

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Vice Chairman Pat Apple at 9:30 A.M. on February 2, 2005 in Room 526-S of the Capitol.

Committee members absent:

Committee staff present: Athena Andaya, Kansas Legislative Research Department
Raney Gilliland, Kansas Legislative Research Department
Bruce Kinzie, Revisor of Statutes' Office
Diana Lee, Revisor of Statutes' Office
Ann McMorris, Committee Secretary

Conferees appearing before the committee:

Allie Devine, Kansas Livestock Assn.
Don Low, KCC
Carl Huslig, Aquila
Charles Benjamin, Sierra Club, Kansas Chapter
Mark Schreiber, Westar
Whitney Damron, Empire District Electric Co.

Others in attendance: See attached sheet

Vice Chairman Pat Apple opened the hearing on:

S.B. 93 - Eminent domain for wind energy projects

PROPOSERS

Allie Devine, Kansas Livestock Association noted the KLA members agreed that the power of eminent domain should not be granted to utilities or wind developers to take private property for wind development. The fundamental issue is preservation of private property rights. **SB 93** is asking the legislature to withdraw the delegation of authority to the KCC to issue a certificate of convenience to utility companies which allows the power of eminent domain. (Attachment 1)

OPPOSERS

Don Low, Kansas Corporation Commission, noted the Commission opposes this legislation because it restricts utility options with regard to wind generation and it may unintentionally prevent utilities from constructing any needed electric transmission lines. (Attachment 2)

Carl Huslig, Vice President-Transmission, Aquila Networks, noted that **SB 93** is a step-back from the progress the state has made to facilitate transmission. Aquila is opposed to any legislation that would restrict or prohibit their ability to site or locate transmission facilities. (Attachment 3)

Charles Benjamin, Sierra Club, Kansas Chapter, noted their members feel that **S.B. 93** unfairly discriminates against wind produced energy and could potentially cripple wind energy development in Kansas. (Attachment 4)

Whitney Damron, Empire District Electric Company, noted that public utilities have historically had the ability to utilize the power of eminent domain when providing services for the public and **S.B. 93** would place an improper limitation on longstanding public utility authority. (Attachment 5)

Mark Schreiber, Westar (Attachment 6)

Lee Allison, Kansas Energy Center (written only) (Attachment 7)

Sandy Braden, Great Plain Energy (written only) (Attachment 8)

Chairman Emler closed the hearing on **S.B. 93**.

Adjournment.

Respectfully submitted,

Ann McMorris, Secretary

Attachments - 8