

As Amended by House Committee

Session of 2012

HOUSE BILL No. 2436

By Joint Committee on Energy and Environmental Policy

1-11

1 AN ACT concerning public utilities; relating to the issuance of a certificate
2 of public convenience; amending K.S.A. 66-131 and repealing the
3 existing section.
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 66-131 is hereby amended to read as follows: 66-
7 131. **(a)** No common carrier or public utility, including that portion of
8 any municipally owned utility defined as a public utility by K.S.A. 66-104,
9 *and amendments thereto*, governed by the provisions of this act shall
10 transact business in the state of Kansas until it shall have obtained a
11 certificate from the corporation commission that public convenience will
12 be promoted by the transaction of said business and permitting said
13 applicants to transact the business of a common carrier or public utility in
14 this state. In no event shall such jurisdiction authorize the corporation
15 commission to review, consider or effect the facilities or rates charged for
16 services or in any way the operation of such municipally owned or
17 operated electric or gas utility within the corporate limits or outside but
18 within three (3) miles of the corporate limits of any city, or facilities, or
19 rates charged for services or in any way the operation of facilities or their
20 replacements now owned by any such utility ~~except as provided in K.S.A.~~
21 ~~66-131a.~~ No prescribed rates, orders or other regulatory supervision of the
22 corporation commission shall be contrary to any lawful provision of any
23 revenue bond ordinance authorizing the issuance of revenue bonds to
24 finance all or any part of the municipally owned or operated electric or gas
25 utility so subjected to the jurisdiction of the corporation commission. This
26 section shall not apply to any common carrier or public utility governed by
27 the provisions of this act now transacting business in this state, nor shall
28 this section apply to the facilities and operations of any municipally owned
29 or operated utility supplying electricity or gas outside of the corporate
30 limits of any municipality where such facilities and operations are in
31 existence on the effective date of this act, but any extension of such
32 facilities or any new facilities located outside of and more than three (3)
33 miles from the municipality's corporate limits, shall be subject to the
34 requirements of this section, nor shall this section apply to any municipally
35 owned or operated electric or gas utility furnishing electricity or gas to a
36 facility owned or jointly owned by such municipality and located outside

1 the corporate limits of such municipality.

2 (b) *The commission shall issue a decision on a common carrier or*
3 **public utility's application for a certificate of public convenience within**
4 *180 days of receiving the application. Nothing in this subsection shall*
5 **preclude an applicant and the commission from agreeing to a waiver**
6 **or an extension of the 180-day period.**

7 Sec. 2. K.S.A. 66-131 is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its
9 publication in the statute book.

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