

MINUTES OF THE HOUSE ENERGY AND UTILITIES COMMITTEE

The meeting was called to order by Chairman Carl Holmes at 9:00 A.M. on January 31, 2007 in Room 241-N of the Capitol.

All members were present except:
Representative Vaughn Flora-excused.

Committee staff present:
Dennis Hodgins, Kansas Legislative Research
Rena Hansen, Committee Assistant

Conferees appearing before the committee:
Tom Sloan, State Representative
Mike Murray, Embarq
Jim Gardner, AT&T
Janet Buchnon, KCC
Hal Gardner, KAN-ED
Roger Hayden-Deputy Secretary of Corrections

Others attending:
Twenty- six including the attached list.

Representative Annie Kuether moved to introduce a bill for broad band deployment in rural areas. Seconded by Representative Judy Morrison. Motion passed.

Hearing on:

HB 2157: KCC survey on deployment of broadband technologies.

Proponents:
Tom Sloan, State Representative, (Attachment 1), spoke in favor of **HB 2157** noting specific examples of people who do not have broad band service in the state of Kansas.

Written Proponent:

Mark Bannister, Fort Hays State, (Attachment 2), offered written testimony in favor of **HB 2157**.

Opponents:

Mike Murray, Embarq, (Attachment 3), offered testimony in opposition to **HB 2157** giving several specific reasons why Embarq would not support this legislation.

Jim Gardner, AT&T, (Attachment 4), spoke in opposition to **HB 2157** noting that there is already some data available and commenting that last year alone their company grew by 50,000 subscribers.

Written Background:

Janet Buchanon, KCC, (Attachment 5), provided some written background information on **HB 2157**.

There were no questions asked of conferees.

Hearing closed on **HB 2157**.

Hearing on:

HB 2194: KAN-ED act; criminal justice agencies.

Proponents:

CONTINUATION SHEET

MINUTES OF THE House Energy and Utilities Committee at 9:00 A.M. on January 31, 2007 in Room 241-N of the Capitol.

Hal Gardner, KAN-ED, (Attachment 6), offered testimony in favor of **HB 2194**, noting KAN-ED's support of the criminal justice system using the KAN-ED system.

Roger Hayden-Deputy Secretary of Corrections, (Attachment 7), for Roger Werholtz spoke in favor of **HB 2194**, educating the committee on ways that the corrections department would benefit from using the KAN-ED system.

Richard Morrissey, Deputy Director, Division of Health (Attachment 8), asked for the committee to add to **HB 2194** the Department of Health and Environment, similar to wording in current **SB 148** to help small rural health facilities have access to training programs.

Written Proponents:

Louis Bruce, Warden, Hutchinson Correctional Facility, (Attachment 9), offered written testimony in favor of **HB 2194**.

Carol Woolbright, Greenbush Interactive Distance Learning Network, (Attachment 10), offered written testimony in favor of **HB 2194**.

Questions were asked and comments made by Representatives: Tom Sloan, Bill Light, Tom Hawk, Annie Kuether, Terry McLachlan, Rob Olson, and Carl Holmes.

It was noted it would cost around \$600.00 per facility to hook up to the system according to the fiscal note.

Hearing closed on **HB 2194**.

The Committee will work bills on Friday and Monday that were heard this week.

The next meeting is scheduled for February 1, 2007.

Meeting adjourned.

HOUSE ENERGY AND UTILITIES COMMITTEE GUEST LIST

DATE: January 31, 2007

NAME	REPRESENTING
Mike Murray	Embarq.
Heather Morya	SSA ⁰
Derek Hein	Hein Law Firm
Janet Buchanan	KCC
Rozal Hudson	KDOC
Tim Maddin	KDOC
Mike Reuter	Learning Station
Tim Brackover	AT&T
SCOTT SCHNEIDER	Cox Comm.
DICK CARTER	Results Technology
JERRY HUFF	KAN-ED
Charmed Chambers	Kaned
John Pinegar	SITA
Nancy Lister	PSI
Colleen Jensen	Cox
Hal Gardner	Kan-ed
Nelson Krueger	Light Cone
DINA FISK	VERIZON

