

MINUTES OF THE HOUSE ENERGY AND UTILITIES COMMITTEE

The meeting was called to order by Chairman Carl Holmes at 9:00 a.m. on February 16, 2009, in Room 783 of the Docking State Office Building.

All members were present.

Committee staff present:

Melissa Doeblin, Office of the Revisor of Statutes  
Mary Galligan, Kansas Legislative Research Department  
Cindy Lash, Kansas Legislative Research Department  
Renaë Hansen, Committee Assistant

Conferees appearing before the committee:

A. E. Reiss, Severy Gas, Americus Gas

Others attending:

Forty-nine including the attached list.

Reopened hearing on:

**HB 2027 - Granting cities' power to relinquish authority over natural gas and water utilities.**

Opponents:

A. E. Reiss, Severy Gas, Americus Gas, (Attachments 1, 2, 3, & 4), offered testimony in opposition to **HB 2027**. He offered testimony that included letters from 2 other individuals relating to **HB 2027**.

Questions were asked and comments made by Representatives: Tom Moxley, Vern Swanson, Cindy Neighbor, Vince Wetta, Tom Sloan, Carl Holmes, Annie Kuether, Forrest Knox, and Rocky Fund.

Some questions were answered by the comptroller for the company, Jennifer Haines.

A handout was given to the committee (Attachment 5) from the KCC. Mr. Leo Haynos, from the KCC, offered an explanation of the chronology of significant events in the commission staff investigation of the docket number 07-SEVG-1340-SHO.

Questions were asked and comments made by Representatives: Forrest Knox, Annie Kuether, Tom Sloan, Joe Seiwert, Carl Holmes, and Vince Wetta.

Questions were also answered by Ron Craig, Mayor, Severy, Kansas.

The hearing was closed on **HB 2027**.

Action on:

**HB 2126 - Requiring telecommunications providers to provide call location information in emergency situations.**

Representative Rob Olson, offered an amendment, (Attachment 6) for **HB 2126**.

Representative Rob Olson moved to amend **HB 2126** with the offered language (Attachment 6). Seconded by Representative Annie Kuether.

Questions were asked and comments made by Representatives: Annie Kuether, Rob Olson, and Tom Sloan.

Motion carried..

CONTINUATION SHEET

Minutes of the House Energy And Utilities Committee at 9:00 a.m. on February 16, 2009, in Room 783 of the Docking State Office Building.

Representative Rob Olson moved to pass out **HB 2126** as amended. Seconded by Representative Rocky Fund. Motion Carried.

Representative Rob Olson will carry **HB 2126** on the floor.

Action on:

**HB 2027 - Granting cities' power to relinquish authority over natural gas and water utilities.**

Representative Forrest Knox moved to pass **HB 2027** favorably. Seconded by Representative Tom Moxley.

Questions were asked and comments made by Representatives: Mike Burgess, Forrest Knox, Tom Sloan,  
Motion withdrawn.

Representative Tom Sloan moved to amend after the state corporation commission on lines 26 27, adding "affected utility". Seconded by Representative Ven Swanson. Motion carried.

A question was asked about rather it should be published in the statute book.

Representative Forrest Knox moved to pass **HB 2027** favorably as amended. Seconded by Representative Vern Swanson.

Debate ensued by Representatives: Rob Olson, Josh Svaty, Tom Sloan, Tom Moxley, Margaret Long, Annie Kuether, and Forrest Knox.

Motion to pass **HB 2027** as amended, failed 8-12.

Representative Tom Sloan moved to introduce a House resolution calling on KCC to study how the commission will treat energy storage. Seconded by Representative Rob Olson. Motion carried.

The chairman noted we will make arrangements for a tour to Jeffery Energy Center for mid-March.

The next meeting is scheduled for February 26, 2009.

The meeting was adjourned at 10:31 a.m.

