

MINUTES OF THE HOUSE ENERGY AND UTILITIES COMMITTEE

The meeting was called to order by Chairman Carl Holmes at 9:15 A.M. on January 15, 2008 in Room 783 of the Docking State Office Building.

All members were present except:

Dan Johnson- excused  
Judy Morrison-excused

Committee staff present:

Mary Galligan, Kansas Legislative Research  
Carol Toland, Kansas Legislative Research  
Mary Torrence, Revisor's Office  
Melissa Doeblin, Revisor's Office  
Renaë Hansen, Committee Administrative Assistant

Conferees appearing before the committee:

Lisa Hoops, Legislative Post Audit  
Brad Williams, Kan-Ed Director  
Ivan Williams, Legislative Post Audit

Others attending:

Forty five including those that signed the register.

Representative Annie Kuether moved to introduce a bill involving net metering for solar energy with a possibility to add wind generation, seconded by Representative Tom Hawk. Motion carried.

Chairman Holmes put a challenge to the committee to guess what the gas price would be at 6<sup>th</sup> and Quincy downtown on February 1<sup>st</sup>.

Chairman Holmes talked about his international trips to Canada and China.

Mary Torrence, Kansas State Revisor, introduced Melissa Doeblin as the committees' new revisor.

Lisa Hoops, Legislative Post Audit spoke to the committee on Kan-Ed. (See Kansas Legislative Post Audit, for this report) She noted that funding from Kansas Universal Service fund will increasingly be reduced from the universal service fund and by June 2009 all funding will come from the State General Fund. The post audit report reveals the number of people served and number of direct and indirect access lines available through this program. Specific details of usage and non-usage of the internet as well as details of specific equipment purchased with the Kan-Ed dollars were also included in the report. Additionally, percentage of bandwidth usage was estimated. They did some estimated projections of future higher use, and whether the current budget of Kan-Ed can meet those projected demands. In only 2 of the 4 scenarios presented were there enough current funds available. They gave four recommendations: 1. To ensure that grant moneys are used effectively with spot checks periodically to make sure proper procedures are being followed. 2. Making sure that marketing efforts have the best chance of convincing members to become fully connected to the network. 3. Determining the correct portion of grant funds that will be allocated to Internet subsidies and grants designed to help members connect to the Kan-ed network. And 4. To verify that more money is not spent on band-width than is necessary.

Questions were asked and comments made by Representatives: Annie Kuether, Tom Sloan, and Peggy Mast.

Brad Williams the new Kan-Ed director, as of May 22, 2007, helped answer some of the questions. He talked about how they might move to the next level of better grant management to more effectively connect members. Their funds will not have to be used to fund the backbone of the service but the connectivity for members. T1 access to all Kan-Ed members will be an upcoming service. 50% of their fixed costs include local salaries as well.

Lisa Hoops, Legislative Post Audit, spoke to the committee on Wireless Enhanced 911. (See Kansas

## CONTINUATION SHEET

MINUTES OF THE House Energy and Utilities Committee at 9:15 A.M. on January 15, 2008 in Room 783 of the Docking State Office Building.

Legislative Post Audit, for this report) She explained how the grant programs are distributed with funds being eligible to all counties except the largest five by population. The report focuses on three questions asked by the Post Audit Committee. She noted that approximately 83% of Kansas is served by this service. It was noted that basically grant funds are being spent appropriately for this program. The report noted that the grant fund money will dry up for PSAP's with an estimated 17 million dollars being distributed to all areas by population. After 2010 fees will be changed; 2008 will see a revision of this audit, adding VOiP to the audit mix.

No questions were asked.

Ivan Williams, Legislative Post Audit, spoke to the committee on a Kansas Corporation Commission report. (See Kansas Legislative Post Audit to see this report. ) Two questions were answered by this report. The report reviews the number of informal and formal complaints answered by the Commission and how these complaints are handled by the KCC. The KCC responded to about 4 questions per day informally in 2008, and they handled approximately 25 formal complaints in 2007. The report analyzes the percentage of the complaints received by the KCC that are resolved in favor of the consumer.

Questions were asked by Representatives: Vern Swanson, Tom Moxley, Oletha Faust-Goudeau, Forrest Knox, and Carl Holmes.

Susan Duffy, Executive Director of KCC, noted that if someone has an issue with a co-op or other entities not under their jurisdiction, they give them a resource of where to get an answer to their questions and concerns. It was noted that when someone calls them they are referred to the utility in question first before the KCC will address the problem. After regular business hours, the consumer hears a recording asking them to call their utility first if they have not done so. Ms. Duffy noted that she would get back to the committee on the scenario when funds are returned to consumers but not for legitimate reasons and how that is funded through the utilities companies. She noted she would let the committee know if that becomes part of the next rate base case.

Committee Rules were handed out for members (Attachment 1) and conferrees (Attachment 2).

The next meeting is scheduled for January 16, 2008.

The meeting was adjourned at 10: 25 a.m.

