

CONTINUATION SHEET

MINUTES OF THE SENATE UTILITIES COMMITTEE at 9:30 a.m. on March 13, 2001 in Room 231-N of the Capitol.

Neutral

Anne Tymeson, Assistant General Counsel for the Kansas Corporation Commission, shared several concerns the Commission has with the bill. She noted that the Citizens' Utility Ratepayer Board is authorized by statute to function as the official intervener in rate cases filed with KCC. KCC has regulations in place which govern intervention in proceedings before it, which require a petitioner to demonstrate its legal rights, duties, or privileges may be substantially affected by the proceeding. However, she also noted that the KCC rarely, if ever, denies intervention to any party. She also mentioned the possibility of conflict of interest that may arise when a city intervenes on behalf of its citizens. (Attachment 6)

On questioning, it was determined that the definition of municipalities includes counties.

Walker Hendrix, CURB, explained the regulations on intervention and the procedures adopted where they automatically permit intervention. The question is on what level should they be able to participate. More flexibility in the administrative process would be helpful.

Closed hearing on **HB 2397**.

Storage of Natural Gas

Senator Dave Kerr offered direction on the next step to take in closure of the Hutchinson issue. He noted the current law refers only to protection of water and should be expanded to include people and property. The law also regulates three industries in one category and possibly should include individual regulations for storage of LPG and other hydrocarbons, solution mining and natural gas. Kansas Department of Health and Environment needs some help from consultants in developing these regulations. The Utilities Committee should request funds for this purpose from the Senate Ways and Means Committee. Also the regulations need to be provided promptly.

The proposed regulations should include guidance on mechanical integrity tests to determine pressure availability, assess the potential need for dual casing; periodic analysis of equipment, and public notification in the event of possible emergency.

Senator Kerr suggested the committee may want to include a two-year moratorium on storage of natural gas in salt caverns until the new regulations governing that aspect are written and approved. It might be prudent to say no additional gas can be added to the current facility and no new caverns can be opened until the regulations are in place. The moratorium to cover natural gas storage only.

Joe Palacios, city manager, City of Hutchinson and Dr. Joe Ratigan, consultant, reported on the outcome of the executive committee meeting of the Solution Mining Research Institute, and noted their reluctance to spearhead the investigation into the Hutchinson issue as there is a conflict of interest with some of their members being investigated in this matter.

Staff was directed to prepare a conceptual bill amending current law to: (1) include people and property in addition to water; (2) recommend three categories of industries for regulations; (3) separate section on KCC regarding depleted natural gas and oil caverns; (4) authority for KDHE to hire a consultant and to recommend a fiscal amount needed to draft new regulations; (5) reference to pressure tests, mechanical integrity, emergency notification, 2 year moratorium, and analyzing of equipment; (6) completed aquifers to be included.

Discussion on findings to be included in minutes to show intent of committee. A letter from the committee signed by the Chair and copy of the minutes with findings and comments will be sent to the Secretary of the Department of Health and Environment..

CONTINUATION SHEET

MINUTES OF THE SENATE UTILITIES COMMITTEE at 9:30 a.m.on March 13, 2001 in Room 231-N of the Capitol.

Approval of Minutes

Moved by Senator Emler, seconded by Senator Lee, the minutes of the Senate Utilities Committee meeting held on March 12, 2001 be approved. Motion carried.

Respectfully submitted,

Ann McMorris, Secretary

Enclosures - 6

SENATE UTILITIES COMMITTEE GUEST LIST

DATE: MARCH 13, 2001

Name	Representing
John Crander	sen. star clark
Anne Tymeson	KCC
JOE PALACIOZ	CITY OF HUTCHINSON
JOE RATIGAN	" " "
Dennis M. Clennan	City of Hutchinson
John Pinegar	city of Topeka
Kevin Fowler	city of Topeka
John Lund	City of Topeka
Deleane Cole	Sen. Ignorri Office Staff
J.C. Long	Uti/Corp United
WALKER HENDRIX	CURB
Mike Reecht	ATT/KCPL
Ron Caches	CBBA
Ray Hill	CBBA
Judy Bromwich	Sen Pres. Office
Amy A. Campbell	Midwest Energy

UtiliCorp United, Inc.

UCU Regulatory
20 W. 9th Street
Kansas City, MO 64105
FAX # 816-467-8010

TELECOPY MESSAGE

DATE: 03.12.01

TO: J C Long

FAX NO. 785 232 4536

FROM: MA

NO. OF PAGES, INCLUDING
COVER PAGE: 5

2 mo. tariffs. I'm not aware of any
contracts.

**IF YOU DO NOT RECEIVE ALL MATERIAL IN GOOD
CONDITION, PLEASE CALL SANDY HORVAT
@ 816-467-3558**

Thank You!

P.S.C. MO. No. 2 6th
Cancelling P.S.C. MO. No. 2 5th

(Original) SHEET NO. 38
(Revised)
(Original) SHEET NO. _____
(Revised)

MISSOURI PUBLIC SERVICE
KANSAS CITY, MO 64138

FOR: All Territory Served by Missouri Public Service
Rate Schedule CGP

RECEIVED

MAR 28 2000

**COGENERATION PURCHASE SCHEDULE
ELECTRIC**
**MISSOURI
Public Service Commission**

AVAILABILITY

This schedule is available to customers located within Missouri Public Service's service territory and located on or adjacent to Missouri Public Service's secondary service lines and having cogeneration units of 100 kW or less. This service is not available to resale electric customers.

APPLICABLE

This schedule is applicable to Missouri Public Service electrical energy purchases from cogeneration customers of 100 kW or less that have been approved by Missouri Public Service and where a contract has been executed between Missouri Public Service and such cogeneration customers. Customer's cogeneration unit shall carry the same ratio of reactive to real power as is carried by Missouri Public Service's facilities at the customer's location and as determined by Missouri Public Service's measurements.

CHARACTER OF SERVICE

Alternating current, 60 cycles, sinusoidal wave form, and at the standard voltage and phase available at the location of the cogeneration unit.

CHARGES TO COGENERATION CUSTOMER (CIS+ RATE CODE MO700)

Cogeneration customers to which this schedule is applicable shall pay Missouri Public Service a monthly charge of \$4.50 to pay for additional customer related costs of Missouri Public Service.

