

Approved: MARCH 22, 1999
Date

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairperson Sen. Pat Ranson at 1:30 p.m. on March 18, 1999 in Room 531-N of the Capitol.

All members were present except:

Sens. Hensley, Salisbury, Steffes and Pugh were excused

Committee staff present:

Lynne Holt, Legislative Research Department
Mary Torrence, Revisors of Statutes Office
Jeanne Eudaley, Committee Secretary

Conferees appearing before the committee:

Michael Byington, Director of Governmental Affairs, Envision
Carol Hands-Keedy, Kansas Association of the Blind and Visually Impaired
Eva Kurtz, Topeka Association of the Blind and Visually Impaired
Rob Hodges, President, Kansas Telecommunications Industry Association
Whitney Damron, Empire District Electric Company
Mike Reece, A T & T
Kim Gulley, League of Kansas Municipalities

Others attending:

See attached list

Sen. Ranson acknowledged the pages, who are assisting the committee today, and Sen. Morris introduced them - they are from his district. Sen. Ranson called the committee's attention to Minutes of Meetings for March 9 and 10, which were sent to their offices for review the first of the week. Sen. Clark made a motion the Minutes of Meetings for March 9 and 10 be approved, and it was seconded by Sen. Brownlee; the motion passed.

Sen. Ranson announced the committee will hear testimony on the following bill:

Sub. HB 2322-concerning visually impaired or blind persons; relating to billing procedures for certain services

Sen. Ranson introduced the following, who appeared before the committee:

Michael Byington, (Attachment 1)
Carol Hands-Keedy, (Attachment 2)
Eva Kurtz, (Attachment 3)
Rob Hodges, (Attachment 4)
Whitney Damron, (Attachment 5)
Mike Reece, (Attachment 6)
Kim Gulley, (Attachment 7)

Mr. Byington explained the new Missouri law, which will go into effect this year, and stated this bill does not require the use of cassette tapes, as it is in the Missouri law. He stated that many people cross the stateline to work, and emphasized being consistent with the two laws. Sen. Brownlee questioned Mr. Byington regarding IBM software, which translates E-mail to voice, and Mr. Byington stated the software she is describing is an upgrade that is being marketed by IBM. He also emphasized that the bill will not be unreasonably costly for the utilities, because of the relatively small number who will request this service - about 94 in one million. Mr. Hodges pointed out that many of the utilities are offering this service on a voluntary basis, and Mr. Damron explained the dial-up service provided by Empire, which is preferred by their customers and is receiving approximately 1,000 hits per month. Sen. Clark asked the time frame

CONTINUATION

MINUTES OF THE SENATE UTILITIES COMMITTEE, Room 531-N Statehouse, at 1:30 p.m. on March 18, 1999.

from request to providing the service, and Mr. Damron answered it is an insignificant amount of time. He also explained the process of utilizing the autoline calls, and Sen. Ranson asked what happens when a customer wants to access autoline. Mr. Damron stated that anyone can access it by using the code/access number given to them.

Ms. Gulley stated the bill is more expansive than the Americans with Disabilities Act (ADA) and would include water and sewer utilities as well as electric, gas and telecommunications providers, which will be impacted by the bill. She pointed out the League represents not only the larger cities of the state, but also the smaller ones and stated the cost to implement the bill could cause a negative fiscal impact on those smaller cities. Because the League supports the concept and intent of the legislation, she offered two amendments which are outlined in her testimony. She also outlined policy changes the amendment would accomplish, if adopted by the committee, and stated that a state law cause of action for noncompliance would allow parties to seek remedies in local district courts rather than federal court. She stated the League will support the bill if the two amendments are adopted.