# HOUSE ENERGY AND UTILITIES COMMITTEE GUEST LIST

DATE: February 16, 2009

NAME	REPRESENTING
<del>Robert Reiss</del> (Reiss)	<del>Flat Hills, Severy, Americas Gas Co.</del>
<del>Dan Holt</del>	<del>KCC</del>
PAUL WAGES	KCP&O
Maui Hazlett	CA
LARRY BELL	MIDWEST ENERGY
Mike Huttles	KETC
Jim Grogan	BTE
Mari Tucker	Dept of Commerce
Corey Moha	" "
Scott Jones	KCPK
Dina Fisk	VERIZON WIRELESS
MIKE MURRAY	EMBARQ
Lisa Reiss	FH, Severy, Americas
Leo Haynos	KCC
Tom Stratton	KCC
Rodney Craig	city of severy
Jeffrey Lewis	ATT
Aaron Cutlin	VSI / ATT
Tom Caches	SPRINT





**Testimony in Opposition to H.B. 2027**

Presented by A.E. Reiss,  
President of Americus Energy, LLC,  
Flint Hills Gas Company, and  
Severy Gas Company

February 5, 2009

The Honorable Rep. Carl Holmes, Chairman  
House Committee on Energy and Utilities  
Statehouse, Room 142-W  
Topeka, Kansas 66612

Mr. Chairman and Members of the Committee:

I want to thank you for allowing me to submit this written testimony in opposition to HB 2027, which would enable the three small towns served by my gas companies to delegate their rate-making responsibility to the Kansas Corporation Commission. This bill, HB 2027, is only directed towards my companies -- Severy Gas Company, Flint Hills Gas Company and Americus Energy, LLC -- and I believe we are the only "small" private-sector gas company in the state that would be affected. I have operated these gas utility companies for many years, having established Flint Hills Gas Company (Elmdale) in October 1967 and Severy Gas Company in August 1982; and having acquired the gas system and established Americus Energy, LLC in November 2006. Each of these communities is a Class 3 city, with the largest having 319 natural gas customers. This legislation could potentially leave customers in all three communities without any natural gas service.

The Kansas legislature, in K.S.A. § 66-104(c) (a statute not amended by HB 2027), specifically vested cities with the sole power and authority to control and regulate municipal utilities operating within the city. Severy Gas, Flint Hills Gas, and Americus Energy each operate in their respective communities under a franchise agreement – a contract – with each city. Those contracts establish the parameters for the company and the city to establish the rates and charges, the conditions imposed on the company for providing service, and the obligation for the company to pay a franchise tax (3%) to the city. In reliance on those contracts, the companies have each invested thousands of dollars to build and maintain gas distribution systems to serve the citizens and businesses in each community that desire to heat their homes and businesses with natural gas rather than the alternatives of propane or electricity. We buy natural gas in the wholesale market for distribution and re-sale to the consumer. We provide service to communities that would otherwise NOT be served at all with natural gas, at rates that are competitive with other public and municipally-owned gas

utilities. Exhibit 1 is a graph of comparison rates as of December 2007, the last data that we have available.

In May 2007 the KCC initiated an investigation against Severy Gas, Flint Hills Gas, Americus Energy, and my civil engineering firm (Reiss & Goodness Engineers, Inc.) to determine whether, because of common ownership (me), the KCC has rate-making and supervisory jurisdiction over my companies. [KCC Docket #07-SEVG-1340-SHO] Over the last 21 months we have answered all of the Commission's questions and thrown open our books to scrutiny by KCC staff, but that "investigation" has stalled. Then at the October 2008 KCC legislation administration meeting Leo Haynos, a proponent of this bill and the KCC Chief of Gas Operations and Pipeline Safety, announced his intention to seek the legislative change incorporated in HB 2027. This bill is an unabashed attempt to achieve through legislation what the KCC has been unable to accomplish under existing law.<sup>1</sup>

HB 2027 would impair our contracts and enable Severy, Elmdale, and Americus to avoid their responsibilities under the franchise contracts and "relinquish" that power to the KCC, which presumably would treat our small municipal gas companies for rate-making purposes like the public utilities Westar Energy and Sunflower Electric. The administrative cost associated with preparing and filing cost studies, rate requests, and tariffs would increase our cost exponentially and render Severy Gas, Flint Hills Gas, and Americus Energy financially unviable. I understand the annual cost for preparing for a "public utility"-type hearing could run between \$30,000 and \$50,000.