CHARGES TO MISSOURI PUBLIC SERVICE

- 1) Minimum - There shall be no monthly minimum charge for purchases made by Missouri Public Service.
- 2) Rate - Purchases shall be made by Missouri Public Service from a cogeneration customer at the rate of \$.01929 per kWh.

RULES AND REGULATIONS

Customer's system and cogeneration facilities shall be subject to any applicable Rules and Regulations of Missouri Public Service or of the Missouri Public Service Commission or any other authority having jurisdiction. Conditions of service shall be in accordance with Missouri Public Service's standard filed contract plus any applicable conditions for special circumstances. Conditions of service and contract modifications for special circumstances can provide greater flexibility in both the customer's and Missouri Public Service's operations.

FILED

MAY 01 2000

**MISSOURI
Public Service Commission**

DATE OF ISSUE: March 29, 2000
ISSUED BY: Gary Clemens, Regulatory Services

EFFECTIVE DATE: May 1, 2000

1-2

P.S.C. MO. No. 2 2nd

(Original) SHEET NO. _____
(Revised)

Cancelling P.S.C. MO. No. 2 1st

(Original) SHEET NO. 39
(Revised)

MISSOURI PUBLIC SERVICE
KANSAS CITY, MO 64138

FOR: All Territory Served by Missouri Public Service
Rate Schedule IGP

RECEIVED

MAR 18 1998

SPECIAL ISOLATED GENERATING PLANT ELECTRIC SERVICE
ELECTRIC
MO. PUBLIC SERVICE COMM

AVAILABILITY

This schedule is available for any type service to isolated generating plants constructed or operating by a retail customer. Any such customer with an isolated generating plant that partially or completely fails who accepts service from Missouri Public Service for any period of time will be billed under this schedule for a minimum period of twenty years. All customers receiving service under this schedule shall sign a contract covering the amount of special capacity to be furnished prior to Missouri Public Service purchasing or installing any of the necessary facilities. The maximum amount of capacity to be made available to any such customer under this rate schedule will be the amount that exists in the Missouri Public Service's system which can be provided without affecting service to other customers at the time or in the future.

Any customer who constructs an isolated generating plant, after such construction is completed, may receive under this schedule capacity and energy for sixty days provided such party agrees to the operating procedures established by Missouri Public Service. If, after such sixty day period, such customer continues to receive service, it will automatically be billed under this schedule for a minimum of twenty years.

APPLICABLE

This service is not available for peaking, seasonal use, for resale or parallel operation. Construction of any isolated generating plant shall be deemed completed when the customer first uses such plant to carry all or part of its load. The terms of this schedule do not apply to customer receiving full service from Missouri Public Service who have a small emergency plant for use when Missouri Public Service's service is interrupted and such plant is approved by Missouri Public Service.

CHARACTER OF SERVICE

Service is to be 60 cycles, three-phase at the available primary voltage. The nominal voltage level of primary voltage will be established by Missouri Public Service.

FILED
98-103
APR 17 1998
97-394
MO. PUBLIC SERVICE COMM

DATE OF ISSUE: March 18, 1998
ISSUED BY: Maurice L. Amall, Regulatory Services

EFFECTIVE DATE: April 17, 1998

1-3

P.S.C. MO. No. 2 2nd (Original) SHEET NO. 40
Cancelling P.S.C. MO. No. 2 1st (Revised) SHEET NO. 40
(Original) (Revised)

MISSOURI PUBLIC SERVICE
KANSAS CITY, MO 64138

FOR: All Territory Served by Missouri Public Service
Rate Schedule IGP

RECEIVED

SPECIAL ISOLATED GENERATING PLANT ELECTRIC SERVICE (CONTINUED) **MAR 18 1998**
ELECTRIC

MONTHLY BILLING

MO. PUBLIC SERVICE COMM

Billing under this schedule will consist of:
(1) capacity charge; (2) excess capacity charge; (3) energy charge; (4) local facilities charge; (5) reactive demand adjustment; and
(6) any applicable taxes and franchise payment.

CAPACITY CHARGE

The capacity charge shall be \$5.51 per kW per month times the capacity reserved by the customer but not less than \$5,484.88 per month. If any service is furnished prior to the execution of the contract by the customer, it will be billed on the amount of his total connected load.

EXCESS CAPACITY CHARGE

All capacity delivered to the customer in excess of the contracted amount will be billed at \$7.05 per kW per month. Such a charge will continue the next eleven months following the month in which the demand is established unless a new higher excess demand is established in which case such higher demand will be used for billing purposes and will also continue for the following eleven consecutive months.

ENERGY CHARGE

All kWh used at \$0.0391 per kWh.

LOCAL FACILITIES CHARGE

The monthly charge for local facilities will be computed by multiplying 20% times such investment estimated by Missouri Public Service divided by 12.

MINIMUM MONTHLY BILL

The minimum monthly bill shall be the charge for the amount of capacity contracted for or the connected load capacity, plus any excess capacity charge and local facilities charge, but in no event shall it be less than \$5,484.88.

FILED
88-103
APR 17 1998
97-394
MO. PUBLIC SERVICE COMM

DATE OF ISSUE: March 18, 1998
ISSUED BY: Maurice L. Amall, Regulatory Services

EFFECTIVE DATE: April 17, 1998

1-4

P.S.C. MO. No. 2
Cancelling P.S.C. MO. No. 2

2nd
1st

(Original)
(Revised)
(Original)
(Revised)

SHEET NO. _____
SHEET NO. _____

MISSOURI PUBLIC SERVICE
KANSAS CITY, MO 64138

FOR: All Territory Served by Missouri Public Service
Rate Schedule IGP

RECEIVED

MAR 18 1998

SPECIAL ISOLATED GENERATING PLANT ELECTRIC SERVICE (CONTINUED)
ELECTRIC

MO. PUBLIC SERVICE COMM

REACTIVE DEMAND ADJUSTMENT

Missouri Public Service shall determine customer's maximum reactive demand in kVar. Each month a charge or credit of \$0.28 shall be made for each kVar by which the maximum reactive demand is respectively, greater or less than 50% of customer's maximum kW demand for that month, provided, however, that the number of kVar for which credit is given shall not be more than 50% of the customer's maximum kW demand in that month.

