

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on March 19, 2009, in Room 545-N of the Capitol.

All members were present.

Committee staff present:

Mike Corrigan, Office of the Revisor of Statutes
Melissa Doeblin, Office of the Revisor of Statutes
Cindy Lash, Kansas Legislative Research Department
Ann McMorris, Committee Assistant

Conferees appearing before the Committee:

Others attending:

See attached list.

Chair opened for discussion and action on:

SB 217 - Retail electric suppliers act, state educational institutions authorized to enter into certain energy generation agreements.

The revisor distributed a balloon 217gl of **SB 217** with proposed changes. (Attachment 1).

The committee discussed the new language and the reasoning for confining it to Fort Hays State University. Westar and Kansas Electric Cooperatives indicated this new language did not change their stand on the bill. After considerable discussion on the issue of Federal Tax Credit and the need for a third party to make this project financially feasible, the Chair encouraged the interested parties to continue their discussion and consider the Federal Tax Credit. He reminded them that retail wheeling is a concern.

SB 284 - Third party administrator authorized for certain utilities energy efficiency and conservation programs.

From the concerns voiced in the hearing on **SB 284**, the Chair suggested the committee take action by writing a letter to the LCC asking that this topic be studied during the interim by a Joint Committee of Energy and Utilities. Committee concurred.

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

Senator Bruce had been assigned to provide language for **HB 2126** that would cover the concerns the committee had expressed. Bruce noted the intent of the new language was to clarify the purpose of this bill. A balloon of **HB 2126** was distributed. (Attachment 2)

Bruce indicated additional changes that should be included in the new language (1) indicate wireless telecommunications only, and (2) distribution of information on a timely basis as well as quarterly.

Chair suggested that **HB 2126** be named the "Kelsey Smith Act" and that **Substitute for SB 48** be rolled into **HB 2126**.

Moved by Senator Reitz, seconded by Senator Brownlee, the balloon of **HB 2126** be adopted with the proposed changes: in (a) delete the words " a telecommunications carrier, including"; in (b)(c)(d) add the word wireless before the word " telecommunications"; and in (d)(2) add after basis "or when changes occur". Motion carried.

Senator Taddiken asked that the minutes reflect the Committee's intent that wireless companies not be penalized if they cannot locate the phone.

Moved by Senator Petersen, seconded by Senator Reitz, **HB 2126** be called the Kelsey Smith Act. Motion carried.

CONTINUATION SHEET

Minutes of the Senate Utilities Committee at 1:30 p.m. on March 19, 2009, in Room 545-N of the Capitol.

Moved by Senator Bruce, seconded by Senator Brownlee, **Substitute for SB 48** be rolled into **HB 2126**. Motion carried.

Moved by Senator Brownlee, seconded by Senator Bruce, **HB 2126** be passed out favorably as amended as a substitute bill. Motion carried.

The Committee directed the Revisor to set the effective date for the bill as “upon publication in the Kansas Register”.

HB 2115 - Repealing K.S.A. 21-4211, criminal penalty for refusing access to a telephone line for emergency purposes

Moved by Senator Taddiken, seconded by Senator Reitz, **Substitute for SB 58** be rolled into **HB 2115**. Motion carried.

(Note: See addendum at the end of the minutes to complete the action on **HB 2115**.)

Approval of Minutes

Moved by Senator Bruce, seconded by Senator Taddiken, to approve the minutes of the meetings of the Senate Utilities Committee held on March 11, 2009, March 12, 2009, March 16, 2009 and March 17, 2009.

Motion carried

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Ann McMorris
Committee Assistant

Attachments - 2

ADDENDUM

The Senate Utilities Committee met at the rail at 3:15 p.m. on March 19, 2009 to complete action on **HB 2115**.

Moved by Senator Reitz, seconded by Senator Petersen, **HB 2115** be moved out favorably as amended as a substitute bill. Motion carried.

GUEST LIST
SENATE UTILITIES COMMITTEE
MARCH 19, 2009

<u>NAME</u>	<u>COMPANY</u>
Mark Schreiber	Westar
DAN JACOBSEN	AT&T
Sherrone Jones-Sontag	AAMS
LOW STANTON	NORTHERN NATURAL GAS CO
Bill Sneed	ATT
Debra Frickaux	FHSU
Todd Powell	FHSU
Nick Jordan	Capitol Strategier
Ligh Keck	Hein Law Firm
ERIK SARTORIUS	City of Overland Park
Nike Reed	Sprint
Mary Petty	KCC
Mick Urban	ONEOK
Scott Jones	KCPK
Dave Hethaus	KCC
Kari Presley	Kearney & Assoc.
Harly Bell	MIDWEST ENERGY
Tom DAY	KCC
Don Low	KCC

SENATE BILL No. 217

By Committee on Utilities

2-5

Proposed Balloon Amendment

Senate Utilities Committee March 19, 2009 Attachment 1-1

9 AN ACT concerning electricity; relating to retail electric service and sta-
10 tion power; concerning state educational institutions authority to enter
11 into certain agreements concerning energy generation; amending
12 K.S.A. 66-1,170, 66-1,171, 66-1,172 and 66-1,175 and repealing the
13 existing sections.