STATE OF KANSAS

COMMITTEE ASSIGNMENTS
MEMBER: ENERGY AND UTILITIES
TRANSPORTATION
GOVERNMENT EFFICIENCY
AND TECHNOLOGY

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REPRESENTATIVE, 45TH DISTRICT
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TOPEKA
HOUSE OF
REPRESENTATIVES

Testimony on HB 2157 - Energy & Utilities Committee - January 31, 2007

Mr. Chairman, Members of the Committee. High speed Internet service or broadband has become almost as essential to families today as the telephone. My neighbor's children access information from the Library of Congress for term papers; my wife's best friend talks with her son in Afghanistan and has a camera connected to the computer so that they can see each other as they talk; hospitals in Hays and Horton are connected with KU Med so that patients can be electronically and visually "seen" by the attending physician in KCK; and a SW Kansas woman sells tumbleweeds to NYC interior decorators because she has an interactive web site. None of the above applications are possible on dial-up Internet services.

Four years ago, the then Chairman of the Federal Communications Commission (FCC) came to Kansas and headlined a meeting on Rural Broadband and Telemedicine issues. The Chairman of this committee and I continue to maintain contacts with FCC Commissioners and staff.

The FCC reports access to broadband services by zip code. If even one customer within a zip code has access to broadband services, the FCC considers that zip code to be "covered." Thus, in Douglas County where all residents of zip codes 66047 and 66049 within the City of Lawrence have access to AT&T's DSL service and Sunflower Broadband's cable Internet, the FCC's data is correct. However, rural residents within those two zip codes do not have access to either AT&T's DSL or Sunflower's cable services (Sunflower has a limited wireless service), but the FCC does not recognize that those thousands of households are without service.

You should note that the independent telephone companies have made significant investments in DSL, cable, and wireless technologies so that all or almost all of their customers have access to broadband. Usually this is done by "tying" technologies together (e.g., DSL and wireless) so that the cost of laying fiber to rural areas is minimized.

While the cost of the proposed survey should be minimal because sampling techniques will be used, it is crucial that the data be collected. It is vital that the FCC Commissioners and staff have accurate data on how many Kansans have access to broadband services, HB 2157 requires a survey of Kansas business owners and residential customers be conducted to determine the availability of and capabilities of broadband across this state.

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The data collected will be invaluable in working with the FCC on broadband issues because we, unlike the FCC or other states, will have accurate information about capability and needs.

Alternatively, the telecommunications companies could provide the data about number of customers served, total potential customers within their service territory, up/down speeds, etc. to the KCC confidentially. The Commission could then provide us the data in appropriate aggregated formats so that legislators and Commissioners can interact more successfully with the FCC. The issue for me is not how the data is collected, but that we have the relevant data to influence FCC policy-making so as to benefit our residents.

There is *one error in the bill* due to my failure to communicate effectively with the Revisor. Page one, line 17 should read "200 kilobits per second in both directions." This is a more accepted definition of broadband as it requires synchronous speeds.

Thank you for your attention and consideration. I will be pleased to respond to questions.



FORT HAYS STATE UNIVERSITY



January 30, 2007

Chairman Carl Holmes
House Utilities Committee
Kansas State Capitol
Topeka, Kansas 66612

Dear Mr. Chairman:

As the Chairman of the Department of Information Networking and Telecommunications and as a researcher who has long monitored broadband deployment in Kansas, I want to express my support for the need for the study sought in HB 2157. The Federal Communications Commission uses industry reported data to determine whether broadband is available by ZIP code. This information may be misleading because rural geographic zip codes are likely to have multiple townships. If a rural community has broadband, several townships will be included as having broadband whether they have such a service or not.

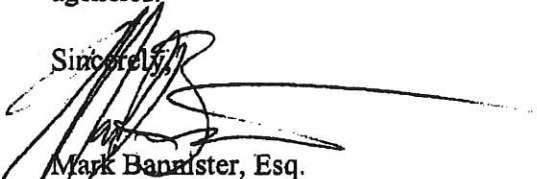
Kansas benefits from an array of high speed Internet service providers. These include incumbent local exchange carriers (ILECs), competitive local exchange carriers (CLECs), cable companies, wireless Internet service providers (WISPs), and even a few public systems. Many of these providers have been very innovative and aggressive in reaching customers and in assuring that they have broadband. Satellite broadband service is available in all areas of Kansas, but has limitations due to its high price and signal latency.