As I have previously shared with the communities, Severy Gas, Flint Hills Gas, and Americus Energy have lost money in recent years. For example, Severy Gas lost \$12,991 in 2006 and \$24,209 in 2007; we do not yet have the numbers for 2008. Flint Hills Gas lost \$11,365 in 2007 and \$10,987 in 2008. Americus Energy lost \$75,035 in 2007 – the first full year that I owned the system. Given the recent volatility in the natural gas market, our rate structures did not cover operating costs by a wide margin.

The current version of K.S.A. §66-104e allows cities to relinquish to the KCC ratemaking power over a municipal water system. But unlike a municipal water system -- where no competitive alternative exists for the community -- our municipal gas utilities operate in a competitive environment. Customers who don't like our rates may switch to propane or electric heat, and a few have done so in past years. I have always attempted to operate Severy Gas, Flint Hills Gas, and Americus Energy by accepting partial payment on bills (which the larger gas companies do not allow), by never running credit checks on potential customers, or charging late fees. I recognize

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<sup>1</sup> I understand that prior testimony erroneously suggested that our companies were notified about the introduction of HB 2027 and this committee's January 27 hearing. Neither the bill's sponsor (Representative Mast), the KCC, Leo Haynos, nor the communities of Americus, Elmdale, or Severy ever notified us about the bill or the hearing. I first learned about the bill from my legal counsel on Monday, February 2, 2008.

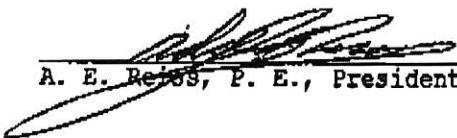
that many of the residents of these communities are low-income and poor credit risks, and I try to operate my companies accordingly.

I have attached as Exhibit 2 a brief response to the testimony presented by proponents to your committee on January 27, 2009. I hope you will read that response to confirm that in this case, as usual, there are two sides to the story.

Small business is the backbone of the economy in this country. I have spent the last 50 years building my businesses (I am 83, a veteran of WWII, and the oldest still practicing civil engineer in Kansas) and it is time for small business to have advocates in the legislature. Should this legislation be passed, my companies would most likely not be able to operate – creating an impact on my employees and subcontractors, a loss of property tax and franchise tax revenues to the communities, and an end to natural gas fuel for these communities. Those economic impacts, I believe, are more than “negligible,” as suggested by Duane Goossen, Director of the Budget, in his evaluation of HB 2027.

As you can imagine, small business has a lot of challenges to overcome, but to be specifically targeted by a state agency and the legislature is unethical, immoral, and wrong. The story of the small business owner should be important to the state. Small business owners must be able to make financial decisions in reliance on their contracts with municipalities and without the spectre of state financial regulation. There simply is no health, safety, or welfare justification for HB 2027. I ask you to carefully review this legislation and the impact that its passage could have on both my businesses and the citizens of Americus, Elmdale, and Severy.

Thank You!

  
A. E. Rejos, P. E., President

Severy Gas Company  
Flint Hills Gas Company  
Americus Energy, LLC

## **Testimony in Opposition to H.B. 2027**

by A.E. Reiss

### **EXHIBIT 2**

#### Response to Proponents' Testimony

##### ***Representative Mast's Testimony***

(dated January 27, 2009)

Representative Mast states in one section of her testimony that the "people in the small town of Americus have been victims of a utility company that does not have any accountability or any regard for its customers." We respectfully reject her unfounded statement. She contacted our company by telephone on only one occasion and asked questions to Al Reiss and comptroller Jennifer Haines concerning Americus Gas customer Rickye Reber. We provided answers to her questions in a professional manner. She did not attempt to obtain from us information about the Americus Gas price structure or Ms. Reber's payment history, yet claims "high prices charged for energy" are driving residents out of the Americus community.

##### ***Leo Haynos' Testimony***

(dated January 27, 2009)

Neither Americus nor Elmdale have ever requested a review of the gas rates charged by Americus Energy or Flint Hills Gas Company. We have offered to open the companies' books for city officials to review, but neither city has taken that opportunity. The silence before this committee from the Americus and Elmdale city councils is deafening and, we believe, speaks volumes.

