



Senate Committee on Utilities

Testimony in Support of HB 2367 – KCC Oversight of Generation Lead/Tie Lines March 16, 2021

**Provided by Leslie Kaufman, V. P. Government Relations and Legal Counsel
Kansas Electric Cooperatives, Inc.**

Testimony offered on behalf of Kansas Electric Cooperatives, Inc. (KEC), Sunflower Electric Power Corporation (Sunflower), Pioneer Electric Cooperative, Inc. (Pioneer), and Kansas Electric Power Cooperative, Inc. (KEPCo)

Chairman Thompson, Vice Chair Petersen, Ranking Member Francisco and members of the Senate Committee on Utilities, thank you for the opportunity to offer our support for HB 2367. We believe this legislation is needed to ensure ongoing public safety in the operation of electric transmission lines not owned or operated by a public utility. I am Leslie Kaufman, Vice President of Government Relations and Legal Counsel, for Kansas Electric Cooperatives, Inc. (KEC), I am also appearing today on behalf of Sunflower Electric Power Corporation (Sunflower), Pioneer Electric Cooperative, Inc. and Kansas Electric Power Cooperative, Inc. (KEPCo).

Public utilities, including cooperatives, have the responsibility to maintain and operate facilities in a safe manner that delivers reliable power to our customers. Like all public utilities, cooperatives take that responsibility seriously.

In 2018, an electric power line, operated by a non-cooperative entity, was downed during a storm. Approximately 19 hours later, the owner/operator still had not responded and a fatality occurred when a vehicle contacted the non-energized line. That unfortunate event demonstrated that greater oversight by the Kansas Corporation Commission (KCC) is warranted for lines owned/operated by non-public utilities. This is particularly so in terms of construction standards, maintenance requirements and emergency response of what are often termed generation tie or lead lines.

For cooperatives, safety of the public, our members and our employees is always our No. 1 priority and concern. Public utilities serving Kansas customers can readily deploy staff or contractors to respond to emergency situations. We should expect no less from those entities running generation lead lines across our state. Pioneer, Sunflower, and KEPCO, like many other cooperatives, have a special interest in assuring owners/operators of generation tie lines can be reached in an emergency and respond quickly to situations as they often cross our own co-op lines, sometimes in multiple places.

We believe HB 2367 allows the KCC to bring generator tie/lead lines at a voltage of 34.5 kV and greater under the KCC wiring stringing rules requiring that the owners of such lines design and construct their transmission lines in accordance with National Electric Safety Code (NESC) clearance and loading requirements. We support this important provision, and it is a good start.

Unfortunately, the bill does not fully address the concern of ensuring a timely response to operational and/or safety emergencies by non-public utility generation tie line owners/operators. Therefore, we suggest that there also be a process established for the KCC to verify how the owner/operator of a generator lead line will respond to emergencies, including coordination with other affected public utilities, local emergency management and law enforcement. This is too important of an element to simply leave to negotiation between parties.

Additionally, we note that for the safety outcomes to be fully maximized under the statutory changes proposed in HB 2367, non-public utility generation tie lines (and their owners or operators) must fall fully within the Kansas Administrative Regulations on wire stringing imposing NESC requirements, in particular, the requirements that "lines and equipment shall be inspected at such intervals as experience has shown to be necessary" (NESC 214A 2) and NESC general duty provisions.

We thank you again for the opportunity to share our support for the bill and offer suggestions for improving the measure. KEC, Pioneer, Sunflower, and KEPCo are certainly willing to work with other stakeholders on addressing our concerns.