A state-wide study may confirm that Kansans are well served. It may identify holes in service areas. Markets work most efficiently when information flows freely. Identification of areas without options other than satellite, areas with limited competition and high price, or other market abnormalities may lead to private sector solutions when these "opportunity" areas are identified. A survey may reveal important patterns of service and subscription.

I would strongly encourage collection of data from current broadband subscribers on the speed that they receive and the monthly cost that they pay. The minimum speed for broadband of 200 kbps defined in HB 2157 is the FCC defined speed. However, it is becoming obsolete as many providers are offering basic service levels of 512 kbps or 1 Mbps. In some areas 4 Mbps is offered at a fairly competitive price. In effect, "broadband" is not uniform as speeds vary dramatically. Cost is important as studies have shown a direct correlation between pricing of broadband and adoption rates. "Cost" is not a type of data that HB 2157 currently requires the study to collect.

Finally, I strongly endorse the bill's requirement that the proposed study gather information on "the purposes for which broadband is used by households and businesses in the state." Public policy makers almost uniformly believe that broadband is beneficial, particularly with economic development, but little data exists as to how businesses are actually using broadband. Quality data and analysis will be valuable to the Legislature, the Kansas Corporation Commission, the Kansas Department of Commerce, and other agencies.

Sincerely,



Mark Banister, Esq.

Chairman, Department of Information Networking and Telecommunications



Embarq Corporation
EMBARQ.com

Before the House Utilities Committee
HB 2157
Wednesday, January 31, 2007
Michael R. Murray

Mr. Chairman and Members of the Committee:

We appreciate the opportunity to comment on HB 2157 which calls for a very detailed survey of broadband deployment and assesses the cost of the survey on telecommunications providers.

We have some concerns.

First, there are a number of providers of broadband who are not regulated, or would argue they cannot be regulated or assessed, by the KCC. Among them would be wireless broadband providers, cable companies providing broadband, VoIP providers and satellite companies. In addition, power companies which are, or may, provide broadband over power lines would not be assessed under this bill.

Second, the cost to obtain information with the level of detail called for in the survey is open-ended, and there is no guarantee that the KCC would receive an appropriation from the Legislature to reimburse the companies assessed for this survey. As a fee-funded agency, we would be concerned about the KCC's ability to receive funding for reimbursements through the normal legislative appropriations process.

Finally, much of the information called for in this survey, if obtained from our company, would be proprietary. It could not be released in the public domain.

Respectfully, we ask that you vote NO on HB 2157.

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ATTACHMENT 3

Testimony of Jim Gartner on behalf of AT&T Kansas
800 SW Jackson, Room 803, Topeka, Kansas 66603 (785) 231-7736
Regarding HB 2157
Before the House Energy and Utilities Committee
January 31, 2007

Chairman Holmes and members of the Committee, good morning. My name is Jim Gartner and I am here today on behalf of AT&T Kansas. We appreciate the opportunity to speak to you on HB 2157 regarding the broadband "survey." In summary, it is AT&T's position that HB 2157 is unnecessary for the following reasons.

First, the general information to be collected through the survey is already available from multiple sources. Numerous studies are released every year detailing the extent of broadband deployment, the types of technologies used, customer "take rates," and also the purposes for which the services are used. For example, the Federal Communications Commission (FCC) issues two reports each year detailing the deployment of broadband, and the most recent report is available at the following link: http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-266596A1.pdf. Additionally, the National Telecommunications and Information Administration (NTIA), a division of the U.S. Department of Commerce, has completed surveys and issued reports that are very similar, if not nearly identical, to that to be commissioned by HB 2157. The most recent NTIA report, "A Nation Online: Entering the Broadband Age (2004)" is available at: <http://www.ntia.doc.gov/reports/anol/index.html>. Finally, other privately funded studies are conducted by national "think-tank" groups and for-profit organizations. Several reports in this area are available from the Progress and Freedom Foundation at: www.pff.org, and others may be purchased from Forrester Research at: <http://www.forrester.com/>.