The reactive demand adjustment will be based on the ratio of the customer's maximum monthly 15-minute reactive demand in kVar to the customer's maximum kW demand in that month.

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98-103
APR 17 1998
97-394
MO. PUBLIC SERVICE COMM

DATE OF ISSUE: March 18, 1998
ISSUED BY: Maurice L. Arnall, Regulatory Services

EFFECTIVE DATE: April 17, 1998

1-5

WESTERN RESOURCES, INC., dba KPL
(Name of Issuing Utility)

SCHEDULE PGC

ENTIRE SERVICE AREA
(Territory to which schedule is applicable)

Replacing Schedule PGC Sheet 1
which was filed March 26, 1992

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 1 of 6 Sheets

PARALLEL GENERATION CONTRACT SERVICE

AVAILABLE

Electric service is available under this schedule at points on the Company's existing distribution facilities.

APPLICABLE

To Residential or General Service customers who contract for service supplied at one point of delivery where part or all of the electrical requirements of the customer can be supplied from customer owned generation sources, and where such sources are connected for parallel operation of the customer's system with the system of the Company. Customer sources may include but are not limited to windmills, water wheels, solar conversion and geothermal devices.

This schedule is not applicable to breakdown, standby, or resale electric service.

CHARACTER OF SERVICE

Alternating current, 60 hertz, at the voltage and phase of the Company's established secondary distribution system most available to the service location.

NET MONTHLY BILL

Rate

1. For capacity, energy and services supplied by the Company to the customer, the Company's rate schedules and terms and conditions normally applicable to the customer absent parallel generation shall apply.

96WSRE101DRS

Commission File Number 193307-U

Issued January 15 1997
Month Day Year
Effective with usage on and after February 3, 1997
Month Day Year

By Jim Martin
Jim Martin, Vice President

FILED FEB 3 1997
THE STATE CORPORATION COMMISSION
OF KANSAS

By Judith M. Conrad **1-6**
Secretary

WESTERN RESOURCES, INC., dba KPL
(Name of Issuing Utility)

SCHEDULE PGC

ENTIRE SERVICE AREA
(Territory to which schedule is applicable)

Replacing Schedule PGC Sheet 2

which was filed March 26, 1992

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 2 of 6 Sheets

PARALLEL GENERATION CONTRACT SERVICE

2. For capacity and energy supplied by customer to the Company, the Company shall pay:

$$1.036 \times \left[0.268\text{¢ per kWh plus the per kWh cost of fuel, purchased power and net interchange.} \right] \times \text{kWh Supplied}$$

Minimum

When a special or additional transformer installation is necessary for the benefit of the customer, or to protect the quality of service to other customers, the minimum shall be not less than \$0.75 per kVA of required transformer capacity. Such minimum shall be in addition to the rate minimum required for a Company to customer sale as provided in the Company's standard tariffs.

OTHER TERMS AND CONDITIONS

1. The per kWh cost of fuel, purchased power and net interchange to be used in the calculation of the amount paid for capacity and energy supplied by customer to Company shall be determined as follows:

$$\frac{F + P + NI + C}{.01 \times S}$$

Where: F = Estimated dollar cost of nuclear fuel used⁽¹⁾ and fossil fuel burned⁽²⁾ during the current month⁽³⁾ to supply electric energy to customers.

P = Estimated total cost of purchased power⁽⁴⁾ during the current month to supply electric energy to customers.

NI = Estimated net dollar cost⁽⁶⁾ (positive or negative) of interchange received less interchange sales during the current month.

96WSRE101DRS

Commission File Number 193307-U

Issued January 15 1997
Month Day Year
Effective with usage on and after February 3, 1997
Month Day Year

By Jim Martin
Jim Martin, Vice President

FILED FEB 3 1997
THE STATE CORPORATION COMMISSION
OF KANSAS

By Julia M. Bennett Secretary
1-7

WESTERN RESOURCES, INC., dba KPL
(Name of Issuing Utility)

SCHEDULE PGC

ENTIRE SERVICE AREA
(Territory to which schedule is applicable)

Replacing Schedule PGC Sheet 3

which was filed March 26, 1992

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 3 of 6 Sheets

PARALLEL GENERATION CONTRACT SERVICE

S = Estimated kWh to be delivered to retail and wholesale customers during the current month, which equals: (sum of the estimated net kWh generated, kWh purchased, and net kWh interchanged during the month) times (1 minus the line loss factor⁽⁵⁾).

C = Correction of estimated cost to actual costs for the second month preceding the current month calculated as:

$$\frac{\text{Actual (F + P + NI + C')} - \text{Estimated (F + P + NI + C')}}{\text{Estimated S}} \times \text{Actual S}$$

(all for the second month preceding the current month).

C' = Correction dollars used in the calculation for the second month preceding the current month.

NOTES TO THE FORMULA:

- (1) Costs includable under nuclear fuel are those properly recorded as nuclear in FERC Account Number 518.
- (2) Costs includable under fossil fuel burned shall include only those costs properly recorded as fossil fuel costs in FERC Account Number 151, except that fuel costs should be reduced by the amount of supplier refunds normally credited to FERC Account Number 501. For natural gas or other fuels for which no inventory is maintained, the costs recorded in FERC Account Number 501 are includable as fossil fuel burned. Costs of each type of fuel burned shall be computed by the following formula:

96WSRE101DRS

Commission File Number 193307-n

Issued January 15 1997
Month Day Year
Effective with usage on and after February 3, 1997
Month Day Year

By Jim Martin
Jim Martin, Vice President

FILED FEB 3 1997
THE STATE CORPORATION COMMISSION OF KANSAS

By William B. ... Secretary
1-8

WESTERN RESOURCES, INC., dba KPL
(Name of Issuing Utility)

SCHEDULE PGC

ENTIRE SERVICE AREA
(Territory to which schedule is applicable)

Replacing Schedule PGC Sheet 4

which was filed March 26, 1992

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 4 of 6 Sheets

PARALLEL GENERATION CONTRACT SERVICE

$$\left[\frac{B + A}{C + D} \right]$$

X E

Where:

- B = Estimated dollar cost of fuel stocks at beginning of the current month.
 - A = Estimated dollar cost of additions to fuel stocks during the current month.
 - C = Estimated units of fuel (ton, barrels, or MCF) in stock at the beginning of the current month.
 - D = Estimated units of fuel to be added to stocks during the current month.
 - E = Estimated units of fuel to be burned during the current month.
- (3) The current month is defined as the month for which the energy costs are estimated.
 - (4) Costs includable under purchased power are those properly recorded as purchased energy costs in FERC Account Number 555, and are exclusive of capacity, demand or other fixed charges.
 - (5) The line loss or unaccounted for losses factor is the amount of total kWh losses divided by the net kWh generated, purchased, and interchanged during the most recent twelve-month period ended December 31.