14
15 Be it enacted by the Legislature of the State of Kansas:

16 Section 1. K.S.A. 66-1,170 is hereby amended to read as follows: 66-
17 1,170. As used in this act:

18 (a) "Distribution line" means an electric line used to furnish retail
19 electric service, including any line from a distribution substation to an
20 electric consuming facility; but such term does not include a transmission
21 facility used for the bulk transfer of energy even if such energy is reduced
22 in voltage and used as station power.

23 (b) "Electric consuming facility" means any entity which utilizes elec-
24 tric energy from a central station service.

25 (c) "Commission" means the state corporation commission of the
26 state of Kansas.

27 (d) "Retail electric supplier" means any person, firm, corporation,
28 municipality, association or cooperative corporation engaged in the fur-
29 nishing of retail electric service. Retail electric supplier shall not include
30 any person, firm, corporation, municipality, association or cooperative
31 corporation that furnishes wind-generated electricity only to a state ed-
32 ucational institution, pursuant to an agreement with such institution, ap-
33 proved by the Kansas board of regents in accordance with the provisions
34 of subsection (b) of K.S.A. 66-1,172, and amendments thereto, under
35 which the institution shall purchase or otherwise obtain wind-generated
36 electricity produced on property owned by such institution to supply
37 power to the campus of such institution for its operations.

Fort Hays state university

38 (e) "Certified territory" means an electric service territory certified
39 to a retail electric supplier pursuant to this act.

40 (f) "Existing distribution line" means a distribution line which is in
41 existence on the effective date of this act, and which is being or has been
42 used as such.

43 (g) "Single certified service territory" means that service area in

1-2

1 which only one retail electric supplier has been granted a service certifi-
2 cate by the commission.

3 (h) "Dual certified service territory" means that service area where
4 more than one retail electric supplier has been granted a service certifi-
5 cate by the commission.

6 (i) "Station power" means electric energy used for operating equip-
7 ment necessary for the process of generating electricity at any generating
8 plant owned by a utility or a generating plant specified in subsection (e)
9 of K.S.A. 66-104, and amendments thereto, and placed in use on or after
10 January 1, 2002, whether such electrical energy is generated at such gener-
11 ating plant or provided through the adjacent transformation and trans-
12 mission interconnect, but does not include electric energy used for heat-
13 ing, lighting, air conditioning and office needs of the buildings at a
14 generating plant site.

15 ~~(j) "State educational institution" means any state educational insti-
16 tution, as defined in K.S.A. 76-711, and amendments thereto.~~

(j) ~~(k)~~ "Wind generation facility" means an electrical generation facility
17 comprised of at least one wind turbine and accessory facilities, including,
18 but not limited to, power lines, transformers, substations and meteorolog-
19 ical towers that operate by converting the kinetic energy of wind into
20 electrical energy.

(k) ~~(l)~~ "Wind-generated electricity" means electricity generated by a
21 wind generation facility.

, that is eligible for the federal production tax credit

22 Sec. 2. K.S.A. 66-1,171 is hereby amended to read as follows: 66-
23 1,171. It is hereby declared to be the public policy of this state to: (a)
24 Encourage the orderly development of retail electric service;

25 (b) avoid wasteful duplication of facilities for the distribution of
26 electricity;

27 (c) avoid unnecessary encumbrance of the landscape of the state;

28 (d) prevent waste of materials and natural resources;

29 (e) facilitate the public convenience and necessity; ~~and~~

30 (f) minimize disputes between retail electric suppliers which may re-
31 sult in inconvenience, diminished efficiency and higher costs in serving
32 the consumer; and

33 (g) encourage the energy independence and efficiency of ~~state edu-
34 cational institutions~~, including the examination and implementation of
35 policies, the long-term purpose of which is to stabilize or reduce such
36 institution's energy costs and to allow such institution to purchase for its
37 own use electricity produced from wind generation facilities located on
38 property owned by the institution.