Second, broadband deployment in Kansas is widespread, and near 100% of Kansans have access to at least one broadband provider. In areas served by AT&T Kansas, our wireline DSL service is available to more than 80% of our customers in the state. All other AT&T customers with a clear view of the southern sky have access to a satellite broadband offering through Wild Blue. In addition to these options from AT&T, Kansans may select broadband offerings from cable modem providers (over 57% of all broadband connections in Kansas are via cable modem), other DSL providers, wireless, cellular, and satellite providers. New technologies using power lines and even gas pipes have also attracted attention – and more importantly, investment capital – as additional modes for delivering broadband in the state.

This deployment has led to impressive subscribership gains in Kansas. According to the most recent FCC report, broadband connections in Kansas increased from about 26,000 at the end 1999, to over 468,000 by December 2005, including an increase of almost 50,000 connections between June and December 2005 alone. Clearly, broadband is not only available throughout Kansas, but a substantial percentage of the state's residents are actively utilizing these services.

Third, the funding mechanism for the survey contemplated by HB 2157 should be reviewed. Careful consideration should be given to the fact that telecommunications providers, which are only minority players in the broadband marketplace, fund the survey under a promise that the costs will be reimbursed by the next Legislature. If the policy purposes behind HB 2157 are vitally important, then the bill should be funded directly out of the state's general budget.

Thank you for your time this morning.

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KANSAS

CORPORATION COMMISSION

KATHLEEN SEBELIUS, GOVERNOR
BRIAN J. MOLINE, CHAIR
ROBERT E. KREHBIEL, COMMISSIONER
MICHAEL C. MOFFET, COMMISSIONER

January 30, 2007

The Honorable Representative Holmes
House Energy and Utilities Committee, Chairman
Capitol Building, Room 231-N
Topeka, KS 66612

Chairman Holmes and members of the House Energy and Utilities Committee:

Attached is information that was compiled at the request of the Senate Utilities Committee. You may also find the information useful as you consider HB 2157.

A spreadsheet is attached which indicates the availability of broadband as reported by incumbent local telephone carriers in their Annual Reports filed with the Commission. Data are provided for 2003, 2004, and 2005. The data provided to the Commission are for each exchange served by the carrier. However, some carriers have marked this information as confidential. Therefore, Staff has attempted to compile the data in a manner that does not reveal information considered to be confidential. In those instances where the availability was not uniform over the exchanges served by the carrier, Staff has provided the range of availability and the average availability over all exchanges. Also included is an approximate subscribership level for the broadband service offered by the incumbent local telephone carriers for the same years.

If you have any questions regarding this information, please contact Janet Buchanan at (785) 271-3293 or j.buchanan@kcc.state.ks.us.

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BROADBAND DATA FROM ANNUAL REPORT

