

Approved: April 2, 2003
Date

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:02 a.m. on February 13, 2003 in Room 526-S of the Capitol.

All members were present except: Representative Eric Carter

Committee staff present: Mary Galligan, Legislative Research
Dennis Hodgins, Legislative Research
Mary Torrence, Revisor of Statutes
Jo Cook, Administrative Assistant

Conferees appearing before the committee:

Deborah Johnson, Geary Health Council
Kathleen Jackson, Salina Emergency Aid
Julie Govert-Walter, North Central Flint Hills Area Agency on Aging
James Olson, Community Resources Council
Shirley Bramhall, Flint Hills Breadbasket
Dave Holthaus, Kansas Electric Cooperatives
Caroline Williams, Westar Energy
Paul Lentz, Kansas Corporation Commission
Niki Christopher, Citizens' Utility Ratepayer Board
Ernest Kutzley, AARP

Others attending: See Attached List

HB 2186 - Rules and procedures for disconnecting residential customers' electric or gas utility service

Chairman Holmes opened the hearing on **HB 2186**.

Deborah Johnston, Executive Director for the Geary Health Council, testified in support of **HB 2186 (Attachment 1)**. She stated that this act provides for special payment and service disconnection procedures under certain circumstances.

Kathleen Jackson, Salina Emergency Aid, appeared in support of **HB 2186 (Attachment 2)**. Ms. Jackson stated that it was time to think outside the box and make needed changes to the cold weather rule.

Julie Govert Walter, Executive Director of the North Central-Flint Hills Area Agency on Aging, spoke in support of **HB 2186 (Attachment 3)**. She said that the provisions of the bill would allow designated agencies the opportunity to work with low-income persons who are in arrears on their utility bills.

James Olson, Executive Director for the Community Resources Council of Shawnee County, testified as a proponent of **HB 2186 (Attachment 4)**. Mr. Olson told the committee that the bill would permit a distinction between the "can't pay" and the "won't pay" customers, it encourages customer responsibility, and still allows the opportunity to enter into a new pay agreement.

Shirley Bramhall, Executive Director of the Flint Hills Breadbasket, provided testimony as a proponent of **HB 2186 (Attachment 5)**. Ms. Bramhall stated that the Cold Weather Rule has been in effect for about 20 years

and it is time to re-align it to reflect the current times and needs.

Dave Holthaus, Manager of Government Relations for Kansas Electric Cooperatives, spoke in favor of **HB 2186** (Attachment 6). Mr. Holthaus also offered a technical amendment to clarify the language as it relates to electric cooperatives.

Caroline Williams, Vice President of Customer Care for Westar Energy, addressed the committee in support of **HB 2186** (Attachment 7). Ms. Williams stated that the bill did not change anything in the Cold Weather Rule, except provide payment provisions and agency interventions.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 526-S Statehouse, at 9:02 a.m. on February 13, 2003.

Written testimony was submitted by Deb Marquess, Executive Director of the Salvation Army of Junction City, (Attachment 8) and a letter of support signed by five agency representatives (Attachment 9).

Paula Lentz, Assistant General Counsel for the Kansas Corporation Commission, testified in opposition to **HB 2186** (Attachment 10). Ms. Lentz expressed concern about what unintentional results may occur from this proposed change and that similar requests had been rejected by the Commission.

Niki Christopher, Attorney for the Citizens' Utility Ratepayer Board, offered testimony as an opponent to **HB 2186** (Attachment 11). Ms. Christopher stated that CURB was concerned about this bill because it is counter to the public interest as it removes the fundamental protections of the Cold Weather Rule. She also told the committee that the three-tier plan would be unduly difficult to comply with as more customers than ever are likely to default under this more stringent regime.

Ernest Kutzley, Associate State Director of Advocacy for AARP Kansas, appeared in opposition to **HB 2186** (Attachment 12). Mr. Kutzley stated that they oppose any legislation that would deny services to large numbers of consumers who find themselves in financial crisis or who owe modest balances, or drive consumers to unsafe heating situations.

The conferees responded to questions from the committee.

Chairman Holmes closed the hearing on **HB 2186**.

HB 2019 - State Corporation Commission prohibited from regulating high speed Internet access/broadband service

Mary Torrence, Revisor of Statutes, distributed a balloon of the bill that included all of the amendments previously adopted by the committee. Ms. Torrence then told the committee about each change. The committee, by consensus, decided to have the Revisor provide a proposed substitute bill that would include all adopted amendments.

The meeting adjourned at 10:47 a.m.

The next meeting will be Friday, February 14, 2003 at 9:00 a.m.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.