Fort Hays state university

39 In pursuing such public policy, it is the purpose of this act to provide
40 for the division of the state into territories within which retail electric
41 suppliers are to provide the retail electric service as provided in this act.
42
43

1 Sec. 3. K.S.A. 66-1,172 is hereby amended to read as follows: 66-
 2 1,172. (a) Subject to the provisions of this act, the corporation commission
 3 shall cause the state to be divided into electric service territories. Within
 4 each such territory, only one retail electric supplier shall provide retail
 5 electric service, and any such territory established for a retail electric
 6 supplier pursuant to this section shall be certified to such retail electric
 7 supplier by the commission and such area shall be provided retail electric
 8 service exclusively by such supplier. Each retail electric supplier shall
 9 continue to have the right to serve all customers being served by it on
 10 the effective date of this act, except that such suppliers, by agreement
 11 approved by the commission, may otherwise provide for electric service
 12 to such customers.

13 (b) ~~Nothing in this section shall preclude a state education institution~~
 14 ~~from entering into an agreement with any person, firm, corporation, mu-~~
 15 ~~nicipality, association or cooperative corporation in which the state ed-~~
 16 ~~ucational institution purchases or obtains wind-generated electricity pro-~~
 17 ~~duced from wind generation facilities located on property owned by such~~
 18 ~~state educational institution, except that the state board of regents shall~~
 19 ~~not approve such agreement unless such board reviews the agreement and~~
 20 ~~passes a resolution including a finding that such agreement shall have the~~
 21 ~~long-term effect of stabilizing or reducing such institution's annual elec-~~
 22 ~~tricity expenses.~~

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findings

and that such provider of wind-generated electricity is eligible for the federal production tax credit for such wind-generated electricity

23 Sec. 4. K.S.A. 66-1,175 is hereby amended to read as follows: 66-
 24 1,175. Notwithstanding the exclusive right of retail electric suppliers to
 25 provide service within the certified territories established pursuant to this
 26 act, ~~and subject to the exception prescribed in subsection (b) of K.S.A. 66-~~
 27 ~~1,172, and amendments thereto, for wind generation facilities located on~~
 28 ~~property owned by state educational institutions,~~ a retail electric supplier
 29 may enter into an agreement with another retail electric supplier for the
 30 establishment of boundaries between territories other than the bounda-
 31 ries established pursuant to this act or providing electric service to electric
 32 consuming facilities as between such retail electric suppliers. Any agree-
 33 ment entered into pursuant to this section shall be subject to approval by
 34 the corporation commission. If so approved, the commission shall issue
 35 certificates accordingly.

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36 Sec. 5. K.S.A. 66-1,170, 66-1,171, 66-1,172 and 66-1,175 are hereby
 37 repealed.

38 Sec. 6. This act shall take effect and be in force from and after its
 39 publication in the statute book.

HOUSE BILL No. 2126

By Committee on Energy and Utilities

1-28

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

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

14 Section 1. ~~A (a) Upon request, a telecommunications carrier shall~~
15 provide call location information concerning the user of a telecommuni-
16 cations service, including a wireless telecommunications service, to:

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

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

24 (c) providers of information or database management services solely
25 for purposes of assisting in the delivery of emergency services in response
26 to an emergency. ~~a law enforcement official or agency in order to~~
27 ~~respond to a call for emergency service by a subscriber, customer~~
28 ~~or user of such service, or to provide caller location information~~
29 ~~by using a ping locate, in an emergency situation that involves~~
30 ~~danger of death or serious physical injury to any person where~~
31 ~~disclosure of communications relating to the emergency is re-~~
32 ~~quired without delay.~~

33 (b) ~~No cause of action shall lie in any court against any tele-~~
34 ~~communications carrier or telecommunications service, or its of-~~
35 ~~ficers, employees, agents or other specified persons, for providing~~
36 ~~any information, facilities or assistance to a law enforcement offi-~~
37 ~~cial or agency in accordance with the terms of this section.~~

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

(a) Upon request of a law enforcement agency, a telecommunications carrier, including a wireless telecommunications carrier, shall provide call location information concerning the telecommunications device of the user to the requesting law enforcement agency in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm.

(b) Notwithstanding any other provision of law to the contrary, nothing in this section prohibits a telecommunications carrier from establishing protocols by which the carrier could voluntarily disclose call location information.

(c) No cause of action shall lie in any court against any telecommunications carrier, its officers, employees, agents or other specified persons for providing call location information while acting in good faith and in accordance with the provisions of this section.

(d) (1) The Kansas bureau of investigation shall obtain contact information for all telecommunications carriers authorized to do business in state of Kansas or submitting to the jurisdiction thereof in order to facilitate a request from a law enforcement agency for call location information in accordance with this section.

(2) The Kansas bureau of investigation shall disseminate the information obtained pursuant to subsection (d)(1) on a quarterly basis to all public safety answer points in the state.

(e) Rules and regulations shall be promulgated by the director of the Kansas bureau of investigation to fulfill the requirements of this section no later than July 1, 2010.

Senate Utilities Committee
March 19, 2009
Attachment 2-1