Mr. Reece stressed being consistent in the policy between Kansas and Missouri and to consider that the Missouri law excludes the audio provision. He also pointed out that companies must be prepared to serve their customers' request; however, a company should not be required to expend money for a system, until a request is made. Sen. Ranson also discussed the AT&T voice response system and the fact that a company can track customers from it. She also discussed with Mr. Reece what a reasonable period of time is, and Sen. Lee brought up the question of late charges and if a customer will be charged while the utility puts a system in place. Sen. Ranson read from the Missouri law, and Sen. Clark noted it does not include cable TV. It was pointed out that cable TV is not regulated in this state, and Sen. Ranson asked John Federico, who represents the cable telecommunications association, for their input. He stated his concern that the cable companies are included in the bill, but the association's response is that they will work to accommodate the customer's wishes. Sen. Ranson said that since the cable companies are not regulated by the Kansas Corporation Commission, then what would preclude other businesses in the state from being included under this legislation? Sen. Lee pointed out that the bill does not provide for a penalty, if a business or utility refuses to accommodate a customer's wishes. Sen. Barone stated that the concept is good and if the utilities support it, why do we need the bill? He stated concern that if the state mandates it, that may result in costs becoming a part of a rate case, then it gives leverage to the utilities to recover costs. The committee discussed who would eventually pay for the service, and would it result in an increase in rates? In reply to a question about cable TV usage by the blind, Mr. Byington stated most of his friends, who are visually impaired or blind, are news junkies and most have cable in their homes. Sen. Lee stated her hesitation to include cable TV, unless other retailers are also included.

Sen. Ranson then asked the committee if they would be able to meet next Monday at 1:30 to consider bills previously heard, in particular:

HB 2290-relating to public utilities (pertains to public utility loans or credit), which is still in committee, and:

Sub SB 243-concerning electric generation facility siting, which was passed out of this committee and has received no action in the House and is still in the House Utilities Committee. . . Consensus was the committee will meet at its regular time on Monday to consider bills which have been heard.

The committee adjourned at 2:30.

Committee will meet March 22.

SENATE UTILITIES COMMITTEE GUEST LIST

DATE: MARCH 18, 1999

NAME	REPRESENTING
Joe Duck	BPU KCK
Joe Long	UCU
Susan Dura	Issues Management Group
Mike DeLoat	AT-T
Rob Hodges	KTIA
Bruce GRAHAM	KEPC.
Bud Burke	Western Resources
Sandy Braden	McGill, Laches & Assoc.
Don Seifert	City of Olathe
ED SCHAUB	WESTERN RESOURCES
Kim Gulley	LKM
Eva Kurtyz	KT TABIS
Curtis Hawks	KABVI
Michael Byington	Emission
Doug Smith	SITA
TOM DAY	KCC
Hug Hill	Federico Consulting
John Federico	KS Cable Telecom Assoc

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Choices & resources for people who are blind or low vision



Envision®

**PLEASE REPLY TO: Michael Byington, Director
Envision Governmental Affairs Office
924 S. Kansas Ave
Topeka, Kansas 66612
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(785) 575-7477 (pager)
(785) 354-4646 (FAX)
mbyingto@ink.org or
michael.byington@envisionus.com**

March 17, 1999

TO: Senate Utilities Committee

SUBJECT: HB 2322 - Support

As an advocate working on behalf of persons who are blind and low vision, for the past several years, I have gotten several calls per month from blind consumers asking if this utility or that one are obligated under the Americans With Disabilities Act (ADA), or other provisions of law, to provide utility bills in media of choice: Braille, large print, etc. The answer to this question is that the ADA does require public accommodations, whether publicly or privately operated, to offer equally effective communications accommodations. Braille, large print, readers, etc. are specifically mentioned in the law as being examples of accommodations to provide equally effective communications. It is therefore probable that most complaints filed under the ADA by disabled citizens would eventually result in the provision of the requested alternate media, but many people do not realize that the ADA is a law which is enforced largely through adversarial actions only. There is not a unit with the title or function of "ADA Police" which is going

*Senate Utilities
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Attach. 1*

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Web <http://www.envisionus.com>

to come around and force compliance. A complaint has to be filed with the United States Department of Justice or other federal enforcement entity. An investigation has to be conducted with findings produced. Usually, the entity filed against chooses to seek legal counsel or representation during the process and this makes the process both stressful and expensive.

