

MINUTES OF THE HOUSE UTILITIES COMMITTEE

The meeting was called to order by Chairman Carl Holmes at 9:00 A.M. on February 21, 2006 in Room 231-N of the Capitol.

All members were present.

Committee staff present:

Mary Galligan, Kansas Legislative Research
Dennis Hodgins, Kansas Legislative Research
Mary Torrence, Revisor's Office
Renaë Hansen, Committee Secretary
Heather Klaasen, Research Intern

Conferees appearing before the committee:

Others attending:

See attached list.

Action on:

HB 2927 **Effective date of certain municipal franchise fees in annexed areas.**

Representative Carl Krehbiel moved to pass HB 2927 as written to the house floor. Seconded by Representative Peggy Long. Passed unanimously.

Representative Lynne Oharah will carry it on the floor.

Action on:

HB 2932 **Jurisdiction of the state corporation commission over certain utilities.**

Representative Annie Kuether presented a balloon amendment to HB 2932 (Attachment 1).

Representative Annie Kuether moved to pass the amendment to HB 2932. Seconded by Representative Jason Watkins.

Discussion followed by Representatives: Josh Svaty, Tom Sloan, and Jason Watkins.

Motion Passed with a show of hands, 13-4.

Representative Annie Kuether moved to pass to the house floor HB 2932 as amended. Seconded by Representative Rob Olson.

Discussion followed by Representatives: Josh Svaty, Virginia Beamer, and Jason Watkins.

The discussion was closed by Representative Annie Kuether.

Motion passed.

Representative Jason Watkins will carry the bill to the house floor.

Action on:

HB 2926 **Creation of an independent electric transmission company in Kansas.**

Representative Sloan offered the committee additional information from the Federal Register (Attachment 2), on rural businesses, and a copy of an email from the FERC commissioner Nora Brownell (Attachment 3), telling of her willingness to have other federal entities submit testimony in favor of this legislation.

CONTINUATION SHEET

MINUTES OF THE House Utilities Committee at 9:00 A.M. on February 21, 2006 in Room 231-N of the Capitol.

Additionally, Representative Tom Sloan offered a balloon amendment (Attachment 4), to **HB 2926**.

Representative Tom Sloan moved to accept the amendment to **HB 2926**. Seconded by Representative Melody Miller. Motion to amend failed.

No further action was taken.

Action on:

HB 2934 **Weatherization, energy efficiency and energy conservation programs; imposing charges on electric and natural gas sold to consumers.**

Discussion ensued about the funding of the energy efficiency and conservation bills by Representatives: Tom Sloan, Carl Krehbiel, and Carl Holmes. It was suggested to possibly do a gut and go on the bill with **HB2637**.

Discussion followed by Representatives: Tom Hawk, Melody Miller and Peggy Mast.

Representative Tom Hawk moved to pass **HB 2934** as presented. Seconded by Representative Josh Svaty.

Discussion on **HB 2934** was had by Representatives: Josh Svaty, Carl Krehbiel, and Annie Kuether.

Representative Tom Hawk closed on the bill.

Motion Failed to pass.

It was suggested by Representative Annie Kuether that the language on this bill be saved for use at another time with energy efficiency and conservation bills in the future.

The next meeting is scheduled for March 1, 2006 in 313-S jointly with House Taxation.

Meeting Adjourned.

HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: February 21, 2006

NAME	REPRESENTING
Mark Schreiber	Westar Energy
Joe Duck	KCBPU
Tom Day	KEC
Larry Bisco	MWTE
Phil Wages	KEPCO
David Holtzhaus	KEC
Dan Spring	Curb
Derek Sneed	KS EN-COUNCIL
Anne Spiess	K.T.A.
Bill Brady	Tallgrass Ranchers
Mark Tomb	LKM
Lindsey Douglas	Hein law Firm
Mike Reed	KCPL

HOUSE BILL No. 2932

By Representative Kuether

2-14

9 AN ACT concerning utilities; relating to jurisdiction of the state corpo-
10 ration commission; amending K.S.A. 2005 Supp. 66-104 and repealing
11 the existing section.
12

