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HOUSE COMMITTEE ON ENERGY, UTILITIES & TELECOMMUNICATIONS

Neutral Written Only Testimony

HB 2591 – Exempting the KCC from KOMA

Feb. 13, 2024

Presented by:

**Leslie Kaufman Vice President of Government Relations & Legal Counsel
Kansas Electric Cooperatives, Inc.**

Chairman Delperdang, Vice Chair Turner, Ranking Member Ohaebosim, and members of the House Committee on Energy, Utilities, and Telecommunications, thank you for the opportunity to submit written testimony on HB 2591 as a neutral conferee and provide comments for your consideration. I am Leslie Kaufman, Vice President of Government Relations & Legal Counsel for Kansas Electric Cooperatives, Inc. (KEC), the statewide service association for 29 member, not-for-profit cooperatives providing electric service in 103 of 105 Kansas counties.

As we understand it, this bill intends to provide additional opportunity for two or more of the Commissioners serving on the Kansas Corporation Commission (KCC) to discuss, possibly informally, matters that may come before the body without violating the Kansas Open Meetings Act (KOMA). As we read the bill, this exemption allows such communications throughout a docketed proceeding. The bill also clarifies that parties or their counsel may not engage in “ex parte communication” related to a docketed proceeding and defines the term.

If it is the intent of the legislature that commissioners be allowed to have conversations on docketed matters outside public forums, then we do agree a statutory change is needed to prevent a violation of KOMA. However, we believe this policy change should be carefully considered.

The Kansas Open Meeting Act is an important mechanism for ensuring transparency in matters before governmental bodies. Our members, although self-regulated for rate purposes, are subject to KCC jurisdiction in other areas. KOMA, as it currently exists, advances sound public policy; thus, changes which limit open government should be viewed cautiously. Additionally, we wonder if exempting the KCC from KOMA will encourage other agencies to seek the same type of exemption under KOMA. If so, at what point will we have eroded governmental transparency to the detriment of Kansans?

Thank you, again, for the opportunity to raise these considerations. If any committee members have questions regarding our testimony, please contact me at 785-260-4877.