##### ***Severy Mayor Rodney Craig's Testimony***

(dated January 26, 2009)

In November 2007 the Severy City Council attempted, through Resolution 07-005, to restrict the rates charged by Severy Gas Company. That resolution set a flat rate of \$16.98 per MCF and unilaterally raised the franchise fee payable to the City (established in the 2002 franchise agreement attached to the Mayor's testimony) from 3 to 4 percent. That resolution never became effective, because the city failed to publish it as required by statute. At the Mayor's request, Severy Gas President Al Reiss, comptroller Jennifer Haines, and counsel Wyatt Hoch met with the city council on December 3, 2007 to present detailed information on elements of a monthly Severy Gas bill, company overhead expenses, descriptions of the factors affecting wholesale pricing of natural gas, company net income/expenses, and a comparison of rates.

We returned to Severy on January 8, 2008 for a "town hall" meeting concerning gas rates. Our presentation included the projection and distribution of a Microsoft Office



Powerpoint slide show addressing the company's financial information and a detailed breakdown of the rate components. The City of Severy has not requested additional financial information or passed a rate-control resolution since that meeting.

Mayor Craig is simply wrong when he states that "Severy has contacted the KCC for assistance but the KCC can't seem to get any information from Severy Gas Company either." Mayor Craig obviously has not reviewed the volumes of information produced by Severy Gas Company in the KCC administrative proceeding.

***Americus Energy former customer Rickye Reber's Testimony***

(dated January 26, 2009)

Proponent Ms. Rickye Reber, a former customer of Americus Energy, is a single parent with several children. She has never paid her gas bill in full since I acquired the Americus distribution system in November 2006. Her average bill (based on averaging her bills over the course of a year) was \$143.09 in 2007 and \$158.07 in 2008. She has repeatedly demanded a payment plan of \$50.00/month.