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

14 Section 1. K.S.A. 2005 Supp. 66-104 is hereby amended to read as
15 follows: 66-104. (a) The term "public utility," as used in this act, shall be
16 construed to mean every corporation, company, individual, association of
17 persons, their trustees, lessees or receivers, that now or hereafter may
18 own, control, operate or manage, except for private use, any equipment,
19 plant or generating machinery, or any part thereof, for the transmission
20 of telephone messages or for the transmission of telegraph messages in
21 or through any part of the state, or the conveyance of oil and gas through
22 pipelines in or through any part of the state, except pipelines less than 15
23 miles in length and not operated in connection with or for the general
24 commercial supply of gas or oil, and all companies for the production,
25 transmission, delivery or furnishing of heat, light, water or power. No
26 cooperative, cooperative society, nonprofit or mutual corporation or as-
27 sociation which is engaged solely in furnishing telephone service to sub-
28 scribers from one telephone line without owning or operating its own
29 separate central office facilities, shall be subject to the jurisdiction and
30 control of the commission as provided herein, except that it shall not
31 construct or extend its facilities across or beyond the territorial boundaries
32 of any telephone company or cooperative without first obtaining approval
33 of the commission. As used herein, the term "transmission of telephone
34 messages" shall include the transmission by wire or other means of any
35 voice, data, signals or facsimile communications, including all such com-
36 munications now in existence or as may be developed in the future.

37 (b) The term "public utility" shall also include that portion of every
38 municipally owned or operated electric or gas utility located outside of
39 and more than three miles from the corporate limits of such municipality,
40 but nothing in this act shall apply to a municipally owned or operated
41 utility, or portion thereof, located within the corporate limits of such
42 municipality or located outside of such corporate limits but within three
43 miles thereof except as provided in K.S.A. 66-131a, and amendments

HOUSE UTILITIES

DATE: 2/21/06

ATTACHMENT 1

1 thereto.

2 (c) Except as herein provided, the power and authority to control and
3 regulate all public utilities and common carriers situated and operated
4 wholly or principally within any city or principally operated for the benefit
5 of such city or its people, shall be vested exclusively in such city, subject
6 only to the right to apply for relief to the corporation commission as
7 provided in K.S.A. 66-133, and amendments thereto, and to the provi-
8 sions of K.S.A. 66-104e, and amendments thereto. A transit system prin-
9 cipally engaged in rendering local transportation service in and between
10 contiguous cities in this and another state by means of street railway,
11 trolley bus and motor bus lines, or any combination thereof, shall be
12 deemed to be a public utility as that term is used in this act and, as such,
13 shall be subject to the jurisdiction of the commission.

14 (d) The term "public utility" shall not include any activity of an oth-
15 erwise jurisdictional corporation, company, individual, association of per-
16 sons, their trustees, lessees or receivers as to the marketing or sale of
17 compressed natural gas for end use as motor vehicle fuel.

At the option of an otherwise jurisdictional entity, the

18 (e) ~~At the option of an otherwise jurisdictional entity,~~ The term "pub-
19 lic utility" shall not include any activity or facility of such entity as to the
20 generation, marketing and sale of electricity generated by an electric gen-
21 eration facility or addition to an electric generation facility which:

22 (1) Is newly constructed and placed in service on or after January 1,
23 2001; and

24 (2) is not in the rate base of: (A) An electric public utility that is
25 subject to rate regulation by the state corporation commission; (B) any
26 cooperative, as defined by K.S.A. 17-4603 and amendments thereto, or
27 any nonstock member-owned cooperative corporation incorporated in
28 this state; or (C) a municipally owned or operated electric utility.

29 (f) Additional generating capacity achieved through efficiency gains
30 by refurbishing or replacing existing equipment at generating facilities
31 placed in service before January 1, 2001, shall not qualify under subsec-
32 tion (e).

33 (g) For purposes of the authority to appropriate property through
34 eminent domain, the term "public utility" shall not include any activity
35 for the siting or placement of wind powered electrical generators or tur-
36 bines, including the towers.

(h) The term "public utility" shall not include a wind powered electric generation facility which is not in the rate base of: (1) An electric public utility that is subject to rate regulation by the state corporation commission; (2) any cooperative, as defined by K.S.A. 17-4603, and amendments thereto, or any nonstock member-owned cooperative corporation incorporated in this state; or (3) a municipally owned or operated electric utility.