2-5

Company Name	2003 Data		2004 Data		2005 Data	
	% of Access Lines with Broadband Available	Approximate Subscribership	% of Access Lines with Broadband Available	Approximate Subscribership	% of Access Lines with Broadband Available	Approximate Subscribership
Bluestem	N/A	N/A	N/A	N/A	30%	N/A
Blue Valley	100%	12%	100%	18%	100%	8%
Cass County	71%-100% Average=82%	6%	92%-100% Average=95%	15%	80%-100% Average=90%	16%
Columbus	100%	N/A	100%	N/A	100%	N/A
Council Grove	100%	6%	100%	N/A	100%	8%
Craw Kan	0%-70% Average=44%	8%	0%-70% Average=48%	12%	0%-60% Average=57%	17%
Cunningham	43%-75% Average=41%	N/A	N/A	N/A	0%-87% Average=53%	8%
Elkhart	80%	19%	80%	21%	92%	23%
Golden Belt	100%	8%	100%	16%	100%	25%
Gorham	N/A	N/A	100%	28%	100%	12%
H&B	N/A	N/A	N/A	N/A	100%	N/A
Haviland	N/A	N/A	N/A	N/A	100%	19%
Home	80%-90% Average=74%	8%	0%-95% Average=81%	13%	20%-95% Average=85%	21%
JBN	60%	1%	60%	5%	60%	5%
KanOkla	65%-90% Average=83%	12%	65%-100% Average=98%	19%	100%	26%
LaHarpe	N/A	N/A	N/A	N/A	N/A	N/A
Madison	100%	8%	100%	8%	100%	12%
Mo-Kan	N/A	N/A	N/A	N/A	N/A	N/A
Moundridge	75%	6%	85%	10%	80%	13%
Mutual	100%	12%	100%	15%	100%	19%
Peoples	100%	15%	100%	15%	100%	16%
Pioneer	100%	4%	100%	4%	100%	N/A
Rainbow	100%	14%	100%	20%	100%	27%
Rural	85%	12%	85%	19%	85%	30%
S&A	100%	10%	100%	14%	100%	N/A
S&T	100%	12%	100%	17%	100%	N/A
South Central	36%-91% Average=77%	6%	38%-91% Average=77%	17%	38%-91% Average=78%	N/A
Southern Kansas	0%-98% Average=90%	9%	0%-98% Average=91%	15%	95%-98% Average=97%	15%
Sunflower	N/A	N/A	N/A	N/A	30%	N/A
Totah	0%	0%	0%-40% Average=28%	2%	0%-60% Average=46%	7%
Tri County	100%	5%	100%	11%	100%	19%
Twin Valley	100%	30%	100%	49%	100%	52%
United Telephone Assoc.	99%	17%	99%	20%	99%	23%
Wamego	99%	13%	99%	21%	100%	29%
Wheat State	N/A	N/A	0%-100% Average=89%	13%	85%-100% Average=98%	19%
Wilson	84%	3%	56%-94% Average=84%	7%	44%-90% Average=85%	11%
Zenda	35%	5%	35%	8%	34%	34%
Kansas	0%-100% Average=69%	N/A	0%-100% Average=80%	N/A	0%-100% Average=81%	N/A
Warq	0%-88% Average=39%	3%	0%-95% Average=57%	7%	0%-95% Average=57%	8%



KANSAS BOARD OF REGENTS

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Committee on Energy and Utilities
January 31, 2007

Hal Gardner
Executive Director, Kan-ed

Good morning Mr. Chairman and Members of the Committee. I am pleased to have the opportunity to speak with you this morning on matters related to HB 2194.

The current Kan-ed Act permits schools, libraries, and hospitals to connect to the Kan-ed network. The proposed amendment to the act in HB 2194 would add “Criminal justice agencies” to this list of entities eligible to connect to the Kan-ed network. In section 1, part b of the proposed legislation it is stated: *“Criminal justice agencies” means the Kansas department of corrections, the juvenile justice authority and the state courts and their medical and education providers.*

Our interpretation of lines 18-20 (section 1-b) raises concerns that this makes network access available in such a way, that it could be construed as subsidization of for-profit entities such as a doctor’s office, clinic, or private educational provider. If an amendment were to be brought before the committee making the Criminal Justice agencies responsible for any connectivity with for-profit medical clinics and education providers, we would be supportive.

Our efforts to date have concentrated on the best use of funds to provide connectivity and services to the four original constituent groups. Additional funding would not be required to add a new class of constituents. Capacity on the Kan-ed backbone is sufficient at this time. So long as Criminal justice agencies provide the necessary funding for equipment and physical connectivity, Kan-ed is supportive of their initiative to utilize the Kan-ed network for improved network access.

Such access could mean better use of Interactive Distance Learning, opportunities for tele-medicine applications, and video conferencing. Such access would also provide for the development of new linkages and relationships with the existing Kan-ed user community.

I would be happy to answer any questions, expand on any of my comments in this testimony, or address any concerns that Members of the Committee may have.

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ATTACHMENT 6



KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on HB 2194
to
The House Energy and Utilities Committee

By Roger Werholtz
Secretary
Kansas Department of Corrections
January 31, 2007

The Department of Corrections supports passage of HB 2194. HB 2194 amends the KAN-ED Act to permit participation in the KAN-ED broadband video network by the Department of Corrections, Juvenile Justice Authority, state courts and their medical and educational providers. The KAN-ED network is operated by the State Board of Regents. Under current law, participation is limited to hospitals, libraries and schools.