96WSRE101DRS

Commission File Number 193307-U

Issued January 15 1997
Month Day Year

Effective with usage on and after February 3, 1997
Month Day Year

By Jim Martin
Jim Martin, Vice President

FILED FEB 3 1997
THE STATE CORPORATION COMMISSION
OF KANSAS

By Judith M. [Signature] Secretary

1-9

WESTERN RESOURCES, INC., dba KPL
(Name of Issuing Utility)

SCHEDULE PGC

ENTIRE SERVICE AREA
(Territory to which schedule is applicable)

Replacing Schedule PGC Sheet 5

which was filed March 26, 1992

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 5 of 6 Sheets

PARALLEL GENERATION CONTRACT SERVICE

- (6) Net dollar costs of interchange are energy costs, and are exclusive of capacity, demand, or other fixed charges.
- 2. The Company will supply, own, and maintain all necessary meters and associated equipment utilized for billing. In addition, and for purposes of monitoring customer generation and load, the Company may install at its expense, load research metering. The customer shall supply, at no expense to the Company, a suitable location for meters and associated equipment used for billing and for load research.
- 3. For the purposes of insuring the safety and quality of utility system power, the Company shall have the right to require the customer, at certain times and as electrical operating conditions warrant, to limit the production of electrical energy from the generating facility to an amount no greater than the load at the customer's facility of which the generating facility is a part.
- 4. The customer shall furnish, install, operate, and maintain in good order and repair, and without cost to the Company, such relays, locks and seals, breakers, automatic synchronizer, and other control and protective apparatus as shall be designated by the Company as being required as suitable for the operation of the generator in parallel with the Company's system. In addition, the Company will install, own, and maintain a disconnecting device located near the electric meter or meters at no cost to the customer. Interconnection facilities shall be accessible at all times to Company personnel.

The customer may be required to reimburse the Company for any equipment or facilities required as a result of the installation by the customer of generation in parallel with the Company's service.

96WSRE101DRS

Commission File Number 193307-U

Issued January 15 1997
Month Day Year

Effective with usage on and after February 3, 1997
Month Day Year

By Jim Martin
Jim Martin, Vice President

FILED FEB 3 1997
THE STATE CORPORATION COMMISSION
OF KANSAS

By Judith M. Cannon Secretary
1-10

WESTERN RESOURCES, INC., dba KPL
(Name of Issuing Utility)

SCHEDULE PGC

ENTIRE SERVICE AREA
(Territory to which schedule is applicable)

Replacing Schedule PGC Sheet 6

which was filed March 26, 1992

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 6 of 6 Sheets

PARALLEL GENERATION CONTRACT SERVICE

The customer shall notify the Company prior to the initial energizing and start-up testing of the customer-owned generator, and the Company shall have the right to have a representative present at said test.

- 5. The Company requires a special contract for conditions related to technical and safety aspects of parallel generation.
- 6. This schedule is not applicable where the customer's maximum generating capacity exceeds 100 kW.
- 7. Customer owned generation sources shall be subject to the fuel use restrictions imposed by the Public Utilities Regulatory Policy Act of 1978 (P.L. 95-617) and the Federal Energy Regulatory Commission's regulations related to cogeneration and Small Power Production.
- 8. Service hereunder is subject to the Company's General Terms and Conditions as approved by the State Corporation Commission of the State of Kansas.

96WSRE101DRS

Commission File Number 193307-U

Issued January 15 1997
Month Day Year

Effective with usage on and after February 3, 1997
Month Day Year

By Jim Martin
Jim Martin, Vice President

FILED FEB 3 1997

THE STATE CORPORATION COMMISSION OF KANSAS

By Judith MacConnell Secretary
1-11

Lyon-Coffey Electric Cooperative, Inc.
Entire Service Area

Replacing Schedule PG-87 Sheet 1
 which was filed Jan. 11, 1989

**COGENERATION AND SMALL POWER PRODUCTION
 100 KW OR LESS**

DESCRIPTION OF OFFERING:

This is a standard schedule for the purchase of the output of qualifying cogeneration or small power production facilities with a total capacity of 100 kW or less.

AVAILABILITY:

This schedule is available in all areas served by the Cooperative to Customers who:

1. Own and/or operate an electric power generating facilities using cogeneration or fuels derived from biomass, waste, or renewable energy sources, including wind, solar insolation, or water; which is a "qualifying facility" as prescribed by rules of the Federal Energy Regulatory Commission pursuant to Sections 201 and 210 of the Public utility Regulatory Policies Act of 1978, and which has a total nameplate or effective capacity (whichever is greater) of 100 kW or less, in parallel with the Cooperative's electric system for the purpose of generating power for the Customer's own consumption, or for sale to the Cooperative, or both; and
2. Employ equipment which is compatible with the Cooperative's electric system at the Customer's delivery point which will cause no damage to the Cooperative's electric system or equipment, or present an undue hazard to Cooperative personnel; and
3. Execute a special Electric Service Agreement for interconnection and parallel operation with the Cooperative.

PURCHASE RATES:

1. Energy. The Cooperative will pay the Customer for the metered energy output of the Customer's qualifying facility at a rate equal to the avoidable fuel and energy components of the Cooperative's wholesale rate. The exact value of the rate will be determined in each billing period from the actual avoided fuel and energy components in the Cooperative's most recent wholesale power bill for the wholesale delivery point to which the Customer's qualifying facility is electrically connected. The total payment by Cooperative to the Customer for energy in any billing period shall not exceed the total amount of energy costs that are determined to have been avoided by the Cooperative as a result of the energy output of the Customer's qualifying facility.