37 Sec. 2. K.S.A. 2005 Supp. 66-104 is hereby repealed.

38 Sec. 3. This act shall take effect and be in force from and after its
39 publication in the statute book.

are made available to the Forest Service at a time when it can meaningfully consider and respond to them in the Final SEIS. Reviewers may wish to refer to the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Responsible Official

Bob Castaneda, Forest Supervisor of the Kootenai National Forest, 1101 U.S. Highway 2 West, Libby, MT 59923, is the Responsible Official for this project. The Record of Decision will identify the land management activities to be implemented in the project area including urban interface fuels treatments, vegetation management, watershed rehabilitation activities, wildlife habitat improvement, access management changes, including road decommissioning, monitoring, and whether or not a Forest Plan amendment is necessary. The Forest Supervisor will make a decision on this project after considering comments and responses, environmental consequences discussed in the Final SEIS, and applicable laws, regulations and policies. The decision and supporting reasons will be documented in a Record of Decision.

Dated: February 6, 2006.

Bob Castaneda,

Forest Supervisor, Kootenai National Forest.

[FR Doc. 06-1298 Filed 2-10-06; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Forest Service

Deschutes Provincial Advisory Committee (DPAC); Notice of Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Deschutes Provincial Advisory Committee will meet on February 27, 2006 starting at 8 a.m. in the DeArmond Room of the Deschutes Services building on 1300 Wall Street, Bend, Oregon. Agenda items will include Pac Status and Rechartering, Biomass and Utilization News, Travel Management Rule, Survey and Manage, Update on Current Litigation and Court Rulings, FERC Licensing, Administrative Site Activity, and Invasive Plant Management. The remainder of the day will include info sharing and a Public Forum from 2 p.m. till 2:30 p.m. All Deschutes Province Advisory Committee Meetings are open to the public.

FOR FURTHER INFORMATION CONTACT:

Chris Mickle, Province Liaison, Deschutes NF, Crescent RD, P.O. Box 208, Crescent, OR 97754, Phone (541) 433-3216.

Cecilia R. Seesholtz,

Deputy Forest Supervisor.

[FR Doc. 06-1297 Filed 2-10-06; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

Inviting Applications for Renewable Energy Systems and Energy Efficiency Improvements Grants and Guaranteed Loans

AGENCY: Rural Business-Cooperative Service (RBS), USDA.

ACTION: Notice.

SUMMARY: Rural Business-Cooperative Service (RBS) announces the availability of funds for fiscal year (FY) 2006 to purchase renewable energy systems and make energy efficiency improvements for agriculture producers and rural small businesses in eligible rural areas. The amount available for competitive grants is \$11.385 million. Approximately \$176.5 million in guaranteed loan authority is also available. Any guarantee loan funds that are not obligated by August 1, 2006, will be pooled and revert to the National Office reserve for grant use. USDA is currently in the process of evaluating the potential for a direct loan program to help finance renewable energy and energy efficiency projects for rural small businesses and agricultural producers. Therefore, for purposes of FY 2006, funding will be limited to grants and guaranteed loans.

For renewable energy systems, the minimum grant request is \$2,500 and the maximum is \$500,000. For energy efficiency improvements, the minimum acceptable grant request is \$1,500 and the maximum is \$250,000. The maximum amount of a guaranteed loan made to a borrower will be \$10 million. For FY 2006, the guarantee fee amount is 1.0% (one percent) of the guaranteed portion of the loan and the annual renewal fee is 0.125% (one-eighth of one percent) of the guaranteed portion of the loan.

DATES: The United States Department of Agriculture (USDA) will conduct one competitive grant solicitation in 2006. Applications must be completed and submitted to the appropriate USDA Rural Development State Office postmarked no later than May 12, 2006. Grant applications postmarked after this

date will be returned to the applicant with no action. Any guaranteed loan funds not obligated by August 1, 2006 will be made available for competitive grants under this notice. Guaranteed loans will be awarded on a continuous basis. Applications are due to the National Office for funding consideration by July 3, 2006. In accordance with RD Instructions 1940-G, all environmental assessments must be completed prior to submission to the National Office.

ADDRESSES: Submit applications to the USDA Rural Development State Office in the State where your project is located or, in the case of rural small businesses, where your business is headquartered. A list of the Rural Development State Offices and Energy Coordinators addresses and telephone numbers follow. For further information about this solicitation, please contact the applicable State Office. This document is available on our Web site at <http://www.rurdev.usda.gov/rbs/farmbill/index.html>.

