

Approved: 2/21/95
Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES .

The meeting was called to order by Chairperson Ben Vidricksen at 9:00 a.m. on February 15, 1995 in Room 254-E of the Capitol.

All members were present except:
Senator Brady
Senator Rock

Committee staff present: Hank Avila, Legislative Research Department
Ben Barrett, Legislative Research
Bruce Kinzie, Revisor of Statutes
Martha Ozias, Committee Secretary

Conferees appearing before the committee:
Jim Haines - Western Resources
Rob Hodges - President, Kansas Telecommunications Association
Kim Perkins - Senator Oleen's Office
Sergeant Terry Maple - Kansas Highway Patrol

Others attending: See attached list

HB 2100 - CONCERNING PUBLIC UTILITIES AND COMMON CARRIERS UNDER THE KCC

Mr. Haines addressed the Committee on this bill explaining that several amendments in the bill were of the "clean-up" nature and the other amendments reflected a policy change. (Attachment 1)

Rob Hodges also appeared to urge support for this bill which would clearly specify the effective date of a KCC allowed change in rates and charges and provide clear authority for the KCC to protect the confidentiality of contracts between utilities and their customers. (Attachment 2)

SB 199 - CONCERNING LIGHTING REQUIREMENTS FOR REAR LICENSE PLATES

Kim Perkins appeared on behalf of Senator Oleen who submitted this bill at the request of a constituent who was wanting to use neon lights around license plates.

Sergeant Terry Maple addressed the Committee for the Highway Patrol in opposition to this legislation. He stated that other colors are not as effective as white, law enforcement will have a more difficult time reading license plates and colored lights on license plates is not consistent with the Uniform Act Regulating Traffic. (Attachment 3)

The Chairman asked for a motion on HB 2100. Senator Burke, on advice from the Revisor, made a motion to put a repealer in for HB 2045 to clear up a conflict. This was seconded by Senator Papay. Motion carried.

A motion was then made by Senator Emert to pass this bill favorably with the repealer. It was seconded by Senator Papay. Motion carried.

Senator Papay then made a motion to approve the minutes of the "Rail Meeting" on February 13th and the regular meeting of February 14th. A second was made by Senator Burke. Motion carried.

The meeting was adjourned by the Chairman.

The next meeting is scheduled for February 21, 1995

SENATE TRANSPORTATION AND UTILITIES
COMMITTEE GUEST LIST

DATE: February 15, 1995

NAME	REPRESENTING
J.C. Pong	Utilicorp Limited
William Sully	KDOT
Kim Perkins	En. Deen
Doug Smith	SITA
Ken Baker	LODS
Jeff Bottenberg	Bottenberg & Associates
TERRY MARLB	KHP.
STEVE KEARNEY	KINI L.C.
Tom Whitaker	Ks MOTOR CARRIERS ASSN
Don Low	KLL
Rob Hodges	Ks Telecom Assn
Kona Powers	MCI
ED SCHAUB	WESTERN RESOURCES INC.
James [unclear]	Western Resources, Inc.

HOUSE BILL NO. 2100
Senate Committee on Transportation and Utilities
2/15/95

Statement of James Haines

Good morning Mr. Chairman and members of the Committee. My name is Jim Haines. I am appearing on behalf of Western Resources, Inc. and as one of the members of the utility industry task force which, at the request of Representative Carl Holmes, undertook a review of K.S.A. Chapter 66. I believe each of you has been provided a copy of the task force report.

H.B. 2100 reflects several amendments recommended by that task force. One set of those amendments is simply clean-up in nature and, unless you have questions about any of them, I will not speak to those amendments. The other set of amendments reflect a policy change recommended by the task force. That change would permit the KCC to adopt rules under which a utility, its suppliers, and its customers could request and receive confidential treatment of contracts entered into by them.

The basis for this recommended policy change is simple. As competition increases in the electric and natural gas industries we encounter more and more situations in which customer specific rates are being set. In these situations, the rates are subject to KCC investigation and hearing just as all other rates. What makes these rates different, however, is that they are customer specific and they are arrived at through negotiation between the utility and the customer. For the same reasons that an unregulated business does not want a competitively negotiated price contract with one customer to be revealed to other customers, the task force has recommended that the KCC be given discretion to pass rules which would permit confidentiality to be extended to such customer specific contract rates.

