

February 14th, 2023  
SB 88 - KCC Selection Reform  
Written-only Opponent  
FROM: Zack Pistora, Kansas Sierra Club  
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TO: Senate Utilities Committee



Chairman Olson and Honorable Members of the Committee,

Thank you for the opportunity to submit testimony in written opposition to SB 88, which would provide for the statewide election of commissioners of the Kansas Corporation Commission (KCC) and merges the Utilities Division into the Attorney General's office.

**While we appreciate the intention to draw more public interest toward popular energy-related regulatory issues, we fear that SB 88 will result in a more politicized and less productive situation for our energy regulator. Thus, we oppose SB 88.**

The Kansas Chapter of Sierra Club, which is a statewide, nonpartisan, grassroots environmental organization with nearly 5000 members, has engaged in the policy discussion of energy for decades. We have intervened in several KCC proceedings in recent years to highlight our opportunity to lower electric rates with clean energy solutions. Throughout our experience with the KCC, we have undoubtedly arrived at frustrating outcomes with decisions, perspectives, and processes with both Commissioners and Staff. Yet, regardless of any disagreements, we still appreciate and respect the KCC and its mission to serve the people of Kansas.

**The Sierra Club does not think there are inherent flaws in the nomination process of commissioners, nor that commissioners or the Utilities Division are somehow compromised by being housed within the same agency or building.**

We feel there is a benefit of having the opportunity for information-sharing between KCC Staff and Commissioners, even with the expectation that KCC Commissioners offer independent decision-making and evaluation of all stakeholder perspectives. While ten states have opted for the election of their public service commissions (PSC), the Kansas process is consistent with most states. Practically, our current system has worked for our state for about 100 years. Because the Governor nominee for the KCC is approved by the Kansas Senate, there is an important checks and balance feature baked in. The KCC also provides for political balance, as no more there can be no more than 2 commissioners of the same political party. In terms of process and public engagement, the Kansas Corporation Commission has arguably become more interactive and transparent than ever, as meetings and workshops have been made accessible virtually with matters being featured in both real-time and recorded videos on YouTube.

**If SB 88 were to go into effect, Kansas could expect major amounts of political spending (including by entities outside of Kansas) toward the commissioner candidates.**

We know how much money can get poured into elections nowadays; the KCC under SB 88 could cause our regulatory agency to be vulnerable to loaded financial influence and perhaps narrowed interests than that of Kansans as a whole. Last year in Louisiana, one super PAC raised over one million dollars for a commission race. In 2020, a popular vote in New Mexico switched their state PSC to a governor-appointed system.

**Finally, SB 88 doesn't guarantee any different outcomes in terms of policy.**

Even with changing the commissioner selection process and the supervision of the Utilities Division staff, there is no guarantee that there will be any difference in policy outcomes. As such, SB 88 promises more risk than reward. If the Legislature is sentimental to creating change upon energy policy at the KCC, we'd suggest that prescriptive policy solutions will be better in achieving the desired improvements.

Thank you for your consideration and we urge you to oppose SB 88.

**Zack Pistora | Legislative Director and State Lobbyist, Kansas Chapter of Sierra Club**

*The Sierra Club is the largest grassroots environmental organization dedicated to enjoying, exploring, and protecting our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for nearly fifty years.*