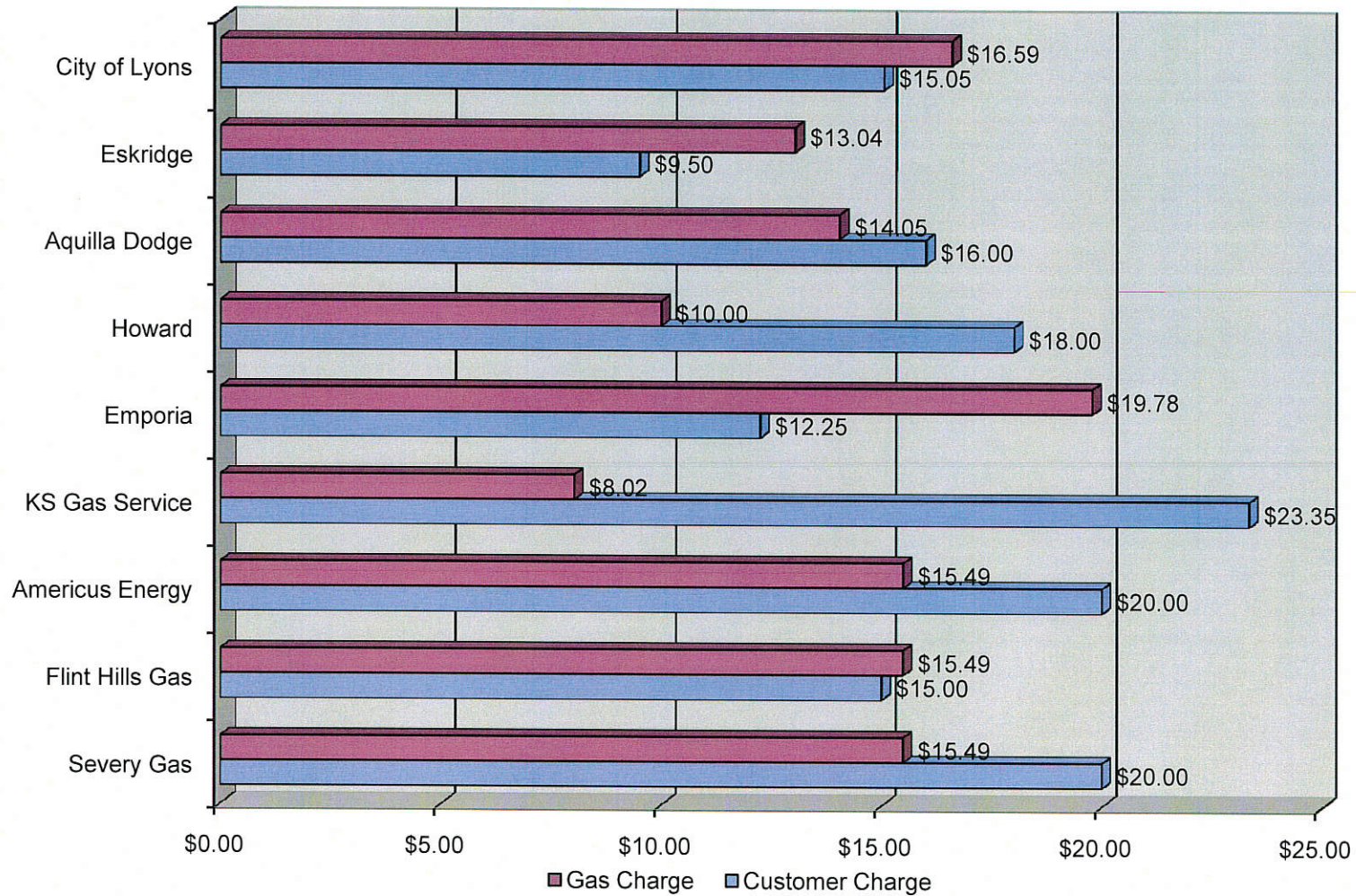
We provided to Ms. Reber information on low-income energy assistance available through LEAP, for which she either doesn't qualify (due to income qualifications) or chose not to pursue. We offered to work with her on a payment system and in fact mailed her a Loan/Promissory Note Payment agreement on at least 3 separate occasions since 2007. After several notices, we chose to terminate her gas service October 2008 due to non-payment and an outstanding balance of \$1,586.36.

1-6

# Exhibit 1

## How do Severy's Rates Compare?

(based on Dec. '07 data)



**VERBAL TESTIMONY TO HOUSE COMMITTEE  
ON ENERGY AND UTILITIES OPPOSITION TO HB 2027**

Mr. Chairman and Members of the Committee – Thank you for allowing me to submit testimony in opposition to House Bill 2027. This legislation specifically targets only my three small gas utility companies in the state of Kansas – Severy Gas, Flint Hills Gas, and Americus Energy, LLC. This legislation would enable the three small towns served by my gas companies to delegate their rate-making responsibility to the Kansas Corporation Commission, imposing on my companies the annual cost for preparing for a “public utility”-type rate hearing that could cost between \$30,000 and \$50,000.

Small business is the backbone of the economy in this country and to pass this legislation would kill my businesses. I am 83, a decorated veteran of WWII (having received the Silver and Bronze Stars), the oldest still practicing civil engineer in the state of Kansas and I’ve spent 50 years building my businesses. I established Flint Hills Gas Company in October 1967, Severy Gas Company in August 1982, and established Americus Energy, LLC in November of 2006. Each of these communities is a class 3 city, with the largest having 319 natural gas customers.

Let me explain my opposition and concern over this legislation being passed. The Kansas legislature, in K.S.A. 66-104(c) (a statute not amended by HB 2027) specifically vests cities with the sole power and authority to control and regulate municipal utilities operating within the city. Severy Gas, Flint Hill Gas, and Americus Energy, LLC each operate in their respective communities under a franchise agreement – a contract – with each city. Those contracts establish the parameters for the company and the city to establish the rates and charges, the conditions imposed on the company for providing service, and the obligation for the company to pay a franchise tax (3%) to the city. In reliance on those contracts and the statutory framework assuring that I would not have to incur the cost of KCC rate-making, I have invested thousands of dollars through the

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ATTACHMENT 2-1

companies to build and maintain gas distribution systems to serve the citizens and businesses in each community that desire to heat their homes and businesses with natural gas rather than the alternatives of propane or electricity. We provide service to communities that would otherwise NOT be served at all with natural gas with rates that are competitive with other smaller-sized gas utility companies.