USDA State Rural Development Offices

Alabama

Mary Ann Clayton, USDA Rural Development, Sterling Centre, Suite 601, 4121 Carmichael Road, Montgomery, AL 36106-3683, (334) 279-3615.

Alaska

Dean Stewart, USDA Rural Development, 800 West Evergreen, Suite 201, Palmer, AK 99645-6539, (907) 761-7722.

Arizona

Alan Watt, USDA Rural Development, 230 N. First Avenue, Suite 206, Phoenix, AZ 85003-1706, (602) 280-8769.

Arkansas

Shirley Tucker, USDA Rural Development, 700 West Capitol Avenue, Room 3416, Little Rock, AR 72201-3225, (501) 301-3280.

California

Joseph Choperena, USDA Rural Development, 430 G Street, 4169, Davis, CA 95616-4169, (530) 792-5826.

Colorado

Linda Sundine, USDA Rural Development, 655 Parfet Street, Room E-100, Lakewood, CO 80215, (720) 544-2929.

Delaware-Maryland

James Waters, USDA Rural Development, 1221 College Park

HOUSE UTILITIES

DATE:

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ATTACHMENT

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- Drive, Suite 200, Dover, DE 19904, (302) 857-3626.
- Florida/Virgin Islands*
Joe Mueller, USDA Rural Development, 4440 NW, 25th Place, P.O. Box 147010, Gainesville, FL 32614-7010, (352) 338-3482.
- Georgia*
J. Craig Scroggs, USDA Rural Development, 333 Phillips Drive, McDonough, GA 30253, (678) 583-0866.
- Hawaii*
Tim O'Connell, USDA Rural Development, Federal Building, Room 311, 154 Waiianuenue Avenue, Hilo, HI 96720, (808) 933-8313.
- Idaho*
Brian Buch, USDA Rural Development, 725 Jensen Grove Drive, Suite 1, Blackfoot, ID 83221, (208) 785-5840, Ext. 118.
- Illinois*
Patrick Lydic, USDA Rural Development, 2118 West Park Court, Suite A, Champaign, IL 61821, (217) 403-6211.
- Indiana*
Jerry Hay, USDA Rural Development, 2411 N. 1250 W., Deputy, IN 47230, (812) 873-1100.
- Iowa*
Teresa Bomhoff, USDA Rural Development, 873 Federal Building, 210 Walnut Street, Des Moines, IA 50309, (515) 284-4447.
- Kansas*
F. Martin Fee, USDA Rural Development, 1303 SW First American Place, Suite 100, Topeka, KS 66604-4040, (785) 271-2744.
- Kentucky*
Scott Mass, USDA Rural Development, 771 Corporate Drive, Suite 200, Lexington, KY 40503, (859) 224-7435.
- Louisiana*
Kevin Boone, USDA Rural Development, 3727 Government Street, Alexandria, LA 71302, (318) 473-7960.
- Maine*
John F. Sheehan, USDA Rural Development, 967 Illinois Avenue, Suite 4, P.O. Box 405, Bangor, ME 04402-0405, (207) 990-9168.
- Massachusetts/Rhode Island/Connecticut*
Sharon Colburn, USDA Rural Development, 451 West Street, Suite 2, Amherst, MA 01002-2999, (413) 253-4303.
- Michigan*
Rick Vanderbeek, USDA Rural Development, 3001 Coolidge Road, Suite 200, East Lansing, MI 48823, (517) 324-5218.
- Minnesota*
Lisa Noty, USDA Rural Development, 1408 21st Avenue, Suite 3, Austin, MN 55912, (507) 437-8247 ext. 150.
- Mississippi*
G. Gary Jones, USDA Rural Development, Federal Building, Suite 831, 100 West Capitol Street, Jackson, MS 39269, (601) 965-5457.
- Missouri*
D Clark Thomas, USDA Rural Development, 601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, MO 65203, (573) 876-0995.
- Montana*
John Guthmiller, USDA Rural Development, 900 Technology Blvd., Unit 1, Suite B, P.O. Box 850, Bozeman, MT 59771, (406) 585-2540.
- Nebraska*
Cliff Kumm, USDA Rural Development, 201 North, 25 Street, Beatrice, NE 68310, (402) 223-3125.
- Nevada*
Dan Johnson, USDA Rural Development, 555 West Silver Street, Suite 101, Elko, NV 89801, (775) 738-8468, Ext. 112.
- New Hampshire (See Vermont)*
- New Jersey*
Michael Kelsey, USDA Rural Development, 8000 Midlantic Drive, 5th Floor North, Suite 500, Mt. Laurel, NJ 08054, (856) 787-7700, Ext. 7751.
- New Mexico*
Eric Vigil, USDA Rural Development, 6200 Jefferson Street, NE., Room 255, Albuquerque, NM 87109, (505) 761-4952.
- New York*
Scott Collins, USDA Rural Development, The Galleries of Syracuse, Suite 357, 441 South Salina Street, Syracuse, NY 13202-2541, (315) 477-6409.
- North Carolina*
H. Rossie Bullock, USDA Rural Development, 4405 Bland Road, Suite 260, Raleigh, NC 27609, (910) 739-3349 Ext. 4.
- North Dakota*
Dale Van Eckhout, USDA Rural Development, Federal Building, Room 208, 220 East Rosser Avenue, P.O. Box 1737, Bismarck, ND 58502-1737, (701) 530-2065.
- Ohio*
Randy Monhemius, USDA Rural Development, Federal Building, Room 507, 200 North High Street, Columbus, OH 43215-2418, (614) 255-2424.
- Oklahoma*
Jody Harris, USDA Rural Development, 100 USDA, Suite 108, Stillwater, OK 74074-2654, (405) 742-1036.
- Oregon*
Don Hollis, USDA Rural Development, 1229 SE, Third Street, Suite A, Pendleton, OR 97801-4198, (541) 278-8049, Ext. 129.
- Pennsylvania*
J. Gregory Greco, USDA Rural Development, One Credit Union Place, Suite 330, Harrisburg, PA 17110-2996, (717) 237-2289.
- Puerto Rico*
Luis Garcia, USDA Rural Development, IBM Building, 654 Munoz Rivera Avenue, Suite 601, Hato Rey, PR 00918-6106, (787) 766-5091, Ext. 251.
- South Carolina*
R. Gregg White, USDA Rural Development, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, SC 29201, (803) 765-5881.
- South Dakota*
Gary Korzan, USDA Rural Development, Federal Building, Room 210, 200 4th Street, SW., Huron, SD 57350, (605) 352-1142.
- Tennessee*
Will Dodson, USDA Rural Development, 3322 West End Avenue, Suite 300, Nashville, TN 37203-1084, (615) 783-1350.
- Texas*
Daniel Torres, USDA Rural Development, Federal Building, Suite 102101, South Main Street, Temple, TX 76501, (254) 742-9756.
- Utah*
Richard Carrig, USDA Rural Development, Wallace F. Bennett Federal Building, 125 South State

