

Testimony on HB 2461 before the  
Senate Utilities Committee By  
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Chairman Emler and members of the committee, I am Richard Good, director disaster recovery/infrastructure security for Westar Energy. My testimony is supported by the Kansas Electric Cooperatives, Midwest Energy, Aquila, Empire District Electric Company, Kansas Municipal Utilities (KMU), the Kansas Corporation Commission (KCC) and the Kansas Motor Carriers Association.

Hours of Service (HOS) regulations have been in effect for many years. In October 2003, Kansas adopted the federal Department of Transportation (DOT) regulations. The unintended consequence of this law and the succeeding regulations is that it captured utility service vehicle drivers. The current transportation bill in Congress contains an exemption for utility service vehicle drivers. This bill just passed the House last week. Until we get the exemption, utility service vehicle drivers must comply with the federal DOT regulations or face penalties. Utilities, such as Westar Energy, are regulated by the KCC and have an obligation to serve every customer without discrimination 24 hours a day, seven days a week.

Between the co-ops, Westar and the other utilities, we serve some remote areas of the state. Our service centers are strategically located, but even then outages occur in areas to which it may take some time to respond. For instance, our service center in Eureka, serves the south part of Greenwood County. That crew may be responding to an outage in Eureka. Meanwhile, an outage occurs at 10 p.m. in Fall River, and the backup crew is in Emporia. Depending on weather and road conditions, it will take over one and a half hours for the crew from Emporia to respond. The outage could take several hours to work and place the crew outside the Hours of Service limits, and they still have to drive back to Emporia. Our options at this point are:

1. Request a state of disaster emergency from one of the following: a local county commission chair, the governor of Kansas, the Federal Motor Carrier Safety Administration (FMCSA) administrator in Chicago or the President of the United States, or;
2. Have the crew stop restoration efforts and return to Emporia, while a second crew is sent from Emporia to continue the restoration work. This assumes a second crew has met their rest period.

Through discussions with the Kansas Division of Emergency Management (KDEM), the Kansas Highway Patrol, the KCC and several county emergency managers, the initial consensus had been if the number of counties involved were less than 6, the utilities would request the emergency from each individual county commission chairperson. If 6 or more counties were involved, the utility would make their request through the 24/7

KDEM notification number. However, in practice this guidance did not work as well as planned. Since the guidance was distributed by KDEM, there have been at least 5 instances where a Kansas utility had contacted a local county emergency manager to request an emergency declaration to be exempted from the HOS limits and been denied or questioned extensively to the point where management of the utility needed to be called. Two of those instances were for gas leaks at a single family residence. It is not fair to say these types of events are emergencies in the classic sense of the ice storm we had in January in Wichita or the tornado in Pittsburg last year. However, when you are on life support and a power outage occurs, an emergency exists for you. The only time-efficient way to serve our customers as we are obligated by the KCC to do is to request an emergency be declared via a one-call system. In this way we can continue to work to get service restored quickly regardless if it's one person or one thousand.

House Bill 2461 addresses the need of the utilities to have a single 24/7 number to call to request the emergency declaration. The logical group to provide this service is KDEM. They have the system in place. It's been used consistently for many years. We have used it for large-scale declaration requests and it works very well. Their personnel are skilled in the process and provide quick response. This system prevents a utility from tracking down the local emergency manager or his/her backup. All we want to be able to do is to be sure the residents of Kansas have their power restored as quickly as possible while adhering to federal and state regulations. A one-call system is the best way to accomplish this.

As mentioned at the start, the 30 cooperatives of the Kansas Electric Cooperatives, the 97 members of KMU, Midwest Energy, Aquila, Empire District Electric, the KCC, the many members of the Kansas Motor Carriers Association and my company, Westar Energy strongly support House Bill 2461 and urge the committee to pass it out favorably. The spring storm season is only a few weeks away and having this system in place will provide consistency for our dispatchers and quick response to Kansas residents.

Thank you for the opportunity to address you this morning. I will be glad to stand for questions at the appropriate time.