

Approved: March 7, 2000 *Carl Dean Holmes*  
Date

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:10 a.m. on February 17, 2000 in Room 231-N of the Capitol.

All members were present except: Rep. Tom Klein

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

Conferees appearing before the committee: Mike Murray, Sprint  
Doug Lawrence, Southwestern Bell  
Mike Reece, A. T. & T.

Others attending: See Attached Guest List

**HB 2984 - Owners of fiber-optic cable required to submit certain information to state**

Mike Murray, Sprint, testified in support of **HB 2984**. Mr. Murray submitted a balloon amendment, for consideration, that dealt with confidentiality of certain information (Attachment 1).

Mr. Doug Lawrence, on behalf of Southwestern Bell Telephone of Kansas, testified as an opponent to **HB 2984** (Attachment 2). They believe that disclosure of certain information could provide a roadmap to those who want to disrupt services.

Mike Reece, on behalf of A. T. & T., testified that they would not oppose passage of **HB 2984** if there was an assurance that its sensitive deployment information could and would be protected (Attachment 3).

Conferees responded to questions from Rep. Sloan, Rep. Dahl, Rep. Alldritt, Rep. McClure, Rep. Loyd, Rep. Long, Rep. Vining, Rep O'Brien, Rep. Compton, Rep. Kuether, Rep. Morrison and Rep. Holmes.

**HB 2897 - Grant of public easements for telecommunications access**

Mary Torrence, Revisor of Statutes, provided a brief overview of the bill. There were no conferees. Chairman Holmes shared additional background information with the committee about the bill. He stated that he had received information that KDOT granted a contract to DTI for laying cable along I-70 and I-35. The contract includes a time table for fiber speeds with dates at which the speeds will increase. The bill is intended to preclude exclusive contracts without other agencies and entities knowledge.

Chairman Holmes stated that the committee would add this bill to the list of bills being worked on Friday. The committee was also reminded of the schedule for tomorrow.

Meeting adjourned 10:54 a.m.

Next meeting will be Friday, February 18, 2000 at 9:00.

# HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: February 17, 2000

NAME	REPRESENTING
Rob Hodges	KTIA
Patrick Sherley	KCB
Dave Holthaus	WR
Chip Wheelen	KAOM
John Federico	KCTA
Doug Lawrence	SW Bell
John Pregar	SITA
John Miles	KCC
Dave Holthaus	WRE
Ron Murray	
Sandy Grader	McGill Gaches & Assoc
Mike Murray	Sprint
Jennifer Crow	Federico Consulting
Bunka Home	CWA 6402
D. J. Wenzel	CWA 6402 - Wichita
Thomas J. Collier	CWA local 6402 Wichita
Chris Wilson	KCC
Janette Sisking	KCC
Amy McDonald	KCC
Mike Siefert	AT&T



# HOUSE BILL No. 2984

By Select Committee on Information Management

2-11

9 AN ACT concerning fiber-optic cable; requiring owners to submit cer-  
10 tain information to the state; providing penalties for violations.

11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section. 1. (a) On or before September 1, 2000, and at six-month  
13 intervals thereafter, each owner of any fiber-optic cable installed in this  
14 state and used in conjunction with fiber-optic transmission systems shall  
15 submit to the state corporation commission and the chief information  
16 technology architect information identifying the location and maximum  
17 capacity of all such cable and such other information as prescribed by the  
18 corporation commission staff pursuant to subsection (b). The provisions  
19 of this subsection shall apply only to fiber-optic cable placed between  
20 local telephone company exchange areas, with a point of presence in  
21 Kansas and specifically excludes intraexchange facilities and facilities with  
22 no Kansas access points.

23 (b) The state corporation commission staff, in cooperation with the  
24 chief information technology architect, shall prescribe the form and con-  
25 tent of information required to be submitted pursuant to this section.  
26 Such information shall be in sufficient detail to allow the commission to  
27 produce a consolidated map showing: Placement, capacity, ownership,  
28 quantity of "dark fiber" and other characteristics of fiber-optic cable that  
29 the commission staff, in cooperation with the chief information technol-  
30 ogy architect, determines relevant to planning for a statewide fiber-optic  
31 cable network.