Advocates who are blind in our neighboring state of Missouri arrived at a no-nonsense approach to get things moving in terms of providing utility bills in media of choice for people who are blind or low vision. This has been accomplished through the adoption of a very short statute last year which simply says that it has to be done.

The Missouri solution came to my attention because the Legislator who introduced the measure in Missouri sent me a copy and asked if I thought this would be helpful legislation to blind and low vision Missourians, and perhaps to blind and low vision Kansans as well. The questions I had been receiving in my office from blind Kansans certainly suggested to me this would be the case.

The adoption of this type of statute makes a lot more sense than eventually implementing media of choice for utility bills via adversarial action filed through the Department of Justice. With this solution, we work out what is going to happen in Kansas and we get it done.

On the House side, this Bill received qualified support from all of the utility companies who testified. I want to thank these utilities for looking at positive ways to provide access and for working with us. Some amendments were made to the bill in the House, and I believe these dealt with some of the utility concerns. Although there were some concerns on the part of the original proposers of the bill with some technical aspects of a particular amendment attached in the House Committee, this technical concern was fixed on the House floor, and I believe we now have wording which most everyone involved can live with.

It is understandable that the utility industry would have questions and concerns about cost of implementation and would be concerned about hardships which providing this accommodation might cause. I have talked with a number of utility representatives about these concerns, and I think most of them agree that an undue burden would not be caused for them by

this legislation. In the remainder of this testimony, however, I want to address for others some of the questions I have received, and the answers to those questions.

The first question usually relates to whether this is being done anywhere already. If so, the questioner wants to know how successfully it is being done.

Several major utilities are already doing this. Implementation of the Missouri Law has stepped up this process for some midwestern utilities, but it is happening throughout the country.

Major utilities already providing the services which would be required through HB 2322 include, but are not limited to: Union Electric, Duke Power Co., Bell South, Public Service of Indiana, Omaha Public Power District. City of Raleigh Water, Carolina Power and Light, and Virginia Power. Southwestern Bell, in consortium with Pacific Bell, will be going on line with billing in media of choice soon.

The second question which usually arises is whether there are companies available who have the skill and capacity to easily and efficiently do media conversions, particularly Braille conversions.

I have talked extensively with Darrell Lauer, St Louis, Missouri. Mr. Lauer is a Southwestern Bell executive who has been instrumental in setting up the media of choice program for Southwestern Bell and Pacific Bell. He is also blind and is a very skilled Braille user so he is quite capable in determining what is and is not effective and efficient Braille translation. Mr. Lauer informs me that, while many communities have local Braille and media conversion services who might be able to do utility bill translation, he supports using companies who specialize in this process. These are quite often the most efficient and cost effective. The largest such Company in the United States is Metrolina Association for the Blind, Inc. of Charlotte, North Carolina. This is the provider which Southwestern Bell is using.

I have talked at length with representatives of the Metrolina Association and I have found them to be quite helpful. I am attaching written information from them about how the utility bill conversion process works.

It is certainly not my intent to recommend any one media conversion program over another. There may be Kansas companies who will choose to become active in the utility bill conversion business, but at the moment, these local companies, including my own employer, could not meet the efficiency level of the Metrolina system for large utility providers.

Another concern is how many people will opt for the alternate media billing.

This is a very important service for the people who do opt for it, but the numbers are surprisingly small. ~~The Metrolina~~ material contains a formula which they have developed to determine estimated use. They tell me that this has proven to be very accurate with regard to predicting use of Braille bills. The bottom line is that only about 94 Braille statements will be done for a utility user population of one million (1,000,000). The metrolina literature estimates a slightly larger use of large print, but their representatives inform me that the figures for large print listed in their literature have proven to be an over-estimate. Figures for large print users run about equal to Braille users. There are more legally blind people who use large print than who use Braille over all, but a percentage of large print users are able to, or prefer to, access large print through closed circuit television magnification devices (CCTVs) or through the use of other magnification. This probably explains why the large print figures are lower than were originally projected.

