

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Utilities and Telecommunications** recommends **HB 2201** be amended on page 4, following line 28, by inserting:

"Sec. 4. K.S.A. 66-1,191 is hereby amended to read as follows: 66-1,191. The commission, upon its own initiative, may investigate all rates, joint rates, tolls, charges and exactions, classifications or schedules of rates or joint rates and rules and regulations of telecommunications public utilities over which the commission has control. If after full hearing and investigation the commission finds that such rates, joint rates, tolls, charges or exactions, classifications or schedules of rates or joint rates or rules and regulations are unjust, unreasonable, unjustly discriminatory or unduly preferential, the commission shall have the power to fix and order substituted therefor such rates, tolls, charges, exactions, classifications or schedules of rates or joint rates and such rules and regulations as are just and reasonable.

If upon any investigation it is found that any regulation, measurement, practice, act or service complained of is unjust, unreasonable, unreasonably inefficient or insufficient, unduly preferential, unjustly discriminatory, or otherwise in violation of this act or of the orders of the commission, or if it is found that any service is inadequate or that any reasonable service cannot be obtained, the commission may substitute therefor such other regulations, measurements, practices, service or acts, and make such order respecting any such changes in such regulations, measurements, practices, service or acts as are just and reasonable. When, in the judgment of the commission, public necessity and convenience require, the commission may establish just and reasonable concentration or other special rates, charges or privileges, but all such rates, charges

and privileges shall be open to all users of a like kind of service under similar circumstances and conditions. Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act, unless, in the case of a general investigation, for good cause, the commission orders otherwise.

Sec. 5. K.S.A. 66-1,195 is hereby amended to read as follows: 66-1,195. The commission shall have general supervision of all telecommunications public utilities ~~doing business in this state~~ over which the commission has control and shall inquire into any neglect or violations of the laws of this state by any such telecommunications public utility or by the officers, agents or employees thereof. From time to time, the commission shall carefully examine and inspect the condition of each such telecommunications public utility, its equipment, the manner of its conduct and its management with reference to the public safety and convenience. Nothing in this section shall be construed as relieving any telecommunications public utility from its responsibility or liability for damage to person or property.";

And by redesignating the remaining sections accordingly;

On page 8, in line 38, after "revenue" by inserting ", except such revenue recovered from another support mechanism,";

On page 20, in line 35, by striking the second "and"; in line 37, by striking "unless specifically prohibited"; in line 38, by striking "by state law";

On page 21, in line 8, by striking the second "and"; in line 10, following "thereto" by inserting ";

(E) assess costs and expenses pursuant to K.S.A. 66-1501 et seq., and amendments thereto, but the commission shall not use this authority to regulate telecommunications carriers or electing carriers beyond the jurisdiction provided the commission in this subsection; and

(F) request information from telecommunications carriers and electing carriers pursuant to

K.A.R. 82-1-234a(b) and subject to the provisions of K.A.R. 82-1-221a and K.S.A. 66-1220a, and amendments thereto, but the commission shall not use this authority to regulate telecommunications carriers or electing carriers beyond the jurisdiction provided the commission in this subsection";

On page 24, in line 14, by striking "(q)(B)" and inserting "(q)(1)(B)"; in line 15, by striking the first comma and inserting "or"; also in line 15, by striking "or (E)";

On page 25, in line 23, by striking "qualified telecommunications carrier, telecommunications"; in line 24, by striking "public utility or wireless telecommunications service provider" and inserting "local exchange carrier"; in line 28, by striking "qualified telecommunications"; by striking all in line 29; in line 30, by striking "service provider" and inserting "local exchange carrier"; in line 32, by striking "qualifying utility, provider or"; in line 33, by striking "a qualified"; in line 34, by striking "utility,"; also in line 34, by striking "or provider";

On page 26, in line 9, by striking "The"; in line 10, by striking "commission shall continue,"; also in line 10, by striking "to determine"; by striking all in lines 11 through 13; in line 14, by striking "procedures in effect on January 1, 2013."; in line 16, after "subsection." by inserting "Nothing in this subsection shall prohibit the commission from conducting a general investigation regarding effects of federal universal service reform on KUSF support and the telecommunications public policy of the state of Kansas as expressed in K.S.A. 66-2001, and amendments thereto. The commission may present any findings and recommendations to the telecommunications study committee established in section 1, and amendments thereto.";

On page 29, in line 22, after "66-1,188," by inserting "66-1,191, 66-1,195,";

On page 1, in the title, in line 4, after "66-1,188," by inserting "66-1,191, 66-1,195,"; and the bill be passed as amended.

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Chairperson