

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:05 a.m. on February 11, 2005 in Room 231-N of the Capitol.

All members were present except: Representative Bonnie Huy - Excused
Representative Annie Kuether - Excused
Representative Judy Morrison - Excused
Representative Lynne Oharah - Excused

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:
Representative Tom Sloan, Lawrence, KS
Judy Moler, Kansas Association of Counties, Topeka, KS
Tom Gleason, Kansas Rural Independent Telephone Companies, Lawrence,
KS
Jason Talley, Nuvio, Overland Park, KS

Others attending: See Attached List

HB 2050 -VoIP enhanced 911 act; application of KUSF to VoIP providers

Chairman Holmes opened the hearing on **HB 2050**.

Representative Sloan addressed the committee in support of **HB 2050 (Attachment 1)**. Representative Sloan detailed history regarding Enhanced 911 service and why this legislation is important to that structure. He told the committee that he had contacted staff at the Federal Communications Commission, seeking their input on the legislation. He stated they struggled with whether Kansas can require VoIP providers to be required to contribute to the KUSF and that they were pleased to have the opportunity to assess their policy decisions in terms of states' interests and needs.

Judy Moler, General Counsel for the Kansas Association of Counties, testified in support of **HB 2050 (Attachment 2)**. Ms. Moler stated they believe the bill is a step in the direction of keeping a level playing field, as technology advances, in 911 services.

Tom Gleason, on behalf of the Kansas Rural Independent Telephone Companies, appeared as an proponent of **HB 2050 (Attachment 3)**. Mr. Gleason stated that the bill is intended to assure compatibility between enhanced 911 emergency services and Voice over Internet Protocol (VoIP) telephone service. As VoIP is an emerging technology that may be used in many ways, it is necessary to address it's relationship to the 911 system.

Jason Talley, CEO of Nuvio Corporation, testified in opposition to **HB 2050 (Attachment 4)**. Mr. Talley stated they believe the proposed legislation threatens the innovative climate of the development of VoIP. He also told the committee that it attempts to fit VoIP into a telephone service, while it is clearly an application that depends on Internet access.

Neutral testimony was submitted in writing by Janet Buchanan, Kansas Corporation Commission.

The conferees responded to questions from the committee.

Chairman Holmes closed the hearing on **HB 2050**.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 231-N, Statehouse, at 9:05 a.m. on February 11, 2005

HB 2084 -Electric utilities; additional rate of return allowed for cost savings from fuel switching

Chairman Holmes opened the debate on **HB 2084**.

Representative Sloan distributed a balloon amendment on the bill (Attachment 5). Representative Sloan moved adoption of the balloon. Representative Krehbiel seconded the motion. The motion carried. Representative Krehbiel moved to change the words ‘the utility’s authorized rate of return’ to ‘105% of the authorized rate of return.’ Representative Miller seconded the motion. Following discussion and with approval of the second, Representative Krehbiel withdrew his motion. Representative Krehbiel moved to recommend **HB 2084**, as amended, favorable for passage. Representative Olson seconded the motion. The motion carried. Representative Miller will carry the bill.

The meeting adjourned at 10:29 a.m.

The next meeting is Monday, February 14, 2005 at 9:00 a.m.