The KAN-ED network provides internet and intranet video capabilities for distance learning and medical services throughout the state. The KAN-ED network is well suited to providing distance learning opportunities and medical services to the department's correctional facilities located in 11 communities as well as its numerous parole offices throughout the state.

The mission of the department requires that it provide substantial training to its staff. Additionally, the department in its rehabilitation efforts provides vocational and GED educational programs to inmates. The department is also required to meet the medical needs of offenders in its custody. The department's provision of medical and educational programming can be enhanced by the same technology already available to hospitals and schools through the KAN-ED network. Finally, internet video capabilities between the courts and correctional facilities would reduce the costs and risks associated with the transportation of inmates for hearings.

The communication opportunities offered by the KAN-ED network would assist the department in providing long distance training developed either by the department or nationally to staff without the cost of travel. Likewise, inmate or parolee educational programming would be available irrespective of the inmate or parolee's location. The benefit of the network in providing medical communication services to hospital participants equally applies to inmates with the additional benefits of reducing cost and security concerns raised whenever an inmate is taken out of a facility. The video capabilities of the KAN-ED network would also aid in obtaining from KDOC contract medical providers at one correctional facility consultations regarding inmates confined at another location. The participation by courts in the network for court hearings involving inmates also reduces the transportation costs and security issues associated with the transfer of prisoners.

The Department urges favorable consideration of HB 2194.



Kathleen Sebelius, Governor
Roderick L. Bremby, Secretary

DEPARTMENT OF HEALTH
AND ENVIRONMENT

www.kdheks.gov

Division of Health

Testimony on House Bill 2194

To

House Energy and Utilities Committee

**By Richard Morrissey
Deputy Director, Division of Health**

Kansas Department of Health and Environment

January 31, 2007

Chairman Holmes and members of the Committee, I am pleased to appear before you today to provide comments on House Bill 2194. I am Dick Morrissey, the Deputy Director of the Division of Health at KDHE. I am appearing on behalf of the Kansas Department of Health & Environment (KDHE), which supports this bill seeking to provide access to the broadband KAN-ED network to the Department of Corrections and other agencies in the criminal justice system. KAN-ED currently connects schools, libraries and hospitals across the state.

The Kansas Department of Health and Environment has had a long-standing interest in development of the KAN-ED network, insofar as the use of broadband technology is important to healthcare providers in the state of Kansas. Broadband technology is critical to the success of Kansas's growing telemedicine networks and to ensuring access to distance education. Given the ever-tightening budgets of rural health providers around the state, use of televideo for medical consultation and education will become increasingly important. The use of telemedicine for prison-based health is a rapidly growing trend around the country. We support providing KAN-ED access to the department of corrections and the juvenile justice authority, which will give correction facilities access to medical specialists without the need to transport inmates long distances for care.

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ATTACHMENT 8-1

OFFICE OF THE DIRECTOR OF HEALTH
CURTIS STATE OFFICE BUILDING, 1000 SW JACKSON ST., STE. 300, TOPEKA, KS 66612-1368

Voice 785-296-1086 Fax 785-296-1562

KAN-ED access would also be incredibly beneficial to KDHE. KDHE not only regulates, but also provides funding, technical assistance and education to hospitals and other healthcare providers across the state, in a variety of areas including emergency preparedness, trauma, and quality improvement. KDHE would be able to provide much of its educational content to health care providers through televideo on the KAN-ED network and would save achieve substantial savings by eliminating hourly ISDN charges and using Internet Protocols that do not incur such line charges.

In addition, many of the small, rural health care organizations in Kansas are finding it increasingly difficult to afford staff time out of the office to attend important continuing education, and travel expenses are a significant burden as well. By delivering programs over the KAN-ED network, KDHE could train health care providers in their home communities, decreasing travel expenses and minimizing the time health care workers are away from their jobs, providing needed health care to their patients.

It should be noted that Senate Bill 148 has already been introduced, and that bill would allow for KDHE to connect to the Kan-ed network. We would ask the committee to consider revision of HB 2194 to include KDHE, as does the Senate bill.