Then comes the real bottom line question for many utilities. Is the service costly?

Cost figures for Metrolina are contained within their literature, which is attached. Obviously the costs are very nominal once electronic shipping of the data has been worked out. It is more costly if each bill must be re-data entered manually, but the set up of electronic transfer of material for Braille is usually quite doable. Some of the local Braille concerns would likely be able to do one or two bills less expensively than Metrolina for small utilities who need small numbers of alternate media bills.

The greatest reason that cost figures remain below what many utilities assume will be the case relates to the small total numbers involved. Again, this is an important service, but not one which will impact large numbers of utility customers.



FAX COVER SHEET

Metrolina Association for the Blind
Fax Number: 704/372-3872

TO: MICHAEL BYINGTON

COMPANY: _____

FAX NUMBER: (785) 354-4646

FROM: ROBERT SCHEFFEL

PHONE NUMBER: 704-887-5101

NUMBER OF PAGES 9 (INCLUDING THIS SHEET)

MESSAGE: _____

Date Sent: 2-15-99

Time Sent: 2:30 p.m.



If you have just a few statements (less than ten pages) and customers waiting, you can fax their statements to us today and we'll have their Braille or large print statements in the mail to them by tomorrow. We will invoice you for the labor, printing and postage. See the section on costs for specific pricing details.

Until you develop an acceptable electronic delivery system, you will want to institute a manual system for pulling copies of your customer statements and "over-nighting" them to us. We will perform all of the necessary data entry, formatting, printing and mailing functions for you. This manual approach is slower, more prone to errors and more costly than any of the automated delivery systems, but does allow you to address your Braille and large print statement needs on an ongoing basis. See the section on costs for exact pricing details.

We should begin a dialogue immediately with your statement rendering department to evaluate the fastest and most efficient ways of sharing your customer data with us electronically. To create a fully automated production system, certain format delimiters must be added to your files before they are sent to us. This is necessary because of the special formatting requirements of Braille and large print.

This will require some development time on your part. In the absence of such development, you could share "unformatted" statement files with us and we will perform the Braille and large print reformatting operations for you. All of these decisions will be greatly influenced by the availability of your own internal resources and the potential number of visually impaired customers to be served. See the section on demographics for estimates of your Braille and large print customer base.

GENERAL INFORMATION

Whether you use a manual or automated delivery system, your Braille and large print statements will be printed in Charlotte and mailed directly to your visually impaired customers. Most companies we serve continue to send the original statements to these customers directly. The "special" statements are thought of as supplements to the normal ink printed communications from your

company.

Newsletters or inserts contained in your "normal" statements may also be produced for your visually impaired subscribers. These supplements may be mailed along with each customer's statement.

Statements delivered to us on paper can usually be manually processed and placed in the mail by the 4th business day. Contrastingly, statement data shared with us electronically can usually be mailed out on the same day or by the next business day.

We take the necessary steps to ensure that your information security and customer confidentiality are maintained.

There are two ways of manually producing large print: computerized laser print and photo enlargement. Computerized laser printing creates the most readable large print documents. It also costs more because the information has to be keyed or scanned. The advantage with this approach is improved readability. The customer receives the first generation document which possesses the highest contrast possible. We also use a very bold and undecorated font style which gives the greatest readability. The second method uses a photo enlargement process. If the print characteristics of your "regular" statements are acceptable, we may be able to use this process. The paper size and font characteristics of your original documents will determine if this is an acceptable option. The advantage is that it is cheaper since it requires less labor to create the large print bill. The disadvantage is that it generally creates fuzzier print that is more difficult to read. We have to evaluate the enlargement process as a possible option for producing large print statements on a case-by-case basis. We will need a sample document to evaluate that is of the same quality that you would be sending to us for routine processing.

