

HOUSE BILL No. 2487

By Committee on Utilities and Telecommunications

1-23

1 AN ACT concerning utilities; relating to the state corporation commission;
2 concerning the issuance of certificates of public convenience and
3 necessity; amending K.S.A. 2013 Supp. 66-131 and repealing the
4 existing section.
5

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

7 Section 1. K.S.A. 2013 Supp. 66-131 is hereby amended to read as
8 follows: 66-131. (a) No *person or entity seeking to construct electric*
9 *transmission lines as defined in K.S.A. 66-1,177, and amendments thereto,*
10 *or common carrier or public utility, including that portion of any*
11 *municipally owned utility defined as a public utility by K.S.A. 66-104,*
12 *and amendments thereto,* governed by the provisions of this act shall
13 transact business in the state of Kansas until it shall have obtained a
14 certificate from the corporation commission that public convenience will
15 be promoted by the transaction of said business and permitting said
16 applicants to transact the business of a common carrier or public utility in
17 this state. In no event shall such jurisdiction authorize the corporation
18 commission to review, consider or effect the facilities or rates charged for
19 services or in any way the operation of such municipally owned or
20 operated electric or gas utility within the corporate limits or outside but
21 within three miles of the corporate limits of any city, or facilities, or rates
22 charged for services or in any way the operation of facilities or their
23 replacements now owned by any such utility. No prescribed rates, orders
24 or other regulatory supervision of the corporation commission shall be
25 contrary to any lawful provision of any revenue bond ordinance
26 authorizing the issuance of revenue bonds to finance all or any part of the
27 municipally owned or operated electric or gas utility so subjected to the
28 jurisdiction of the corporation commission. This section shall not apply to
29 any common carrier or public utility governed by the provisions of this act
30 now transacting business in this state, nor shall this section apply to the
31 facilities and operations of any municipally owned or operated utility
32 supplying electricity or gas outside of the corporate limits of any
33 municipality where such facilities and operations are in existence on the
34 effective date of this act, but any extension of such facilities or any new
35 facilities located outside of and more than three miles from the
36 municipality's corporate limits, shall be subject to the requirements of this

1 section, nor shall this section apply to any municipally owned or operated
2 electric or gas utility furnishing electricity or gas to a facility owned or
3 jointly owned by such municipality and located outside the corporate
4 limits of such municipality.

5 (b) The commission shall issue a decision on a common carrier or
6 public utility's application for a certificate of public convenience *and*
7 *necessity* within 180 days of receiving the application. Nothing in this
8 subsection shall preclude an applicant and the commission from agreeing
9 to a waiver or an extension of the 180-day period. *Applications for*
10 *commission approval of mergers, acquisitions or transmission-only*
11 *certificates of public convenience and necessity shall not be subject to this*
12 *subsection.*

13 Sec. 2. K.S.A. 2013 Supp. 66-131 is hereby repealed.

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