Thank you for the opportunity to testify on this bill. I would be happy to answer any questions.



KANSAS

KANSAS DEPARTMENT OF CORRECTIONS
ROGER WERHOLTZ, SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

Testimony on HB 2194
to
The House Energy and Utilities Committee

By Louis Bruce
Warden, Hutchinson Correctional Facility
Kansas Department of Corrections

January 31, 2007

House Bill 2194 would provide the KDOC with access to the KAN ED Network. On behalf of Secretary Werholtz, the KDOC, and myself, I am asking that you lend your support to the passage of this bill. It is my belief that providing the KDOC access to the KAN ED network would provide a very cost effective means of providing inmate programs. Since my appointment as Warden of HCF, we have established our own closed circuit television system through which we are able to reach large numbers of inmates in their living areas. Although we have provided some programming through this method, we have the potential of doing much more. Accessing the KAN ED network will greatly speed the process of increasing the available educational and vocational programming by eliminating the need for us to "reinvent the wheel", so to speak.

Making available English as a Second Language course to our increasing Hispanic inmate population is just one example of the tremendous potential this access presents. These inmates have such a limited opportunity for success without language skills and at least a high school education and KAN ED would enable us to give these individuals training that would otherwise not be possible.

In addition to assisting in the educating of inmates, there are collateral benefits that should not be overlooked or underestimated. Access to the KAN ED network would enable staff to receive training from across the nation that would otherwise be unavailable to them. In these times of tight budgets, funds for travel to such training are essentially unavailable. In those cases in which specific training is absolutely mandatory, the expense necessarily takes limited funds from other uses.

It is routinely necessary for us to transport inmates to court appearances and medical appointments. Not only is there a cost involved in these transports, but there is an increased risk to public safety every time it is necessary to take a high security inmate out of the secure

confines of our facilities. Access to the KAN ED Network may enable us to dramatically reduce these trips by allowing court hearings and medical specialists' diagnosis's to occur without the inmate ever having to leave the grounds. This will be especially advantageous to correctional facilities located in rural areas such as Norton for example.

Finally, because communication is so vital to the ongoing operation of any Department, key personnel are frequently required to attend meetings away from their work sites. This inevitably results in subsistence expenses and travel time that could be spent in a more useful and productive manner. While access to the KAN ED network would not entirely eliminate these costs and inconveniences, I am of the belief that they would be reduced.

It is my hope that I have assisted you in seeing the advantages to the KDOC of the KAN ED network. I cannot stress enough the potential opportunities this network provides us to improve our service to the citizens of Kansas. I again ask that you lend your support and affirmative vote to House Bill 2194.

Testimony before House Energy and Utilities on HB 2194

January 31, 2007

Mr. Chairman, Members of the Committee, and staff. I come before you in support of HB 2194, an amendment to the Kan-Ed statute.

My name is Carol Woolbright. I am the Director of the Greenbush Interactive Distance Learning Network at the Southeast Kansas Education Service Center, Girard. I also represent the Kansas Association for Interactive Distance Education (KAIDE) and the Kansas Distance Learning Consortium (KDLC). These groups promote and support distance learning in Kansas.

The Greenbush Interactive Distance Learning Network serves 55 school districts, universities, and community colleges in 103 sites in the eastern half of the state. We are one of 10 distance learning consortiums in Kansas. As an active member and user of Kan-Ed services, we support **83** daily high school and college classes serving about **1600** students. In addition, we provide enrichment programs aligned to Kansas Education Standards from our unique distance learning facilities including a simulated Rainforest, an Archaeology Dig, a Science Education Center, and an Astrophysical Observatory. We also provide staff development in compliance with *No Child Left Behind* and continuing education programs. Between September 20 and December 20, 2005, our network provided distance learning programs to **20,167** students, teachers, administrators, and other groups. These programs would not be possible without Kan-Ed. Without the support of this committee, Kan-Ed would not have become law in 2001 and would not have been funded the following year, 2002. I want you to know that my agency and the schools I represent use this statewide network daily. Distance learning has operated regionally in this state since 1989, and between 1989 and 2002, we were never able to establish a statewide equal access technology backbone until Kan-Ed was passed and funded. Our children's educational opportunities are richer and more complete because of this valuable statewide resource. We are increasing usage every year. Like a hidden curriculum, Kan-Ed is the vehicle that allows us to teach Kansans, not only course content, but also how to learn using interactive technologies. This is the future—one more key to success in the 21st Century.