Street, Room 4311, Salt Lake City, UT 84111, (801) 524-4328.

Vermont/New Hampshire

Lyn Millhiser, USDA Rural Development, City Center, 3rd Floor, 89 Main Street, Montpelier, VT 05602, (802) 828-6069.

Virginia

Laurette Tucker, USDA Rural Development, Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, VA 23229, (804) 287-1594.

Washington

Chris Cassidy, USDA Rural Development, 1835 Black Lake Blvd. SW., Suite B, Olympia, WA 98512, (360) 704-7707.

West Virginia

Cheryl Wolfe, USDA Rural Development, 75 High Street, Room 320, Morgantown, WV 26505-7500, (304) 284-4882.

Wisconsin

Mark Brodziski, USDA Rural Development, 4949 Kirschling Court, Stevens Point, WI 54481, (715) 345-7615, Ext. 131.

Wyoming

Milton Geiger, USDA Rural Development, Dick Cheney Federal Building, 100 East B Street, Room 1005, P.O. Box 820, Casper, WY 82602, (307) 672-5820 Ext. 4.

SUPPLEMENTARY INFORMATION: This solicitation is issued pursuant to Section 9006 of the Farm Security and Rural Investment Act of 2002 (2002 Act), which established the Renewable Energy Systems and Energy Efficiency Improvements Program. The program is designed to help agricultural producers and rural small businesses reduce energy costs and consumption and help meet the Nation's critical energy needs. The 2002 Act mandates the maximum percentage Rural Development will provide in funding for these types of projects. Rural Development grants under this program will not exceed 25 percent of the eligible project costs. Rural Development guaranteed loans will not exceed 50 percent of the eligible project costs. Rural Development combined grant and guaranteed loan funding packages will not exceed 50 percent of eligible project cost, with the grant portion not to exceed 25 percent of eligible project costs.