Under current law, it is not clear that the KCC has the authority to permit these rate contracts to be treated as confidential. At one time it believed it had such authority and, accordingly, in some situations it permitted confidential treatment. Recently, however, the KCC has determined that it probably does not have such authority and that it should withdraw the confidential protection which it has extended to some rate contracts. H.B. 2100 would permit the KCC to pass rules under which this ambiguity in the current law could be resolved.

Thank you for your attention to this matter. I will be happy to answer questions.



Legislative Testimony

Kansas Telecommunications Association, 700 S.W. Jackson St., Suite 704, Topeka, KS 66603-3731

Testimony before the
Senate Committee on Transportation and Utilities

HB 2100

February 15, 1995

Mr. Chairman, members of the committee, I am Rob Hodges, President of the Kansas Telecommunications Association. Our membership is made up of telephone companies, long distance companies, and firms and individuals who provide service to and support for the telecommunications industry in Kansas.

I appear today to voice the KTA's support for HB 2100. The bill would do two things: (1) clearly specify the effective date of a KCC-allowed change in rates, tolls, charges, etc., and (2) provide clear authority for the KCC to protect the confidentiality of contracts between utilities and their customers when the KCC determines confidentiality to be reasonable and appropriate.

The bill contains a KTA-requested amendment that includes telecommunications public utilities in the portions of the bill dealing with confidentiality. The bill, as amended, is supported by KTA member companies including AT&T, MCI, Sprint Long Distance, Southwestern Bell, and Sprint United Telephone.

Thank you, Mr. Chairman, for the opportunity to appear. We ask that you report the bill favorably for passage.

SENATE TRANSPORTATION

— DATE: 2/15/95

ATTACHMENT: 2

**SUMMARY OF TESTIMONY
BEFORE THE SENATE TRANSPORTATION AND UTILITIES COMMITTEE
IN OPPOSITION TO
S.B. 199**

**Presented by Sergeant Terry Maple
of the
Kansas Highway Patrol**

Mr. Chairman and members of the committee, I appear before you today on behalf of Colonel Lonnie McCollum, Superintendent of the Kansas Highway Patrol, in opposition to Senate Bill #199.

Senate Bill #199, in its current form, would amend K.S.A. 8-1706 and eliminate the requirement for a "white" light to be used for illuminating the rear license plate. As such, any color light could be used so long as it renders the license plate clearly legible from a distance of 50 feet to the rear.

For the following reasons, the Patrol is opposed to using any color light other than white to illuminate the rear license plate:

1. Other colors are not as effective as white. Although Kansas issues only one license plate (with a few exceptions) to be displayed on the rear of vehicles for identification purposes, it is highly identifiable and legible. The license plate is coated with reflectorized material, features dark blue letters on a white background which provides for optimum contrast, and the "SAM-123" numbering system is easily readable. Using any color light other than white to illuminate the license plate at night diminishes color contrast at night, and as a result, visibility.* Experience shows that a white color light is best for illumination purposes.**
2. Citizens as well as law enforcement will have a more difficult time reading the license plate. Law enforcement relies heavily on witnesses to help prevent and solve crime. Absent the use of vehicle headlights, different colored license plate lights will reduce visibility and ultimately, identification of vehicles used in the commission of crimes.
3. Use of colored lights to illuminate the rear license plate is not consistent with the Uniform Act Regulating Traffic. In 1974, Kansas adopted the Uniform Act Regulating Traffic of which 8-1706 is a part. As such, our traffic laws are consistent with other states who have also adopted the Act. Consequently, citizens who travel between states have the assurance that compliance with the general traffic laws of Kansas means that they are also complying with the law in other states. Colorado and Oklahoma require a "white" light to illuminate the rear license plate. Missouri requires white or amber. Nebraska, however, does not require illumination of the license plate.

Furthermore, to permit multiple colors of license plate lights would also be inconsistent with the color of lights displayed to the rear of vehicles; i.e., tail lights (red), brake lights (red), turn signals (red or amber), and back-up lights (white).

For the aforementioned reasons, the Patrol respectfully requests that Senate Bill #199 not be favorably passed.

*Mr. Rollie Bible
Senior Research Engineer
3M Corporation
St. Paul, Minnesota
(612) 733-3590

**Mr. Richard Schwartz
Materials and Research Division
Kansas Department of Transportation
21st and Van Buren
Topeka, Kansas
(913) 296-2231