In December of 2005, the Rural Utilities Service notified Greenbush that we have been awarded a grant in the amount of \$499,920 for distance learning. Thirty-one districts in the eastern half of Kansas will share in the funding by receiving new distance learning classrooms or upgrades to existing classrooms. The awarding of such a large grant to Kansas schools is partially due to the fact that Kansas has a statewide backbone capable of supporting the project.

Currently, Kan-Ed serves four constituencies: higher education, K-12, libraries, and hospitals. The vision and potential of a statewide technology backbone is so much more than the four user groups listed on the Kan-Ed statute. Others can benefit. A statewide backbone has the potential of redefining how the citizens of this state interact and learn. As the news headlines have pointed out in recent weeks, the United States no longer leads

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the world in Information Technologies. Yet, we probably all know that future successes will depend on the best and most effective management of information. The vision of the future of any state must include a strong IT focus if economic development and financial success for its citizens are important. It is important to Kansans. We must always look to the future and constantly re-evaluate limitations. One limitation is the restricting of eligible users of the Kan-Ed network. I strongly urge you to expand eligible users to promote learning for additional groups. To this end, I ask you to support HB 2194 because it offers possibilities to a sector that too often does not consistently receive the opportunities that are needed for success and rehabilitation. These groups are the criminal justice agencies: the Department of Corrections, the Juvenile Justice Authority, community corrections, and, of course, the courts. HB 2194 is an amendment to the Kan-Ed statute that will allow these agencies to access, to share, and to operate video-based distance learning and other educational and instructional programs over Kan-Ed.

Why should the criminal justice agencies in Kansas operate a distance learning system over the Kan-Ed backbone? There are many important reasons: Kan-Ed has operated successfully with almost no downtime or outages due to the backbone bandwidth or backbone routers since 2002. It was established as a low latency, high speed, high bandwidth video network. The pre-planning that went into the technology design has contributed significantly to the success of the network. In addition, Kan-Ed has a tried and true event scheduling system that ensures events come up on time and go down on time. When there are dozens of simultaneous events on a network, a quality scheduling system is critical. No large distance learning network works well without sophisticated scheduling software. Other networks in Kansas were not designed primarily with video distribution in mind, but instead were designed as data networks. Video networks are quite different from data networks. Finally, the Kan-Ed network has 24 hour technology support 7 days per week, so users can always expect to find sophisticated technology support readily available.

The ability of the Kan-Ed technology team to establish secure connections for user groups and at the same time, operate over the same statewide backbone is critical to this project. The Kan-Ed technical team can guarantee security within the criminal justice group by creating a private virtual network for criminal justice agencies that operates within the Kan-Ed backbone, but does not allow connectivity between the different Kan-Ed constituencies. For example, Kan-Ed can ensure that a class of students will never be able to connect to a classroom used by the criminal justice groups because interoperability between current users and the criminal justice agencies will not be technically possible. Adding criminal justice agencies on their own virtual network will not negatively impact current Kan-Ed users. The user groups will function simultaneously but separately within the Kan-Ed backbone.

Kan-Ed does not function as an Internet I service provider. Indeed, all Internet I services, including email, are provided by other service providers. The criminal justice agencies will continue to receive Internet I service from the provider of their choice. The criminal justice information system will not be impacted by this amendment since this project is a video project.

Over the past eight years, the Department of Corrections has explored the possibility of using distance learning technology to provide more efficient educational and training programs. They have been to Greenbush many times to look at distance learning. Greenbush is an educational partner of the Department of Corrections. If HB 2194 is passed and this project becomes a reality, Greenbush stands by to support the implementation of distance learning in the state's criminal justice agencies.

Thank you for your past support of Kan-Ed. It has made a difference in the delivery of education in our state.