The special formatting delimiters used for Braille statements can also be used for generating large print. All that is needed is a simple "type of statement" indicator to inform our system as to which type of statement to produce. For this reason, the added development cost for large print over and beyond that of a Braille system is negligible.

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Statements printed in Braille should not be folded and must be sent in a 9" by 12" envelope. Large print statements may be folded and sent in regular business size envelopes.

DEMOGRAPHICS: Numbers of BRAILLE AND LARGE PRINT USERS

Approximately 0.25% of the nation's population is "legally blind". This includes the range of visual impairments from total blindness to sight of 20/200 after corrective lenses. Active Braille readers make up about 15% of the "legally blind" population. Large print users account for about 55% of this same population. Our experience suggests that approximately 25% of your Braille and large print users will subscribe to the "special" printing services.

Braille Participants = Total Population x .0025 x .15 x .25
 Large Print Participants = Total Population x .0025 x .55 x .25

For every 1,000,000 customers in your service area, you can expect to have approximately 94 Braille and 344 large print subscribers once your special services are fully underway.

These numbers are only estimates and will vary with your publicity efforts.

INCREMENTAL COSTS: MANUAL APPROACH (PAPER DELIVERY)

If you send us "regular" printed copies of your statements and allow us to perform the data entry function for you, the following prices will apply.

Data entry cost per original statement page: \$7.78
 Printing cost per Braille page: \$0.45
 Printing cost per laser large print page: \$0.35
 Printing cost per enlarged large print page: \$0.65

Envelope, label and stuffing per statement: \$0.50

You assume the actual postage costs. We will prepay this postage and bill you for it monthly.

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If your total monthly fees amount to less than \$100, you will be billed quarterly for our services. If your total monthly fees for the quarter amount to less than \$50, you will be billed the quarterly minimum of \$50. This is to cover the related administrative costs.

INCREMENTAL COSTS: AUTOMATED APPROACH (ELECTRONIC DELIVERY)

A different cost structure is used if you deliver your customer data to us electronically. For files that have been equipped with the special format delimiters that we need, the associated costs are as follows.

A one-time service origination fee of \$600.00 will be made to cover MAB's initial technical support to you. This applies to statement formatting, data communications and other related start up support functions. Beyond this 10 hour period, you will be billed \$75 per hour for continued development and support.

You would assume the long distance downloading time charges if you deliver your data to us by a long distance modem call.

A printing charge of forty five cents (\$0.45) is made per Braille page and thirty five cents (\$0.35) per large print page. This amount is fixed regardless of the number of customers served or the number of pages printed. You may provide your customers with as much information as you wish.

A charge of fifty cents (\$0.50) is placed on each statement or customer bill. For this fee we will provide the customer mailing labels, your return address labels and the mailing envelopes. Also covered by this charge is the labor associated with affixing the labels and inserting the statements into the envelopes.

You assume the actual postage costs. We will prepay this postage and bill you for it monthly.

If your total monthly fees amount to less than \$100, you will be billed quarterly for our services. If your total monthly fees for the quarter amount to less than \$50, you will be billed the

quarterly minimum of \$50. This is to cover the related administrative costs.

PER STATEMENT COST COMPARISON: MANUAL VERSES AUTOMATED METHODS

It has been our experience that the "average" power statement is about one "regular" page in length. This will generate approximately three pages of Braille or three pages of large print. For purposes of discussion, we'll use these estimates for basing our cost projections to you.

Braille

Manual Production:	\$10.18
Automated Production:	\$2.40

Large Print

Manual Production Enlargement	\$1.70
Manual Production Laser Print:	\$9.65
Automated Production Laser Print:	\$1.87

WHERE TO GO FROM HERE

For small jobs, your Braille or large print solution is just a fax or phone call away.

If you are considering routine, monthly Braille and/or large print services, you should send us printed samples of your statements for our analysis. We should begin a dialogue with your statement rendering department immediately.