Issued	DEC 30 1993			
Effective	Month	Day	Year	Senate Utilities Committee March 13, 2001 Attachment 2-1
	JAN	1	1994	
By	Month	Day	Year	Secretary
	<i>Richard B. P... ..</i>			
	Signature	Title		By <i>[Signature]</i>

Lyon-Coffey Electric Cooperative, Inc.
Entire Service Area

Replacing Schedule PG-87 Sheet 2
 which was filed Jan. 11, 1989

**COGENERATION AND SMALL POWER PRODUCTION
 100 KW OR LESS
 (Continued)**

PURCHASE RATES: (Continued)

2. Capacity. If it can be determined that the Cooperative can avoid any capacity components of the Cooperative's wholesale rate as a result of the metered capacity output of Customer's qualifying facility, then the Cooperative will negotiate a capacity purchase rate with the Customer. The negotiated value of the rate shall be based on the actual net reduction in the Cooperative's wholesale capacity costs resulting from the metered capacity output of the Customer's qualifying facility. The total payment by the Cooperative to the Customer for capacity in any billing period shall not exceed the total amount of capacity costs that are determined to have been avoided by the Cooperative as a result of the capacity output of the Customer's qualifying facility.

3. Optional Time Differentiated Rates. At the Customer's request, the Cooperative will purchase, install and maintain, at the Customer's expense, a meter for recording the energy and/or capacity output of the Customer's qualifying facility by time of use. The Cooperative will pay the Customer for the metered output of the Customer's qualifying facility at time differentiated rates which:
 - a. reflect any time differentiation of the avoidable components of the Cooperative's wholesale rate; or
 - b. incorporate time differentiated costing methodologies which have been ordered by the Kansas Corporation Commission.

The total payment by the Cooperative to the Customer under time differentiated rates in any billing period shall not exceed the total amount of wholesale power costs that are determined to have been avoided by the Cooperative as a result of the output of the Customer's facility.

4. Avoided Cost Information. Because the rates for purchase of the output of the Customer's qualifying facility are to be based on actual wholesale billing analyses which may cause the effective purchase rate to vary somewhat from month to month, the Cooperative will, at a Customer's request, provide any Customer with example calculations of the avoidable wholesale power components for a twelve-month period.

2-2

Issued	DEC 30 1993	Commission Docket Number	187686-U
Effective	Month Day Year JAN 1 1994	FILED	DEC 6 1993
By	Month Day Year Signature: <i>Richard B. Weather</i>	THE STATE CORPORATION COMMISSION OF KANSAS	
	Title	By	<i>Judith MacConnell</i> Secretary

Lyon-Coffey Electric Cooperative, Inc.

Replacing Schedule PG-87 Sheet 3

Entire Service Area

which was filed Jan. 11, 1989

**COGENERATION AND SMALL POWER PRODUCTION
100 KW OR LESS
(Continued)**

PURCHASE RATES: (Continued)

5. Calculation of Payments. Because the total amount of payments by the Cooperative to the Customer in any billing period will depend on actual wholesale power bill components, the Cooperative will calculate and make payments for the output of the Customer's qualifying facility in any billing period only after the Cooperative has received both:
- a. All necessary information on the metered output of the Customer's qualifying facility, including data processing of capacity output metering data in the event that capacity payments are being made; and
 - b. The wholesale power bill which coincides with the billing period for which the output of the Customer's qualifying facility has been metered.

INTERCONNECTION COSTS:

The Customer shall reimburse the Cooperative for any equipment or facilities required as a result of the installation by the Customer of generation in parallel with the Cooperative's electric system.

The Customer shall pay all costs of the Cooperative to extend its facilities or modify them at the time of interconnection or at some future time, in order to purchase the output of the Customer's qualifying facility.

ELECTRIC SERVICE:

The Cooperative will provide electric service to the Customer and charge the Customer customer charges, minimum charges, metered billing period consumption, and other charges in accordance with the applicable Electric Service Agreement, and filed Rate Schedules and Rules and Regulations in effect for electric service customers in like circumstances.

This schedule is not applicable to breakdown, standby, or resale electric service.

			2-3	
			Commission Docket Number 187686-U	
Issued	DEC 30 1993		FILED	DEC 6 1993
Effective	Month	Day	Year	THE STATE CORPORATION COMMISSION OF KANSAS
	Month	Day	Year	
By	<i>Richard B Prather</i>		By <i>Judith M. Arnold</i>	<i>JBN</i> Secretary
	Signature		Title	

Lyon-Coffey Electric Cooperative, Inc.

Replacing Schedule PG-87 Sheet 4

Entire Service Area

which was filed Jan. 11, 1989

**COGENERATION AND SMALL POWER PRODUCTION
100 KW OR LESS
(Continued)**

TERMS AND CONDITIONS:

The Cooperative requires that the Customer execute a special Electric Service Agreement which establishes the terms and conditions under which the Cooperative will interconnect with the purchase energy from the Customer. A copy of the special agreement can be obtained for review at the Cooperative's main office. The Cooperative and the Customer, as mutually agreeable, may negotiate terms and conditions different than those in the special Electric Service Agreement.

Service under this schedule is subject to the Cooperative's Rules and Regulations on file with the Kansas State Corporation Commission.

2-4

Issued	Month	Day	Year	Commission Docket Number	<u>187686-U</u>
				FILED	DEC 6 1993
Effective	Month	Day	Year	THE STATE CORPORATION COMMISSION OF KANSAS	
				By	<i>Judith M. Arnold</i> Secretary
By	Signature			Title	
	<i>Richard B. Prather</i>				

THE STATE CORPORATION COMMISSION OF KANSAS

Index

The C&W Rural Electric Cooperative Ass'n., Inc.

SCHEDULE SPG-85

(Name of Issuing Utility)

Replacing Schedule SPG-83-2 Sheet 1

Entire Operating Territory

(Territory to which schedule is applicable)

which was filed August 22, 1983

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 1 of 3 Sheets

COGENERATION AND SMALL POWER PRODUCTION 100 KW OR LESS

DESCRIPTION OF OFFERING

This is a standard schedule for the purchase of the output of qualifying cogeneration or small power production facilities with a total capacity of 100 kW or less.

AVAILABILITY

This schedule is available in all areas served by the Cooperative to Customers who:

- 1. Own and/or operate an electric power generating facility using cogeneration or fuels derived from biomass, waste, or renewable energy sources...
2. Employ equipment which is compatible with the Cooperative's electric system...
3. Execute a special Electric Service Agreement for interconnection and parallel operation with the Cooperative.