We buy natural gas in the wholesale market for distribution and re-sale to the consumer. We cannot buy our gas in bulk like Kansas Gas Service, because our customer bases use a relatively-small amount of gas. We also have to pay for storage and transportation of the gas and taxes.

We do not have the same general expenses as the small municipal utilities and the larger gas utility companies. Municipal utilities do not pay county taxes and do not have to absorb the full amount of overhead cost as they can be, like the city of Howard's system, supported by tax revenues.

As I have previously shared with the communities and the KCC, all 3 companies have lost money in recent years. For example, Severy Gas lost (\$45,210) in 2006 and (\$11,218) in 2007; we do not yet have the numbers for 2008. Flint Hills Gas lost (\$5,556) in 2007 and earned a small profit of \$378 in 2008. Americus Energy lost (\$73,573) in 2007 – the first full year that I owned the system; we do not have the numbers for 2008 yet. Given the recent volatility in the natural gas market, our rate structures did not cover operating costs by a wide margin.

No consumer is ever happy with paying their utility bills (a fact I am sure that electricity providers can attest to) but in my experience they often don't understand the additional costs of providing the gas service and the costs associated with running a business.

Several weeks ago, you heard testimony from a former customer of Americus Energy, Ms. Rickye Reber, but she did not provide you with the full story. When I



purchased the Americus system from the previous owner in November 2006, Ms. Reber already had a past-due amount. She has never paid her gas bill in full since I acquired the system. We offered to work with her on a payment system and in fact mailed her a Loan/Promissory Note Payment agreement on at least 3 separate occasions since 2007. After several notices, we chose to terminate her gas service in October 2008 due to non-payment and an outstanding balance of \$1,586.36. It is interesting to note that she did have the money to convert her house to all-electric.

Representative Mast, who introduced this bill, contacted me to question our business decision about Ms. Reber's gas service. Representative Mast has never asked to review our rate structure, to obtain information on how the rates are set, or to see our books.

I try to work with customers in the small communities by:

- Not requiring any kind of credit check to obtain service (something larger gas companies routinely do before providing service)
- Requiring only a small, \$50 deposit for service
- Never charging a late fee for unpaid balances.
- We work with customers that need a payment agreement schedule.
- Although we are under no obligation to do so, we abide by the KCC Cold Weather rules
- We also offer a Level Monthly Payment

So you can see, I'm not this "evil" owner trying to rip off customers as has been previously implied.

The KCC, in May 2007, initiated an investigation against Severy Gas, Flint Hills Gas and Americus Energy and my civil engineering firm, Reiss & Goodness Engineers, Inc., to determine whether, because of my ownership of all four companies, the KCC could exercise rate-making and supervisory jurisdiction over



my companies. Over the last 21 months, we have answered all of the Commission's questions and have thrown open our books to scrutiny by the KCC staff, but that "investigation" has stalled. Rest assured that if these companies were making what someone considered an excessive profit, you and I both would have heard about it from the cities and the KCC. Then at the October 2008 KCC legislation administration meeting, Mr. Haynos (a proponent of this bill) announced his intention to seek the legislative change incorporated in HB 2027. This bill is an unabashed attempt to achieve through legislation what the KCC has been unable to accomplish under existing law.

It is obvious that the current Severy, Flint Hills, and Americus rate structures cannot support the additional cost of KCC rate proceedings. If a new law enables one or more of these cities to involve the KCC in rate-making, I'll have two choices:

either raise our customers' cost of gas to cover the extra cost of accountants and lawyers to prepare testimony about our rate base and costs;

or shut down the system – resulting in an end of gas service to the citizens and businesses and a loss of more than \$49,000 in property tax and franchise tax revenues to the communities and their respective counties.