For more information please contact:

Robert Scheffel
 Metrolina Association for the Blind
 704 Louise Avenue
 Charlotte, NC 28204
 Telephone (704) 372-3870, Ext. 101



Kansas Association for the Blind and Visually Impaired, Inc.

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AN AFFILIATE
OF THE
AMERICAN COUNCIL
OF THE BLIND

TESTIMONY OF CAROLE HANDS-KEEDY,
LOBBYIST FOR THE ASSOCIATION

HOUSE BILL 2322

The Kansas Association for the Blind and Visually Impaired, Inc. (KABVI), supports HB 2322, as amended by the House. What is a blind person expected to do if they receive mail which they can not read? Personally, I have a visual aids machine (CCTV) which turns regular print into large print, but many people who are very severely visually impaired do not have such aids. Currently, my visual aid is in the shop for repairs. I was fortunate enough to get a loaner while my equipment is being repaired, but this is the exception rather than the rule.

Also, a person who is totally blind and a Braille user may have no other means to read utilities. Most people in these situations attempt to get this type of reading done by volunteers, but this involves getting the volunteers to come in the right time frame, and it limits privacy and independent control of the person who is blind.

Mr. Byington is providing cost figures. These show that this services will not be a financial hardship for the utilities. The numbers of people who will benefit from the service may be small, but the benefit to them will be quite large.

*Senate Utilities
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Kansas Association for the Blind and Visually Impaired, Inc.

A-3
AN AFFILIATE
OF THE
AMERICAN COUNCIL
OF THE BLIND

THE TOPEKA ASSOCIATION OF THE VISUALLY IMPAIRED FOR SERVICE

TESTIMONY PROVIDED BY EVA KURTZ

HOUSE BILL 2322

The Topeka Association for the Blind and Visually Impaired, Inc. supports this legislation. It would make independent life a little easier for people who are blind and visually impaired.

It is very difficult these days to get assistance from readers. With so many people working, volunteers are harder to find. Most blind people are not eligible for any kind of paid reading assistance. Yet if a blind person does not pay their utilities in time, they are turned off or late fees are charged just as they are for all others >

Billing in media of choice can be done. Sears is doing this. I will pass around samples. If Sears can do it, the utilities can.

A law such as is proposed in HB 2322 recently passed in Missouri. It is working well there.



Legislative Testimony

Kansas Telecommunications Industry Association 700 SW Jackson St., Suite 704, Topeka, KS 66603-3758 V/TTY 785-234-0307 FAX 785-234-2304

Before the Senate Committee on Utilities

Substitute for HB 2322

February 18, 1999

Madam Chairwoman, members of the committee, I am Rob Hodges, President of the Kansas Telecommunications Industry Association. Our membership is made up of local telephone companies, long distance companies, wireless telecommunications companies, and firms and individuals that provide service to and support for the telecommunications industry in Kansas.

Substitute for HB 2322 would require KTIA members and other entities mentioned in the bill, upon request of a blind or visially impaired customer, to provide bills in one of three special formats. We appear today in support of this proposal.

Experience in Missouri tells us that the complications and hardships that providing Braille or large print billing might impose on utilities are outweighed by the benefits afforded to the targeted customer group. The limited research we have conducted indicates that the increased costs to be incurred by telephone companies for Braille or large print billing should not cause a hardship.

This bill is a substitute for the original measure. It reflects suggestions made by various conferees and amendments adopted by the House Utilities Committee. We believe that the bill provides an appropriate balance between the rights of customers to transact their business in a format that best suits their needs and the rights of companies to make sound business decisions in responding to the needs of all customers.

Madam Chair, members of the committee, the membership of the KTIA is pleased to support this bill. I will attempt to answer your questions.

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Attach. 4

Empire currently provides an auto line call up system for our customers billing inquiries and is spending in excess of \$100,000 to make this system Y2K-compliant. We believe this system will be favored by our sight-impaired customers over other billing formats. However, we stand ready to provide billing information in any format outlined in the bill which our customer may prefer.