PURCHASE RATES

- 1. Energy. The Cooperative will pay the Customer for the metered energy output of the Customer's qualifying facility at a rate equal to the avoidable fuel and energy components of the Cooperative's wholesale rate.

115379-U

Commission File Number 2-5

Issued January 25 1985
Effective On Commission Approval
By Raymond James Pres.

FILED FEB 5 1985
THE STATE CORPORATION COMMISSION OF KANSAS
By Judith McConnell Secretary

THE STATE CORPORATION COMMISSION OF KANSAS

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SCHEDULE SPG-85

The C&W Rural Electric Cooperative Ass'n., Inc.
(Name of Issuing Utility)

Replacing Schedule... SPG-83-2 Sheet 1

Entire Operating Territory
(Territory to which schedule is applicable)

which was filed August 22, 1983

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 2 of 3 Sheets

energy in any billing period shall not exceed the total amount of energy costs that are determined to have been avoided by the Cooperative as a result of the energy output of the Customer's qualifying facility.

2. Capacity. If it can be determined that the Cooperative can avoid any capacity components of the Cooperative's wholesale rate as a result of the metered capacity output of the Customer's qualifying facility, then the Cooperative will negotiate a capacity purchase rate with the Customer. The negotiated value of the rate shall be based on the actual net reduction in the Cooperative's wholesale capacity costs resulting from the metered capacity output of the Customer's qualifying facility. The total payment by the Cooperative to the Customer for capacity in any billing period shall not exceed the total amount of capacity costs that are determined to have been avoided by the Cooperative as a result of the capacity output of the Customer's qualifying facility.

3. Optional Time Differentiated Rates. At the Customer's request, the Cooperative will purchase, install and maintain, at the Customer's expense, a meter for recording the energy and/or capacity output of the Customer's qualifying facility by time of use. The Cooperative will pay the Customer for the metered output of the Customer's qualifying facility at time differentiated rates which:

- a. reflect any time differentiation of the avoidable components of the Cooperative's wholesale rate, or
- b. incorporate time differentiated costing methodologies which have been ordered by the Kansas Corporation Commission.

The total payment by the Cooperative to the Customer under time differentiated rates in any billing period shall not exceed the total amount of wholesale power costs that are determined to have been avoided by the Cooperative as a result of the output of the Customer's facility.

4. Avoided Cost Information. Because the rates for purchase of the output of the Customer's qualifying facility are to be based on actual wholesale billing analyses which may cause the effective purchase rate to vary somewhat from month to month, the Cooperative will, at a Customer's request, provide any Customer with example calculations of the avoidable wholesale power components for a twelve-month period based on the most recent available wholesale power bill.

715379-U

Commission File Number 2-6

Issued January 25 1985
Month Day Year

Effective On Commission Approval
Month Day Year

By Raymond James Pres.
Signature of Officer Title

FILED FEB 5 1985

THE STATE CORPORATION COMMISSION OF KANSAS

By Judith M. Connell Secretary



THE STATE CORPORATION COMMISSION OF KANSAS

Index

SCHEDULE SPG-85

The C&W Rural Electric Cooperative Ass'n., Inc.
(Name of Issuing Utility)

Replacing Schedule SPG-83-2 Sheet 2

Entire Operating Territory
(Territory to which schedule is applicable)

which was filed August 22, 1983

No supplement or separate understanding shall modify the tariff as shown hereon.

Sheet 3 of 3 Sheets

- 5. Calculation of Payments. Because the total amount of payments by the Cooperative to the Customer in any billing period will depend on actual wholesale power bill components, the Cooperative will calculate and make payments for the output of the Customer's qualifying facility in any billing period only after the Cooperative has received both:
 - a. All necessary information on the metered output of the Customer's qualifying facility, including data processing of capacity output metering data in the event that capacity payments are being made and
 - b. The wholesale power bill which coincides with the billing period for which the output of the Customer's qualifying facility has been metered.

INTERCONNECTION COSTS

The Customer shall reimburse the Cooperative for any equipment or facilities required as a result of the installation by the Customer of generation in parallel with the Cooperative's electric system.

The Customer shall pay all costs of the Cooperative to extend its facilities or modify them at the time of interconnection or at some future time, in order to purchase the output of the Customer's qualifying facility.

ELECTRIC SERVICE

The Cooperative will provide electric service to the Customer and charge the Customer customer charges, minimum charges, metered billing period consumption, and other charges in accordance with the applicable Electric Service Agreement, and filed Rate Schedules, and Rules and Regulations in effect for electric service Customers in like circumstances.

This schedule is not applicable to breakdown, standby, or resale electric service.

TERMS AND CONDITIONS

The Cooperative requires that the Customer execute a special Electric Service Agreement which establishes the terms and conditions under which the Cooperative will interconnect with and purchase energy from the Customer. A copy of the special agreement can be obtained for review at the Cooperative's main office. The Cooperative and the Customer, as mutually agreeable, may negotiate terms and conditions different than those in the special Electric Service Agreement.

Service under this schedule is subject to the Cooperative's Rules and Regulations on file with the State Corporation Commission of the State of Kansas.

115379-U

Commission File Number 2-7

Issued January 25 1985
 Month Day Year
 Effective On Commission Approval
 Month Day Year
 By Raymond James Pres.
 Signature of Officer Title

FILED FEB 5 1985
 THE STATE CORPORATION COMMISSION
 OF KANSAS CC
 By Judith A. Bennett Secretary



PARALLEL GENERATION SERVICE AGREEMENT

THIS AGREEMENT, made this _____ day of _____, 19 _____,
 between _____
 COOPERATIVE ASSOCIATION, INC, hereinafter referred
 to as "Cooperative," and _____ hereinafter referred to as "Member."

WITNESSETH: That

1. Subject to all the terms and conditions of this Agreement, the Cooperative and Member agree to interconnect their respective facilities to purchase or sell electric energy requirements to be installed in _____ located at _____, Kansas, upon the terms and conditions and at the rates and charges due and payable therefore pursuant to the Cooperative's applicable Electric Rate Schedules _____ and _____ copies of which are attached as a part hereof, and upon the terms and conditions set forth in the Cooperative's Rules and Regulations, all as now on file with The State Corporation Commission of Kansas, or as may be reissued and made effective from time to time as provided by law. Such energy shall be _____ phase, 60 cycle, alternating current, at approximately _____ volts.