Information required to be in the application package is contained in 7 CFR 4280.111. Awards are made on a

competitive basis using specific evaluation criteria contained in 7 CFR 4280.112(e). To ensure that projects are accurately scored by USDA, applicants are expected to tab and number each evaluation criteria and include in that section, its corresponding supporting documentation and calculations according to 7 CFR 4280.112. Only projects that have completed the environmental review process according to 7 CFR 4280.114(d), demonstrated project eligibility according to 7 CFR 4280.108, and demonstrated technical feasibility will be eligible for funding consideration.

State Offices will submit eligible funding requests, with the state score sheets, including supporting documentation to the National Office for funding consideration. The National Office will form a Second Tier Review Committee comprised of representatives from Rural Development State Offices, U.S. Forest Service National Office staff, the Department of Energy's National Renewable Energy Laboratory, and Environmental Protection Agency National Office staff. The Second Tier Review Committee will conduct independent reviews of proposals based on the grant evaluation criteria contained in 7 CFR 4280.112(e). These reviews will be conducted based on the information provided in the State Office request for funding. The Second Tier Review Committee will only award points when properly organized supporting documentation and fully understandable calculations are provided.

Final scores and ranking will be based on the reviews completed by the Second Tier Review Committee. To reduce scoring bias by technology and scale, a standard statistical normalization process will be applied to all scores. All applicants will be notified by the Rural Development State Offices of the Agency's decision on the awards.

This program is listed in the Catalog of Federal Domestic Assistance under Number 10.755 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, the paperwork burden has been cleared by the Office of Management and Budget (OMB) under OMB Control Number 0570-0050.

Nondiscrimination Statement

USDA prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age,

disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice), or (202) 720-6382 (TDD). "USDA is an equal opportunity provider, employer, and lender."

Dated: February 2, 2006.

Jackie J. Gleason,

Acting Administrator, Business and Cooperative Programs.

[FR Doc. E6-1923 Filed 2-10-06; 8:45 am]

BILLING CODE 3410-XY-P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Chemical Weapons Convention, Amendment to the Export Administration Regulations (End-Use Certificates and Advanced Notifications and Annual Reports)

ACTION: Notice and request for comments.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 14, 2006.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Office of the Chief Information Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington DC 20230, or via Internet at dhynek@doc.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should

From: "Nora Brownell" <Nora.Brownell@ferc.gov>
To: "Tom Sloan" <Sloan@house.state.ks.us>
Date: Mon, Feb 20, 2006 10:55 AM
Subject: RE: HB 2926

Sorry. I am too far behind on emails. I wrote KKR, National Grid, and ITC to submit testimony although it will be late. If there is a second hearing I will get them all.

-----Original Message-----

From: Tom Sloan [mailto:Sloan@house.state.ks.us]
Sent: Wednesday, February 15, 2006 4:00 PM
To: carl.huslig@aquila.com; Nora Brownell; wayne.walker@horizonwind.com; marc@kkk.com; smidt@kkk.com; alisonsilverstein@mac.com; elehman@mwenerg.com; pat@patwood.net; jcaspery@spp.org; pdmccoy@trans-elect.com
Subject: HB 2926

Ladies and Gentlemen: HB 2926 would require all electric transmission lines in Kansas to be placed in an independent transmission company. The existing transmission operators may either sell their lines to this independent company or place them in a "blind trust" within independent company. The objective remains to stimulate construction of transmission lines in Kansas.

Because the bill only was introduced yesterday and all bills must be out of the committee of origination by Wednesday at noon, Rep. Holmes has scheduled a hearing on HB 2926 for Monday, February 20, 2006, at 9:00 a.m., in room 231 N of the State Capitol. Conferees are asked to provide written testimony (45 copies) and respond to questions by committee members. There will not be an opportunity to actually read or expound on your written testimony.

If you are interested in this bill - support, oppose, or want amendments - it is important that you notify the Committee Secretary Renae Hansen (785-296-7670). It is important that you be present to respond to questions (and elaborate as opportunities arise). The bill will be "worked" in Committee on Tuesday at 9:00 a.m. Your presence would be desirable in case additional questions from committee members arise.