As noted earlier in my testimony, this legislation was adopted in Missouri last year. To date, none of our 100,000 customers in that state have requested this service. By way of comparison, our auto line references earlier in my testimony receives approximately 1,000 "hits" per month.

On behalf of Empire, we wish to express our appreciation to Mr. Byington and Envision as well as Mr. Rob Hodges of the Kansas Telecommunications Industry Association for their work on this legislation and ask for your support of Substitute for HB 2322. Thank you.

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MIKE REECHT

GOVERNMENT AFFAIRS CONSULTANT

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WRITTEN TESTIMONY
ON BEHALF OF AT&T
TO THE SENATE UTILITIES COMMITTEE
ON HB 2322

March 18, 1999

Madam Chair and members of the Committee:

AT&T strongly supports a concept that would insure a billing document that would help visually impaired customers conduct their long distance business.

Last year Missouri passed a very similar bill. However, the Missouri bill excluded the "audio" provision included in HB 2322. For AT&T, which conducts its business on a national scope it is difficult to operate in an environment where rules vary from state to state. This in no way is to suggest that what Kansas has proposed does not have merit. But it does seem that it would be advantageous to companies like AT&T as well as help alleviate customer confusion, if we have consistency in the policy of the two states.

Secondly, the way the bill is structured, it would seem to indicate that companies must be prepared to serve customer requests for a specific billing format by January 1, 2000. This seems to require an expenditure for systems to satisfy the requirements of the law before a request is received by a customer.

I would suggest that the bill needs modification that would require a company to comply with a request within a reasonable period of time rather than to expend dollars that may not be necessary to serve its customers.

I appreciate your consideration in this matter.

Senate Utilities
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Attach. 6



LEAGUE OF KANSAS MUNICIPALITIES

LEGAL DEPARTMENT □ 300 S.W. EIGHTH □ TOPEKA, KANSAS 66603

PHONE: (785) 354-9565 □ FAX: (785) 354-4186

To: Senate Utilities Committee
From: Kim Gulley, Assistant General Counsel
Date: March 18, 1999
Re: HB 2322

Thank you for allowing me to appear today on behalf of the League of Kansas Municipalities and our member cities. Because the language of HB 2322 includes water and sewer utilities along with electric, gas, and telecommunications providers, this bill would have an impact on nearly all of the 628 cities in the state. The League supports the concept and the intent of this legislation and we offer our comments from that perspective.

At the outset, it is important to note two key factors with respect to this bill:

- HB 2322 is more expansive than the Americans with Disabilities Act (ADA). Although the ADA requires program access for all governmental functions, it does not specify specific methods for achieving that access. The ADA requires utilities to provide appropriate accommodations for visually impaired or blind individuals, but it does not require that the information be provided in specific formats. Accommodations are worked out on a case-by-case basis.
- As you all know, the vast majority of cities in this state are small communities with limited resources and few utility customers to absorb the cost of a state-imposed mandate. We are concerned about the burden which this bill, in its current form, will impose on small cities. This bill would have a negative fiscal impact in all cities that operate any type of utility.

In an effort to preserve the intent of this legislation and reduce the impact on our smaller communities, we would like to offer the following amendment:

- Strike the language "the customer's choice of" in line 17
- Insert the following language in line 18 "...formats *as agreed to by the customer and the service provider*:"

We would like to encourage the customer and the service provider to work together to provide an appropriate accommodation. We believe that this language will accomplish that goal. Some may argue that removal of the language in line 17 will render the bill useless. I would respectfully disagree. With the amendments offered by the League, the bill would accomplish two important policy changes: 1) The State would be sending a strong message to all utility providers that providing appropriate accommodations for visually impaired or blind customers is a priority; 2) It would create a state law cause of action for noncompliance, allowing aggrieved parties to seek remedies in local district courts rather than federal court.

With the approval of the suggested amendment, the League would wholeheartedly support the passage of HB 2322.

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Attach. 7*