2. Cooperative agrees to extend and maintain its lines to the premises of Member and to install all transformers, switches, lightning arrestors, meters, recording devices and other apparatus necessary for the purpose of delivering and measuring the energy at the point of interconnection, which shall be at _____

Such facilities of Cooperative shall be sufficient to satisfy a maximum capacity requirement by Member of _____ KVA of electric power, which shall constitute the Contract Capacity hereunder. Member shall notify Cooperative of any anticipated substantial increase in capacity requirement not less than ninety (90) days prior to date of such increase, and adjustment in Contract Capacity shall be made accordingly.

Member shall install and maintain, at its own expense to standards approved by Cooperative, all other facilities on Member's side of point of delivery which are necessary for the generation of and proper exchange of electrical energy and for its use beyond such point. Such facilities and Member's plant equipment shall be of types which will not interfere with other service rendered by Cooperative and be subject to inspection by Cooperative at reasonable times. The Cooperative may suspend electric service in accordance with its Rules and Regulations or cancel this agreement at any time the facilities or their operation do not meet the approved standards.

3. Member agrees to provide Cooperative, without cost, a suitable location and right-of-way on Member's premises for necessary lines and apparatus. All apparatus installed by and at cost of Cooperative shall remain its property and it shall have the right to inspect, repair or remove the same.

4. This Agreement shall continue for a period of _____ years from _____ 19 _____, (referred to as "primary period") and thereafter from year to year (referred to as "yearly period") until terminated by either party giving ninety (90) days written notice prior to expiration of the primary or any yearly period thereafter.

5. Cooperative will render bills monthly for electric service furnished under this Agreement in accordance with Cooperative's filed Rules and Regulations and the applicable rate schedules. In the event any such bill is not so paid, the Cooperative may suspend the supply of electric service in accordance with its filed Rules and Regulations or cancel this Agreement, but such action shall not release Member of Cooperative from the obligation to pay for services furnished or from liability for damages because of any breach hereof.

6. In case service should be interrupted or fail by an act of God or public enemy, fire, explosion, flood, strike, other cessation of work by personnel, picketing, insurrection, mob violence, governmental interference, break down of or injury to machinery or distributing lines, extraordinary repairs, or other accident or other causes not reasonably within its control, the Cooperative shall not be liable for damages on account of interruption of service. The parties shall resume delivery and receipt of electric energy when such causes or contingencies cease to be operative. Any minimum charges provided in said rate schedules shall be suspended should Member be prevented from receiving energy for a period in excess of thirty (30) days because of shut down of its plant occasioned by the occurrence of any of the above events.

7. Cooperative shall not be liable for any loss or damage to property or injuries to or death of persons, whether suffered by member, its agents, or employees or by any third person, persons or corporations, resulting from the location, use or operation of electrical or other equipment located on Member's side of the point of delivery or from electric energy present therein or escaping therefrom, and Member agrees to indemnify and save Cooperative harmless from all such loss, damages, injuries or death.

8. The energy to be delivered hereunder shall be measured by meters of standard type installed and operated by Cooperative. Adjustment of errors in the measurement of energy or computation of bills shall be made for the known period of error.

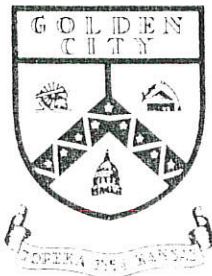
9. The provisions of the Agreement shall not be changed except in writing duly signed by Cooperative and Member; however, the Agreement is subject to valid order of legally constituted regulatory bodies having jurisdiction over the Cooperatives' rates.

10. This Agreement shall insure to the benefit of and be binding upon the parties hereto, their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

By _____

By _____



CITY OF TOPEKA

Chief Administrative Officer
215 S.E. 7th Street Room 355
Topeka, Kansas 66603-3914
785-368-3725

**Testimony to the Senate Committee on Utilities
Supporting House Bill No. 2397
By John E. Arnold, Chief Administrative Office, City of Topeka
March 13, 2001**

Mr. Chairman and Members of the Committee:

It is a pleasure to appear before you today to support House Bill No. 2397. I'm speaking in Mayor Wagnon's absence.

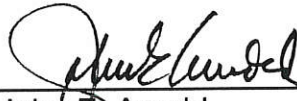
The need for this legislation has arisen as a result of several recent Orders by the Kansas Corporation Commission allowing cities to intervene in public utility proceedings in their limited capacities as utility customers, but prohibiting cities from representing the interests of their own citizens. A series of such Orders were issued in KCC Docket No. 97-WSRE-676-MER involving the proposed merger between Western Resources, Inc. and Kansas City Power & Light Company ("the Western/KCPL Merger Docket"). While the City of Topeka and the City of Wichita were allowed to participate in that docket as customers of KPL and KGE, respectively, their requests to represent the interests of their own citizens were denied.

In the Western/KCPL Merger Docket, the KCC initially reasoned that the interests of each city are distinct from that of its citizens and that the interests of municipal citizens would be represented by CURB. See, e.g., KCC Docket No. 97-WSRE-676-MER (Order, filed Jan. 25, 1999, at para. 3). In acting upon Wichita's request for reconsideration, the KCC stated: **"While the desire of the City to advocate a position on behalf of its individual and commercial citizens may be understandable, it is simply not provided for by law."** Id. (Order No. 25, filed Feb. 19, 1999, p. 2 at para. 5) (emphasis added).

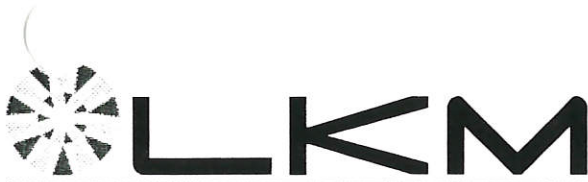
The KCC's rationale for prohibiting cities from representing the interests of their own citizens is problematic for several reasons. **First, as municipal corporations, cities are charged with the responsibility for representing and protecting the interests of their respective citizenry just like corporations must represent and protect the interests of their shareholders. Second, in the Western/KCPL Merger Docket, the interests of intervening cities were identical to the interests of their citizen ratepayers.** For example, Topeka and its citizens uniformly opposed shifting the costs of Wolf Creek to KPL ratepayers.