# HOUSE ENERGY AND UTILITIES COMMITTEE GUEST LIST

DATE: January 15, 2008

NAME	REPRESENTING
PAUL WABOS	KCP&O
<del>Don Hollman</del>	<del>KEC</del>
MIKE REECHT	GBBA
JOE DICK	KCBPU
Carol McDowell	Tallgrass Ranchers
JOHN C. BOTTENBERG	WESTAR ENERGY
ERIC HYDE	REP. JERRY HENRY
Mick Urban	Kansas Gas Service
David Spruynge	Curbs
<del>TOM DAY</del>	<del>KCC</del>
Whitney James	FS Gas Service
LARRY BEEB	MIDWEST ENERGY
SEAN MILLER	CAPITOL STRATEGIES
Frank Jones	OMEN Ethel
Kimberly Gensler Brady	ITC. Great Plains
MARK SCHWEICHER	Westar Energy
Shirley Allen	SITA
Wes Ashton	Aquila
Tim Grackler	AT&T

# HOUSE ENERGY AND UTILITIES COMMITTEE GUEST LIST

DATE: January 15, 2008

NAME	REPRESENTING
Dan Jacobson	AET
Bob Vancouver	Center for Energy & Geom Development
Mike Murray	Embargo
Doug Smith	Pinegar, Smith & Associates

COMMITTEE RULES  
2008  
KANSAS HOUSE OF REPRESENTATIVES  
COMMITTEE ON ENERGY & UTILITIES

The purpose of these rules is to facilitate the understanding of members of the Committee and the public in reviewing the flow of legislation through this committee. Unless stated to the contrary herein, the rules of the House or Mason's Manual of Legislative Procedure will apply.

PROTOCOL OF MEETING & COMMITTEE INFORMATION

1. Items listed on the agenda shall be brought before the committee in order of appearance. However, the chair may bring to discussion, and possible vote any bills previously heard at any time.
2. Original motions shall be in order when a bill is pending for consideration. A substitute motion will not be allowed. Amendments to motions are not in order unless approved by the Chair.
3. An amendment to a bill must be "germane" to the area of law that is being proposed or changed. Since committees serve the purpose of examining issues for which there may be multiple solutions or approaches, "germaneness" will be interpreted as broadly as possible. Only the Chair shall determine if an amendment is "germane".
4. The question of adjournment shall be reserved to the Chair and no motion to adjourn shall be entertained.
5. A motion to "table a bill" shall be in order at any time a question (including an original motion) is pending. The motion to "table a bill" is non-debatable and requires a majority vote of members present to pass. A successful motion to "table a bill" shall lay the bill over a minimum of one day. The Chair may refuse to accept a motion to table a bill or move a bill out of committee, with just cause, as determined by the Chair.
6. A motion to "take from the table" shall be in order only when such item is on the agenda or is taken up by the Chair. The motion requires a simple majority and is debatable.
7. A motion to report a bill "without recommendation" shall not be in order.

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ATTACHMENT 1-1

8. A motion to reconsider a previous successful motion shall only be made by a member voting on the prevailing side of the original motion. A simple majority vote of members present shall be required to reconsider a previous successful motion.
9. A motion to report a bill out of committee shall not be in order until all amendments, which have been prepared by the Revisor of Statutes office reported to the chairman in advance of the meeting, have been considered.
10. No conferee shall be interrupted, except by the chair, during presentation of their testimony.
11. Questioning of a conferee shall be limited to the subject matter on the agenda for the day unless approved by the Chair. If the questioning of a conferee by a committee member goes beyond "reasonableness", the chair may discontinue the committee member's questioning of that conferee.
12. There shall be no recorded committee votes on committee action. Any committee member may request their individual vote be recorded on a bill.
13. The Chair shall set the Committee Agenda.
14. All requests for committee bills shall only be made by committee members or state agencies.
15. All seating will be assigned by the Chair.
16. Requests for excused absences will be honored. Prior notification of absences shall be communicated to the committee assistant, Renae Hansen (296-7670). Any absence by a member not requesting an excused absence, shall be an unexcused absence and recorded as such by the committee assistant unless the Chair makes an exception.
17. All cell phones and pagers in the committee room shall be in "silent" mode and use of cell phones in the committee room will not be permitted. The owner of any cell phone that rings during a committee meeting shall provide apples or oranges for all committee members and staff. (26)
18. Photography, including cell phones, video, and audio taping is prohibited unless approved in advance by the Chair.
19. All powers, duties and responsibilities not addressed above are reserved to the Chair.



INFORMATION FOR CONFEREES  
2008  
KANSAS HOUSE of REPRESENTATIVES  
COMMITTEE ON ENERGY & UTILITIES

1. When time is separately reserved on the agenda for proponents and opponents of an issue and the time expires for either side, the testimony shall cease. Conferee's time limit will be determined by the number of conferees and order of business. The chairman may make exceptions for the original sponsor of a bill, Legislative Staff, and State Agency Personnel. Conferees will be recognized in the order as established by the committee chairman. No conferee will be allowed to "yield" their time to another conferee.
2. All conferees are requested to submit a one page summary of testimony. (More lengthy written testimony may be submitted in addition to the one page summary.)
3. All conferees shall have written testimony and shall provide 50 copies to the committee secretary at the time of appearance. If a one page summary and written testimony are both presented, then 50 copies of each shall be required.
4. All conferees whose testimony extends more than one page or five minutes may expect their time to be shortened by the chair, if necessary, to expedite the meeting. Exceptions will be allowed for the original sponsor of a bill, staff briefings, and state agency briefings.
5. At the option of the chair, all who are scheduled to testify on a bill may be required to submit written testimony 24 hours in advance of the hearing for distribution to committee members.
6. Anyone wishing to testify before the Committee shall contact the Committee Assistant, Renae Hansen at 785-296-7670, a minimum of 24 hours before the meeting.
7. All cell phones and pagers in the committee room shall be in "silent" mode and use of cell phones in the committee room will not be permitted. The owner of any cell phone that rings during a committee meeting shall provide apples or oranges for all committee members and staff. (26)
8. No food or drinks will be allowed in the committee room by guests, spectators or conferees.
9. Any non-committee attendee who sends signals to committee members shall be removed from the committee meeting for the rest of the legislative year.
10. Photography (including cell phones), video, and audio taping is prohibited unless approved in advance by the Chair.
11. All requests for committee bills shall only be made by committee members or state agencies.

*ENERGY AND HOUSE UTILITIES*

DATE: 1/15/2008

ATTACHMENT 2