**I urge you to oppose House Bill 2027.**



American Energies  
Pipeline, LLC

155 N. Market, Suite 710, Wichita, KS 67202  
316-263-5785, 316-263-1851 fax

February 13, 2009

The Honorable Carl Holmes, Chairperson  
House Committee on Energy and Utilities  
Statehouse, Room 142-2  
Topeka, Kansas 66612

Dear Mr. Chairman and Members of the Committee:

Subject: Fiscal Note for HB 2027

In reviewing the documents which have been both con and pro for HB2027 it appears to me that the problems have occurred because Mr. Reiss has been too nice to his customers and extended credit to his customers who were unable to pay.

In reference to customers with, 12 units and 28 units, this would imply that the home owner needs to make some upgrades to the home like installing new energy efficient windows, insulation, etc.

Regarding Mr. Rodney Craig's letter about being gouged, the City of Severy attempted to raise their franchise tax by 33% in 2007.

Mr. Reiss points out in his testimony that neither Americus nor Elmdale have requested a review of gas rate charges and when the City of Severy did he furnished the information to them.

The change in gas pricing is not unusual from one month to another as Mr. Reiss buys his gas monthly on a spot market index plus a markup fee. He does in-fact keep gas in storage, with the intent of ensuring gas to his customers and with the hope of providing less expensive gas than market rates should they increase.

I manage a Class B gas utility, American Energies Gas Service, which has 238 customers. The cost of running a small utility under KCC rules does increase your operating costs. And for a company that is not making money in the first place this is a cost that can not be affordable. However, this will increase the customer's cost.

I have known and worked with Mr. Reiss for 30 years, varying from water districts, construction gas pipeline and other engineering projects. Mr. Reiss has always been fair and considerate to his customers.

Please think long and hard about your decision to change this law. The result could be that these smaller communities may not have any gas service.

Sincerely,

**Alan L. DeGood**

Alan L. DeGood, Manager

ALD/keh  
Reiss - State of Kansas.wd

HOUSE ENERGY AND UTILITIES  
DATE: 2/16/2009  
ATTACHMENT 3

Feb.12,2009

My name is Randy Williamson and I live in Americus,Ks. I'm also an employee of Americus Energy the company who supplies natural gas to the city of Americus. I have worked for Americus Energy since January of 2007 when Al Reiss purchased it from Bill Yeager. I hear alot of complaints about the cost of natural gas and as a consumer this concerns me also. I never hear any complaints during the summer months when people are not using much gas and have small bills but during the winter months when usage is high and the bills are higher I hear alot of complaints. I live in an old house in Americus that like alot of others in town had old windows, doors and very little if any insulation so my bills are as high or higher than most. I have been making the effort to correct these things in my own home by installing new doors, windows and have added some insulation and plan to add more. It has made a difference in my home and I'm sure it would if others would do some of these things in thiers. Also I think if people would average thier bills out over the whole year and compare them to there other utilitie bills they wouln't seem quite so so bad. The cost of gas maybe the same in summer but, since usage is down no one complains. I also hear complaints that people sometimes have a hard time paying thier bills. Americus Energy offers thier customers payment options and even pay plans such as other utilitie companies offer but, when customers fail to respond or don't make those payments the company has no recourse but to disrupt the service. One customer only wanted to make \$50.00 payments each month and at that rate they would have just gotten deeper behind each month.

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ATTACHMENT 4-1

I don't know of any company that can keep doing things like that and stay in business.

Americus Energy has also had alot of repairs since buying the business. Ther have been two main gas lines, three service lines to homes, two new buildings at the border stations and we have replaced and/or painted all of the meters around town and will be replacing more of them. It all has to be payed for and ~~no~~ no one seems to think about these costs to the company.

Randy Williamson  
Americus Energy L.L.C.



