AN ACT concerning electric public utilities; relating to the state
corporation commission; exempting retail sales of electricity through
electric vehicle charging stations from commission jurisdiction;
{relating to electric transmission lines; definitions; siting permits;}
amending K.S.A. 66-104, 66-1,177, 66-1,178, 66-1,179, 66-1,180 and
66-1,183 and repealing the existing section {sections}.

Be it enacted by the Legislature of the State of Kansas:
Section 1. K.S.A. 66-104 is hereby amended to read as follows: 66-
104. (a) The term "public utility," as used in this act, shall be construed to
mean every corporation, company, individual, association of persons, their
trustees, lessees or receivers, that now or hereafter may own, control,
operate or manage, except for private use, any equipment, plant or
generating machinery, or any part thereof, for the transmission of
telephone messages or for the transmission of telegraph messages in or
through any part of the state, or the conveyance of oil and gas through
pipelines in or through any part of the state, except pipelines less than 15
miles in length and not operated in connection with or for the general
commercial supply of gas or oil, and all companies for the production,
transmission, delivery or furnishing of heat, light, water or power. No
cooperative, cooperative society, nonprofit or mutual corporation or
association which is engaged solely in furnishing telephone service to
subscribers from one telephone line without owning or operating its own
separate central office facilities, shall be subject to the jurisdiction and
control of the commission as provided herein, except that it shall not
construct or extend its facilities across or beyond the territorial boundaries
of any telephone company or cooperative without first obtaining approval
of the commission. As used herein, the term "transmission of telephone
messages" shall include the transmission by wire or other means of any
voice, data, signals or facsimile communications, including all such
communications now in existence or as may be developed in the future.
(b) The term "public utility" shall also include that portion of every
municipally owned or operated electric or gas utility located in an area
outside of and more than three miles from the corporate limits of such
municipality, but regulation of the rates, charges and terms and conditions
of service of such utility within such area shall be subject to commission
regulation only as provided in K.S.A. 66-104f, and amendments thereto. Nothing in this act shall apply to a municipally owned or operated utility, or portion thereof, located within the corporate limits of such municipality or located outside of such corporate limits but within three miles thereof except as provided in K.S.A. 66-131a, and amendments thereto.  

(c) Except as herein provided, the power and authority to control and regulate all public utilities and common carriers situated and operated wholly or principally within any city or principally operated for the benefit of such city or its people, shall be vested exclusively in such city, subject only to the right to apply for relief to the corporation commission as provided in K.S.A. 66-133, and amendments thereto, and to the provisions of K.S.A. 66-104e, and amendments thereto. A transit system principally engaged in rendering local transportation service in and between contiguous cities in this and another state by means of street railway, trolley bus and motor bus lines, or any combination thereof, shall be deemed to be a public utility as that term is used in this act and, as such, shall be subject to the jurisdiction of the commission.

(d) The term "public utility" shall not include any activity of an otherwise jurisdictional corporation, company, individual, association of persons, their trustees, lessees or receivers as to the marketing or sale of:

(1) Compressed natural gas for end use as motor vehicle fuel; or

(2) electricity that is purchased through a retail electric supplier in the certified territory of such retail electric supplier, as such terms are defined in K.S.A. 66-1,170, and amendments thereto, for the sole purpose of the provision of electric vehicle charging service to end users.

(e) At the option of an otherwise jurisdictional entity, the term "public utility" shall not include any activity or facility of such entity as to the generation, marketing and sale of electricity generated by an electric generation facility or addition to an electric generation facility which:

(1) Is newly constructed and placed in service on or after January 1, 2001; and

(2) Is not in the rate base of: (A) An electric public utility that is subject to rate regulation by the state corporation commission; (B) any cooperative, as defined by K.S.A. 17-4603, and amendments thereto, or any nonstock member-owned cooperative corporation incorporated in this state; or (C) a municipally owned or operated electric utility.

(f) Additional generating capacity achieved through efficiency gains by refurbishing or replacing existing equipment at generating facilities placed in service before January 1, 2001, shall not qualify under subsection (e).

(g) For purposes of the authority to appropriate property through eminent domain, the term "public utility" shall not include any activity for the siting or placement of wind powered electrical generators or turbines,
including the towers.

