

Kansas House Energy, Utilities and Telecommunications Committee
Testimony of Citizens' Utility Ratepayer Board
Written Testimony (Only)
Proponent of HB 2321
February 18, 2021

Mr. Chairman and members of the House Energy, Utilities and Telecommunications Committee. My name is David Nickel. I am the Consumer Counsel for the Citizens' Utility Ratepayer Board (CURB). I am furnishing testimony as a proponent of House Bill (HB) 2321.

HB 2321 provides that the governing body of any city having a population of 300,000 or more shall have zoning and siting authority over urban electric transmission lines, as defined in the House Bill, located in that city. Before any utility (as defined in K.S.A. 66-101a) may begin construction of an urban electric transmission line, the utility must provide the infrastructure planning authority of the city with the preliminary construction plans of the urban electric transmission lines, showing among other things, the locations and dimensions of all poles and supporting facilities. The utility must provide the preliminary construction plans at least six months prior to the date when the utility anticipates beginning construction of the urban electric transmission lines; and the utility must have obtained all necessary work permits required by the city for construction work in public rights-of-way. HB 2321 defines urban electric transmission lines as any line or extension of a line spanning a distance of 2 ½ miles or more in the corporate limits of a city having a population of 300,000 or more and being designed to transmit at least 69 Kilovolts but less than 230 kilovolts of electricity.

HB 2321 sprung out of the well-publicized problems associated with the construction of an urban electric transmission line (as defined in the House Bill) consisting of 105 foot tall steel power poles and other equipment through a neighborhood in Wichita, Kansas, with very small houses and lots. Critics of the urban electric transmission line pointed out that these poles damaged their property values significantly. In some cases, these poles were located very close to the houses in the affected neighborhood.

Importantly, Wichita, Kansas is not the only location where city aesthetics have been adversely affected by electric transmission poles and lines traversing the cities' corporate boundaries. Smartcitiesdive, which is an electronic news source, noted that residents of many cities are concerned with the negative effect that 5G towers have on the aesthetics of their homes and their property values. The Wall Street Journal reported that many cities are attempting to keep 5G towers from being constructed in residential areas through ordinances, citing health concerns. Admittedly, HB 2321 addresses urban electric transmission lines and not 5G towers. However, the concerns are the same. Matters that significantly affect residential property values should be subject to the zoning authority of the cities affected.

Interestingly, in a report published in the 1960s pertaining to electric power poles in Pima County, Arizona, concern was expressed that the wires and poles of utility systems— electricity,

cable TV, telephone, and public lighting—bring a tremendous clutter to the public right-of-way. The report shows that we have recognized this issue for decades. HB 2321 addresses it. The location of electric power poles, as affecting the health of city residents and the aesthetics and property values of the city should be a concern of local governance. Cities should have the authority to effectively deal with the issues to ensure fairness for all stakeholders. In fact, many cities have undertaken to evaluate and deal with these issues through zoning ordinances and decisions.

CURB believes that HB 2321 places with the appropriate governing body the pertinent residential concerns regarding urban electric transmission lines. To CURB, economics cannot justify ignoring aesthetics and the effect of large metal power poles in residential neighborhoods. Utilities should take into account how homeowners and citizens are affected by their construction plans and how adverse effects can be mitigated. The proper place to resolve these issues is the planning authority of the affected cities. CURB does have a concern that this bill should not be interpreted so as to impede the ability of zoning boards of cities to deal with the location of electric utility poles under existing laws, due to the fact that the cities do not have populations of at least 300,000. CURB does not read HB 2321 in such a manner, but CURB would support a clarification if the Kansas Legislature deems one beneficial. Therefore, CURB supports HB 2321.