32 ~~(d)~~ Any person or entity which fails to submit any information as  
33 required by subsection (a) shall be liable to the state for the payment of  
34 a civil penalty, recoverable in an action brought by the attorney general,  
35 in a sum set by the court of not more than \$10,000 per day.

36 ~~(e)~~ This section shall expire on July 1, 2005.

37 Sec. 2. This act shall take effect and be in force from and after its  
38 publication in the statute book.  
39

*Approved by Murray, Bond  
Mike Murray, Bond*

(c) Information submitted pursuant to this section may be designated as Confidential by the person submitting the information by demonstrating that it is of a highly confidential and/or market sensitive nature. Confidential information shall be filed under seal and kept confidential by the state corporation commission and the chief information technology architect and may not be disclosed to others without prior consent of the person making the filings and only upon a properly executed Confidentiality Agreement.

HOUSE UTILITIES  
DATE: 2-17-00  
ATTACHMENT I

House Utilities Committee  
February 17, 2000  
Testimony on  
HB 2984  
For Southwestern Bell Telephone Company

My name is Doug Lawrence. I am a consultant for Southwestern Bell Telephone of Kansas on regulatory and legislative matters.

First, though listed as an opponent, Southwestern Bell simply has concerns about this bill as it is currently constituted. In its current form, HB2984 presents both a security and competitive problem for the company.

**Security**

We believe this bill will require the delivery of detailed information about the fiber optic network Southwestern Bell has in place to provide all forms of telecommunication services to communities throughout the state. That information provides a roadmap that could be used by those who want to disrupt services to a community or a particular service in a community. Company specific information, which includes bandwidth/capacity information, location and types of deployment, should not be in the public domain. This bill, as it is currently constituted does not provide necessary assurance that this type of information will remain protected. In fact, once the information is provided, the Chief Information Architect and KCC is directed to develop a map which would by statute incorporate the very information which we feel could compromise the integrity of our network.

**Competitive Issues:**

Disclosure of detailed information about transmission capacities and locations, including dark fiber and new construction, as proposed in this legislation, would provide competitors with significant information about specific strategic efforts in technology in infrastructure deployment. The ability to determine how particular services are deployed, and where they may be deployed in the future is damaging to any company engaged in a highly competitive industry as is developing in the telecommunications arena.

Southwestern Bell Telephone recognizes, and understands, the motivations behind this legislation. And, would like to cooperate in achieving the underlying goals as we understand them. But we question whether requiring everyone who owns or controls any fiber in the state to report such detailed information really achieves that goal.

*HOUSE UTILITIES*

DATE: 2-17-00

ATTACHMENT 2

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GOVERNMENT AFFAIRS CONSULTANT

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**TESTIMONY BY MIKE REECHT  
ON BEHALF OF AT&T  
BEFORE THE HOUSE UTILITIES COMMITTEE  
REGARDING HB 2984**

**FEBRUARY 17, 2000**

Mr. Chairman and members of the committee,

My name is Mike Reecht and I represent AT&T before the Kansas Legislature.

AT&T understands the importance of a statewide fiber optic connectivity for state telecommunications applications.

However, AT&T is unclear how the accumulation of the information requested in HB 2984 would be relevant. The fact that a company has deployed fiber optics would not enable the state to assume such deployment could be made available for the state's use. Nor should the fact that a company has not deployed fiber optics be assumed to mean that a company would not deploy fiber optics in response to a Request for Proposal (RFP). An adequate and well-publicized RFP would seem to negate the need for such data on an ongoing basis.

Secondly, data of this nature is often competitively sensitive, and companies will be reluctant to share that information in a public forum. If such data were required to be provided, detailed procedures would have to be developed to insure protection of the proprietary information. Companies should not be forced to provide competitively sensitive data without some assurance that the data will be protected.

Finally, AT&T is concerned that the release of the location of its fiber optic cables in a public forum could subject these facilities to a risk of damage by hostile third parties.

In summary, AT&T would not oppose passage of HB 2984 with the assurance that its sensitive deployment information could and would be protected.

*HOUSE UTILITIES*

DATE: 2-17-00

ATTACHMENT 3