{Sec. 2.} K.S.A. 66-1,177 is hereby amended to read as follows: 66-1,177. As used in this act, the following terms shall have the meanings ascribed to them herein:

(a) "Electric utility" means every public utility, as defined by K.S.A. 66-104, which owns, controls, operates or manages any equipment, plant or generating machinery for the production, transmission, delivery or furnishing, of electricity or electric power;

(b) "electric transmission lines" means any line or extension of a line that is at least five (5) miles in length and which is used for the bulk transfer of two hundred thirty (230) 230 kilovolts or more of electricity;

(c) "urban electric transmission line" means any line or extension of a line that is located within the corporate limits of a city and that is at least ¼ mile in length and designed for the transfer of 69 kilovolts or more of electricity; and

(d) "commission" means the state corporation commission.

Sec. 3. K.S.A. 66-1,178 is hereby amended to read as follows: 66-1,178. (a) No electric utility may begin site preparation for an electric transmission line, or exercise the right of eminent domain to acquire any interest in land in connection with the site preparation for the construction of any such line without first acquiring a siting permit from the commission.

(2) Whenever any electric utility desires to obtain such a siting permit, the utility shall file an application with the commission setting forth therein that the utility proposes to construct an electric transmission line or an urban electric transmission line and specifying:

(1)(A) The proposed location thereof;

(2)(B) the names and addresses of the landowners of record whose land or interest therein is proposed to be acquired in connection with the construction of or is located within 660 feet of the center line of the easement where the such line is proposed to be located; and

(3)(C) such other information as may be required by the commission.

(b) Upon the filing of an application pursuant to subsection (a), the commission shall fix a time for a public hearing on such application, which shall be not more than 90 days after the date the application was filed, to determine the necessity for and the reasonableness of the location of the proposed electric transmission line or urban electric transmission line. The commission shall fix the
place for hearing, which shall be in one of the counties through which the electric transmission line or in the city through which the urban electric transmission line is proposed to traverse.

(c) The commission may conduct an evidentiary hearing on an application filed pursuant to this section at such time and place as the commission deems appropriate.

(d) The commission shall issue a final order on the application within 120 days after the date the application was filed.

Sec. 4. K.S.A. 66-1,179 is hereby amended to read as follows: 66-1,179. The commission shall publish notice of the time, place and subject matter of the public hearing provided for by K.S.A. 66-1,178, and amendments thereto, in newspapers having general circulation in every county through which the electric transmission line or in the city through which the urban electric transmission line is proposed to traverse once each week for two consecutive weeks, the last publication to be not less than five days before such hearing date. The commission may order the applicant to publish such notice and submit an affidavit of publication, evidencing the dates of publication and the newspapers in which the notice appeared, to the commission prior to the hearing. Written notice by certified mail of such hearing and a copy of the application shall be served not less than 20 days prior to the hearing date upon all landowners described in subsection (a)(2) of K.S.A. 66-1,178, and amendments thereto, as shown by the application.

Sec. 5. K.S.A. 66-1,180 is hereby amended to read as follows: 66-1,180. All hearings conducted pursuant to this act shall be in accordance with the provisions of the Kansas administrative procedure act. All such hearings shall be completed within 30 days after the commencement thereof, unless the electric utility requests a continuance of any such hearing. All costs of any hearing pursuant to this act shall be taxed against the electric utility. The commission shall make its decision with respect to the necessity for and the reasonableness of the location of the proposed electric transmission line or urban electric transmission line, taking into consideration: (1) The benefit to both consumers in Kansas and consumers outside the state; and (2) the economic development benefits in Kansas; and (3) the local aesthetics, location, environment and population density. The commission shall issue or withhold the permit applied for and may condition such permit as the commission may deem just and reasonable and as may, in its judgment, best protect the rights of all interested parties and those of the general public.

Sec. 6. K.S.A. 66-1,183 is hereby amended to read as follows: 66-1,183. It shall be the duty of every electric utility which constructs an
electric transmission line or an urban electric transmission line to restore the land upon which such line is constructed to its condition which existed prior to such construction.}

Sec.-2.  {7.}  K.S.A.  66-104–is,  66-1,177,  66-1,178,  66-1,179,  66-1,180 and 66-1,183 are hereby repealed.

Sec.-3.  {8.}  This act shall take effect and be in force from and after its publication in the statute book.