*Kathleen Sebelius, Governor  
Thomas E. Wright, Chairman  
Michael C. Moffet, Commissioner  
Joseph F. Harkins, Commissioner*

**Before the House Energy and Utilities Committee  
Comments by the  
Staff of the Kansas Corporation Commission  
February 16, 2009**

**House Bill 2027**

**Chronology of Significant Events in the Commission Staff Investigation of Docket Number 07-SEVG-1340-SHO: In the Matter of Al Reiss Regarding Potential Status as a Public Utility.**

The above captioned docket is a formal investigation initiated by Commission Staff to investigate whether four companies owned and operated by Mr. Al Reiss constitute a natural gas public utility. Detailed information on the various filings in this case can be accessed at the Commission's website: <http://www.kcc.state.ks.us/docket/docket.htm>. At this site, typing in the docket number listed above will provide all docket information regarding this matter.

In response to a request by this committee for information regarding the Commission Staff's investigation into the above captioned docket, Staff provides the following chronology of significant events:

29-May-2007....KCC Staff's Motion to Initiate Show Cause Proceeding.

01-Aug-2007....Staff's Motion to Compel Answers to Discovery.

Aug-2007...KCC receives 12 complaints from customers of Severy and Americus regarding rate increase and billing practices.

21-Aug-2007....Order Denying Show Cause Order But Opening Staff Investigation.

5-Nov- 2007...City of Severy sets price for natural gas through an ordinance. Following enactment of the ordinance, Reiss does not comply with it; no enforcement carried out by city.

21-Nov-2007....KCC Staff Status Report.

Dec-2007...KCC receives 4 additional complaints from customers of Severy and Americus regarding rate increase and billing practices.

10-Dec-2007....KCC Staff's Public Version of Public Comment Report

18-Dec-2007....Order Requiring Reiss to Respond to Data Requests

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19-Dec-2007... Per request of City of Americus, Staff attends City Council meeting to discuss the city's options regarding self regulation.

08-Jan-2008....KCC Staff's Second Status Report.

Jan-2008...The City of Severy submits a petition from its citizens requesting KCC to investigate the gas rates of Severy Gas. Petition does not follow procedures set out in statute.

Jan-2008...Reiss attorney informs Staff that Reiss may file a civil suit against the KCC. Staff replies that it has properly acted, consistent with its duties.

04-Feb-2008....Order Denying Reconsideration of Order Requiring Reiss to Respond to Data requests.

20-Feb-2008....City of Americus submits a petition for KCC to review gas rates, but fails to follow proper procedures.

Mar-2008:...KCC order granting Staff's motion to compel appealed by Reiss to district court.

25-Jun-2008:...Appeals court confirms KCC jurisdiction and thereby upholds orders requiring Reiss to respond to data requests.

17-Jul-2008:...Data requests answered in part, but additional discovery required.

15-Aug-2008:...Additional data requests sent to Mr. Reiss.

25-Aug-2008:...Replies to discovery received. Staff determines additional data requests may be needed.

# HOUSE BILL No. 2126

By Committee on Energy and Utilities

1-28

9 AN ACT concerning telecommunications; relating to providing caller lo-  
10 cation in emergency situations.

11

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

13 Section 1. ~~[A]~~ telecommunications carrier shall provide call location  
14 information concerning the user of a telecommunications service, includ-  
15 ing a wireless telecommunications service, to [

16 ~~(a) A public safety answering point, emergency medical service pro-  
17 vider or emergency dispatch provider, public safety, fire service, law en-  
18 forcement official, hospital emergency or trauma care facility in order to  
19 respond to the user's call for emergency services;~~

20 ~~(b) the user's legal guardian or members of the user's immediate  
21 family in an emergency situation that involves the risk of death or serious  
22 physical harm; or~~

23 ~~(c) providers of information or database management services solely  
24 for purposes of assisting in the delivery of emergency services in response  
25 to an emergency;~~

26 Sec. 2. This act shall take effect and be in force from and after its  
27 publication in the statute book.

(a) Upon request, a

a law enforcement official or agency in order to respond to a call for emergency service by a subscriber, customer or user of such service, or to provide caller location information (or do a ping locate) in an emergency situation that involves danger of death or serious physical injury to any person where disclosure of communications relating to the emergency is required without delay.

(b) No cause of action shall lie in any court against any telecommunications carrier or telecommunications service, or its officers, employees, agents or other specified persons, for providing any information, facilities or assistance to a law enforcement official or agency in accordance with the terms of this section

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ATTACHMENT 6