You can access HB 2926 through the Kansas Legislature website: www.kslegislature.org. On the right side of the main page, you can get the text by entering HB 2926 into the quick search bill finder.

If you are unable to attend the hearing, but want to provide written testimony, please email me that testimony before 8:00 a.m. on February 20th and I will see that it is reproduced and distributed.

If you have questions, you may email me or call 785-296-7677 (O) or 785-841-1526 (H). Thank you for your consideration of this bill and commitment to helping resolve the transmission constraints in Kansas and the SPP region.

HOUSE UTILITIES

DATE:

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ATTACHMENT

3

HOUSE BILL No. 2926

By Committee on Utilities

2-14

9 AN ACT concerning electric transmission facilities; providing for the cre-
10 ation of an independent transmission company in this state.

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

13 Section 1. (a) As used in this section:

14 (1) "Appurtenances" means all substations, towers, poles and other
15 structures and equipment necessary for the bulk transfer of electricity.

16 (2) "Commission" means the state corporation commission.

17 (3) "Electric transmission line" means any line or extension of a line
18 with an operating voltage of 34.5 kilovolts or more which is at least five
19 miles in length and which is used for the bulk transfer of electricity.

20 (4) "Transmission facilities" means electric transmission lines and
21 appurtenances.

22 (b) Not later than August 1, 2006, the commission shall issue a re-
23 quest for proposals for an independent transmission company to manage
24 and operate all transmission facilities in this state. The request for pro-
25 posal shall require that, to be selected to operate the independent trans-
26 mission company, a person or entity at a minimum must:

construct,

27 (1) Demonstrate financial and management ability to manage and
28 operate all transmission facilities in this state;

construct,

29 (2) demonstrate ability to interact with and participate in proceedings
30 involving the southwest power pool, the federal energy regulatory com-
31 mission, electric transmission interests outside this state, the Kansas leg-
32 islature and the commission;

(5) include on the board of directors of the independent transmission company directors representing each respective operator of transmission facilities in this state which transfers operational control of transmission facilities to the company;

33 (3) demonstrate ability to provide the authorized rate of return to
34 electric transmission line owners who place transmission facilities in a
35 trust;

36 (4) demonstrate ability to determine the need for and location of new
37 transmission facilities coordinate and schedule transmission service; and

(6)

38 (5) demonstrate ability to serve the transmission requirements of re-
39 newable energy, fossil fuel and nuclear power generators.

40 (c) Not later than December 31, 2006, the commission shall select
41 the winning proposal for an independent transmission company to man-
42 age and operate all transmission facilities in this state.

construct,

43 (d) On the earliest possible date, as determined by the commission,

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DATE:

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ATTACHMENT

1 all operators of transmission facilities in this state shall transfer opera-
2 tional control of such transmission facilities to the independent transmis-
3 sion company and shall sell them to the independent transmission com-
4 pany selected by the commission or place them in a trust under which
5 the trustee has full discretion over the transmission facilities.

6 (e) The independent transmission company shall:

7 (1) Solicit load and demand forecasts from all generators located
8 within the area served by the company;

9 ~~(2) have authority to disapprove proposed sites for new generation
10 facilities when determined necessary to maximize benefits to all Kansas
11 consumers through cost-effective use of transmission lines;~~

12 (3) brief the Kansas electric transmission authority each year on op-
13 erations and plans of the company;

14 (4) implement, not later than January 1, 2012, a postage stamp system
15 of fees providing a single charge for access to transmission facilities op-
16 erated by the company; and

17 (5) perform such other duties and functions as necessary to operate
18 and maintain all transmission facilities in this state.

19 (f) ~~An operator of transmission facilities outside this state may par-
20 ticipate in the independent transmission company created pursuant to
21 this section upon a determination by the commission that the operator's
22 participation will benefit Kansas consumers.~~

23 Sec. 2. This act shall take effect and be in force from and after its
24 publication in the Kansas register.

(2) invest not less than \$50,000,000 in upgrades of transmission facilities in the state for each of the five years following selection to operate the independent transmission company for the purpose of (A) maximizing the ability to bring lower cost power to areas of the state which have high customer energy costs and (B) exporting power to out-of-state customers;

The independent transmission company created pursuant to this section may enter into contracts with the Kansas electric transmission authority to construct, maintain and operate transmission facilities.
(g)