

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairperson Don Myers at 9:00 a.m. on March 6, 1997 in Room 514-S of the Capitol.

All members were present except: Rep. Humerickhouse - excused

Committee staff present: Lynne Holt, Legislative Research Department
Mary Ann Torrence, Revisor of Statutes
Mary Shaw, Committee Secretary

Conferees appearing before the committee: David Heinemann, General Counsel, Kansas Corporation Commission

Others attending: See attached list

Chairperson Don Myers mentioned that the Committee would be hearing testimony on SB 177.

Hearing on SB 177 - Kansas Corporation Commission time to issue reconsideration order

The Chair asked Staff, Mary Ann Torrence, Revisor, to explain the bill to the Committee. She mentioned that SB 177 provides that when a party to a proceeding before the Commission petitions for reconsideration of the Commission's order, the commission gets 30 days to issue the order on reconsideration rather than 20 days that is provided by the Kansas Administrative Procedure Act. She mentioned that under the Kansas Administrative Procedure Act an amendment is needed to conform to the amendment in this bill and it would be a technical thing because under that act it specifically talks about the corporation commission having 20 days to dispose of the matter rather than 30 days. The Chair requested that the Revisor prepare an amendment.

The Chair recognized David Heinemann, General Counsel, Kansas Corporation Commission (Attachment #1). Mr. Heinemann mentioned that he agrees with the Revisor in that it is correct that an amendment is needed. He also indicated that the existing 20 day limitation can put the Commission under a very unrealistic schedule, particularly if the Final Order is issued in a complex proceeding involving numerous parties.

The Chair inquired if there were any additional proponents or any opponents present wishing to speak on SB 177. There were none.

The Chair reported that tomorrow the plans are that the Committee will work SB 147 and SB 177.

The meeting was adjourned at 9:15 a.m.

The next meeting is scheduled for March 7, 1997.

HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: March 6, 1997

NAME	REPRESENTING
ED SCHAUB	WESTERN RESOURCES
TOM DAY	KCC
DAVID HEINEMANN	KCC
BRUCE GRAHAM	KEPCO
J.C. LONG	Utili Corp United Inc.
DENNY KOCH	SW BELL

BEFORE THE HOUSE UTILITIES COMMITTEE
PRESENTATION OF THE KANSAS CORPORATION COMMISSION ON SB 177

Senate Bill 177 extends the time the Commission has in which to respond to a Petition for Reconsideration of a Final Order from 20 to 30 days. The existing 20 day limitation can put the Commission under a very unrealistic schedule, particularly if the Final Order is issued in a complex proceeding involving numerous parties.

Once a Final Order is issued any party who desires to contest all or a part of the Order must file a Petition for Reconsideration. The reconsideration procedure is vital to any party who would choose to appeal to the district court or the Kansas appellate courts the Commission's Final Order because any appeal is limited only to those issues they raised in their Petition for Reconsideration. The reconsideration procedure is also of great value to the Commission because it provides one last opportunity to change and/or correct any matter contained within the Final Order, in addition to curing any potential procedural technicality which could void the Order. This process can in some instances save all or most of the parties from spending the time and expense of a lengthy and costly appeal. The current 20 day clock starts running upon the filing of a Petition for Reconsideration. Once this occurs, the other parties are then allowed 10 days to file a responsive pleading. Three days are also added for mailing. This effectively cuts the Commission's time to respond from 20 to 7 days. When multiple parties file such responses the Commission can be faced with a daunting task: evaluate all of the arguments in the Petition for Reconsideration together with those made by the responding parties, and issue a well reasoned and written Final Order on Reconsideration within 7 days. Many of these filings are truly voluminous and involve complex technical matters which require more than a quick reading. The current short time line usually does not present a problem in smaller dockets; however, the larger and more technically involved proceedings can present the Commission with situations where it is extremely difficult to give all of the consideration they want to these matters.

The Commission does recognize that an extension of the time allowed to issue an order on reconsideration may appear to burden the parties to the proceeding, but the public interest is better served by the Commissioners having sufficient time to adequately address the concerns raised and having the opportunity to resolve these matters. The potential to avoid further time and costs involved in appealing the Commission's Final Order will be enhanced by the addition of 10 days to the time limitation the Commission has to respond to a Petition for Reconsideration and issue a Final Order on Reconsideration.

House Utilities
3-6-97
Attachment 1