board
 Agency Reporting Level: 122-00-01030-0601090-0000-000
 Version : 2025-A-02-00122

Date: 09/08/2023
 Time: 13:20:35

Division of the Budget
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Obj. Code	OBJECTS OF EXPENDITURE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Request	FY 2024 Adjusted Budget Request	FY 2025 Posted Payroll	FY 2025 Base Budget Request
	Salaries and Wages	662,556	886,013	886,013	886,013	884,493	884,493
	TOTAL Salaries and Wages	662,556	886,013	886,013	886,013	884,493	884,493
52000	Communication	4,002	0	5,710	5,710	0	6,300
52100	Freight and Express	168	0	390	390	0	460
52200	Printing and Advertising	1,000	0	5,000	5,000	0	7,000
52300	Rents	33,501	0	50,165	50,165	0	63,872
52400	Repairing and Servicing	1,294	0	3,000	3,000	0	2,832
52500	Travel and Subsistence	6,002	0	11,990	11,990	0	12,530
52520	Out of State Travel and Subsis	1,978	0	6,580	6,580	0	7,545
52600	Fees-other Services	17,906	0	26,270	26,270	0	27,946
52700	Fee-Professional Services	308,301	0	337,749	337,749	0	250,000
52900	Other Contractual Services	5,515	0	7,635	7,635	0	7,855
	TOTAL Contractual Services	379,667	0	454,489	454,489	0	386,340
53400	Maint Constr Material Supply	0	0	765	765	0	785
53600	Pro Science Supply Material	1,810	0	2,296	2,296	0	2,400
53700	Office and Data Supplies	1,337	0	2,010	2,010	0	2,200
53900	Other Supplies and Materials	493	0	860	860	0	920
	TOTAL Commodities	3,640	0	5,931	5,931	0	6,305
	TOTAL Capital Outlay	8,677	0	12,300	12,300	0	10,960
	TOTAL REPORTABLE EXPENDITURES	1,054,540	886,013	1,358,733	1,358,733	884,493	1,288,098
	SUBTOTAL State Operations	1,054,540	886,013	1,358,733	1,358,733	884,493	1,288,098
	TOTAL EXPENDITURES	1,054,540	886,013	1,358,733	1,358,733	884,493	1,288,098

Custom 406/410 Report

Dept. Name: General
 Agency Name: Citizens Utility Ratepayer Board
 Agency Reporting Level: 122-00-01030-0601090-0000-000
 Version : 2025-A-02-00122

Date: 09/08/2023
 Time: 13:20:35

Division of the Budget
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Fund Code	FUND/ACCOUNT TITLE	FY 2023 Actuals	FY 2024 Posted Payroll	FY 2024 Base Budget Request	FY 2024 Adjusted Budget Request	FY 2025 Posted Payroll	FY 2025 Base Budget Request
2030	2000 UTILITY REGULATORY FF	908,490	886,013	1,273,984	1,273,984	884,493	1,288,098
2030	2030 URF--CTRL FOR PROF SERVICES	146,050	0	84,749	84,749	0	0
	TOTAL GENERAL FUNDS	0	0	0	0	0	0
	20 TOTAL ALL OTHER FUNDS	1,054,540	886,013	1,358,733	1,358,733	884,493	1,288,098
	24 TOTAL ALL FUNDS	1,054,540	886,013	1,358,733	1,358,733	884,493	1,288,098

412 reconciliation

Program Name: General
 Agency Name: Citizens Utility Ratepayer Board
 Agency Reporting Level: 122-00-01030-0601090-0000-000
 Version: 2025-A-02-00122
 Date: 09/06/2023
 Time: 14:58:38

Division of the Budget
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Classification of Employment	Pay Grade	Pos	FY 2024 Estimate	Amount	Pos	FY 2025 Request	Amount
Authorized Positions							
Regular Unclassified							
Administrative Specialist	1	1.00		48,298	1.00		48,298
Attorney	1	4.00		333,383	4.00		333,383
Public Service Administrator	1	1.00		65,104	1.00		65,104
Regulatory Acct/Economist	1	3.00		180,918	3.00		180,918
Subtotal Regular Unclassified		9.00		627,703	9.00		627,703
Temporary Unclassified							
App/lect Bd/comm Bd Member	1	0.00		1,050	0.00		1,050
Subtotal Temporary Unclassified		0.00		1,050	0.00		1,050
Longevity		0.00		0	0.00		0
Longevity		0.00		0	0.00		0
Subtotal Longevity		0.00		628,753	9.00		628,753
Totals		9.00		628,753	9.00		628,753
Totals by Fringe Benefits							
RET	KPERS	0.00		52,394	0.00		47,954
RET	KPER2	0.00		32,785	0.00		30,007
RET		0.00		38,983	0.00		38,983
FICA		0.00		0	0.00		377
UNEMP		0.00		981	0.00		805
WKCMP		0.00		4,527	0.00		4,527
RSAL		0.00		80,945	0.00		84,598
HLT1		0.00		37,529	0.00		39,373
HLT2		0.00		9,117	0.00		9,117
FICA 2		0.00		257,261	0.00		255,740
Total Benefits		0.00		886,014	0.00		884,493
Total Salaries and Benefits		0.00		886,014	0.00		884,493
Totals by Position Type							
Regular Unclassified		9.00		627,703	9.00		627,703
Temporary Unclassified		0.00		1,050	0.00		1,050
Longevity		0.00		0	0.00		0