Third, CURB may be unable to provide adequate representation to the commercial and individual citizens of a municipality in certain utility proceedings. For example, when the interests of commercial and resident ratepayers are divided, CURB cannot credibly or reasonably attempt to represent the conflicting interests of such ratepayers. It would be unreasonable to suggest that CURB can adequately represent the interests of all commercial and residential consumers in Kansas on an issue such as "rate parity" between KPL and KGE since the interests of KPL ratepayers clearly conflict with the interests of KGE ratepayers. This sort of conflict existed in the Western/KCPL Merger Docket and currently exists in Western's pending rate case scheduled for hearing in May of this year. In addition, because CURB has a fixed budget with limited staff and resources, it must carefully allocate its resources in a manner that does not coincide with municipal citizens in a particular docket.

Mr. Chairman, I would be happy to answer any questions regarding my testimony. Thank you for allowing me the opportunity to appear before the Committee.



John E. Arnold
Chief Administrative Officer
City of Topeka, Kansas



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League of Kansas Municipalities

TO: Senate Utilities Committee
FROM: Sandy Jacquot, Legal Counsel
DATE: March 13, 2001
RE: HB 2397

Thank you for allowing the League of Kansas Municipalities to testify today in favor of HB 2397. It has been our understanding that cities have had the ability to intervene in utility rate cases as individual consumers, but have been denied the ability to intervene on behalf of their citizens. We believe that a city, as a representative of all of its citizens, should be authorized to intervene on their behalf and offer comments pertaining to those citizens, rather than just as a large consumer. Therefore, the League requests that the Committee report HB 2397 out favorably. Thank you again for allowing the League to testify as a proponent on this bill.

Senate Utilities Committee
March 13, 2001
Attachment 4-1

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**LEGISLATIVE TESTIMONY-----CITY OF GARDEN CITY
HOUSE BILL 2397**

To: Chairman Clark and Members, Senate Utilities Committee
From: Jim Kaup, on behalf of the City of Garden City
Re: **Support for House Bill 2397; Intervention in KCC Rate Matters**
Date: March 13, 2001

The City of Garden City appears today in support of HB 2397, which would provide an express statutory right for cities to intervene on behalf of their residents in rate proceeding matters before the KCC.

Kansas law recognizes that a city is both a "body corporate" and a "body politic".

There is no issue as to the propriety, the necessity, of a city being able to intervene in utility rate matters before the Kansas Corporation Commission when it does so in its corporate capacity—as a consumer of the service provided by that utility. A city which, for example, buys and uses electricity to operate its public water supply and treatment system, or buys natural gas to heat the public library and the fire station—that city can intervene in rate proceedings, as a consumer of the utility's product.

There should likewise be no question that a city should also be allowed to intervene in that very same KCC rate matter in its role as the "body politic", the political body which it is. Cities are people. They are public entities whose residents elect representatives and charge them with protecting and advancing the public's health, safety and welfare at the city level—just as you are elected and charged to do at the state level.

We can think of no argument—other than convenience—that can be offered up in support of a position that city residents should not be able to use the collective voice of their elected city government to express their interests in utility rate matters.

Yes, CURB has the statutory authority to intervene in rate proceedings on behalf of residential customers—but where in the legislative history of the establishment of CURB is there any indication of the legislature's intent to thereby preempt cities from appearing as interveners on behalf of their citizens?

Convenience is not enough to justify a state law, policy or practice that prevents the collective voice of citizens from being heard.

The City of Garden City respectfully asks for your favorable action on HB 2397.

Senate Utilities Committee
March 13, 2001
Attachment 5-1

BEFORE THE SENATE UTILITIES COMMITTEE
PRESENTATION OF THE KANSAS CORPORATION COMMISSION
March 13, 2001
HOUSE BILL 2397

Thank you, Chairman and members of the Committee. I am Anne Tymeson, Assistant General Counsel for the Kansas Corporation Commission. I appreciate the opportunity to testify for the Commission today on House Bill 2397.

The Commission takes no formal position on House Bill 2397, but I would like to share several concerns the Commission has with the bill. If passed, the bill requires the Commission to permit a city to intervene, on behalf of its residents, in any rate proceeding that involves the rates of a public utility serving the residents of that city.

The Commission first notes that the Citizens' Utility Ratepayer Board's consumer counsel is authorized by statute¹ to represent the interests of all residential and small commercial customers in the State of Kansas. In fact, the statutes specifically permit CURB's consumer counsel to function as the official intervener in rate cases filed with the Kansas Corporation Commission. Since CURB was established by law, at one time CURB must have been deemed to be the appropriate entity to represent the interests of residential and small commercial customers. If this bill is passed, the Commission suggests that CURB's enabling statutes must also be amended. Without also amending CURB's enabling statutes, the passage of House Bill 2397 could result in two separate and unaffiliated attorneys purporting to represent the same client, namely residential and small commercial ratepayers.

An additional concern with House Bill 2397 is the legal question of standing. The

¹K.S.A. 66-1222 *et seq.*

Commission has regulations in place which govern intervention in proceedings before it.² To be granted intervention, a petitioner must demonstrate that its legal rights, duties, or privileges may be substantially affected by the proceeding. It may be arguable whether a city will be able to demonstrate that its legal rights or duties will be affected if it is not permitted to intervene on behalf of its residents. It is important to note that the Commission rarely, if ever, denies intervention to any party. To my knowledge, a city has never been denied intervention in any proceeding before the Commission. The Commission does on occasion limit a party's intervention to certain issues, or requests that one or more interveners consolidate discovery or cross-examination.

A final concern with House Bill 2397 is the possibility of conflict of interests that may arise when a city intervenes on behalf of its residents. If a city is a franchiser to a public utility through the granting of access to rights-of-way, the city has a particular interest in a Commission proceeding for which it should intervene. If the same city also intervenes on behalf of its residents, the interests of the city on behalf of its residents may be divergent from the city's interests as a franchiser, thereby resulting in a conflict of interest.

Unless there are questions from the Committee, I have no further comments on House Bill 2397. Thank you for the opportunity to appear before you this morning.

²K.A.R. 82-1-225