

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:10 a.m. on February 17, 2005 in Room 231-N of the Capitol.

All members were present except: Representative Judy Showalter - 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: General Tod Bunting, Adjutant General of Kansas, Topeka, KS  
Mike Murray, Sprint, Topeka, KS  
Dick Veach, Pioneer Communications, Ulysses, KS  
Eric Larsen, SBC, Chicago, IL

Others attending: See Attached List

**HB 2461 -Exemption of utility service trucks from hours of service limits in times of disaster emergencies**

Chairman Holmes welcomed General Tod Bunting, Adjutant General of Kansas, to the committee. General Bunting provided comments (Attachment 1) regarding a supplemental meeting with discussions on the volumen of calls requesting suspension of the Hours of Service provision the Division of Emergency management could expect to receive. He stated that they fully support the bill's intent and asked for continued support in determining the actual workload volume to assist in providing the service.

**HB 2462 - Persons at call centers required to disclose country where making or receiving calls**

Chairman Holmes opened the hearing on **HB 2462**.

Mike Murray, Director of Governmental Affairs for Sprint, addressed the committee in opposition to **HB 2462** (Attachment 2). Mr. Murray stated they do not see the need for such requirements as outlined in the bill and that, should each state implement such requirements, they could all be different in scope.

Chairman Holmes closed the hearing on **HB 2462**.

**HB 2463 - Cost recovery for local exchange carriers whose facilities are used to terminate calls delivered by other service providers**

Chairman Holmes opened the hearing on **HB 2463**,

Dick Veach, General Manager of Pioneer Communications, appeared in support of **HB 2463** (Attachment 3). Mr. Veach explained that, without the bill, some companies have no reason to negotiate payment for their use of the rural companies' networks. He said that Kansas consumers and companies deserve a set of rules that treat competitors fairly while encouraging freely negotiated solutions.

Eric Larsen, SBC's Director of Exchange Carrier Product Management, addressed the committee in opposition to **HB 2463** (Attachment 4). Mr. Larsen stated that the legislation does not address the underlying rate issue and shifts the billing responsibilities to a third party that has no control over the resolution of the issue.

Mike Murray, Director of Governmental Affairs - Sprint, spoke as an opponent to **HB 2463** (Attachment 5). Mr. Murray said they understood the bill to require payment by wireless telecommunications carriers to rural independent local exchange carriers who terminate call on their networks. Currently Sprint has interconnection agreements with 32 of the 36 rural independent telephone companies.

## CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 231-N, Statehouse, at 9:10 a.m. on February 17, 2005

Amy Yarkoni, Director of External Affairs for Cingular Wireless, testified in opposition to **HB 2463** (Attachment 6). Ms. Yarkoni stated the legislation contradicts FCC rules regarding reciprocal compensation and interconnection agreement negotiations

Written testimony was submitted in opposition to **HB 2463** by Dina Fisk, Verizon Wireless (Attachment 7) and Jason Talley, Nuvio Corporation (Attachment 8).

Mark Johnson, Rural Cellular Company, spoke in opposition to **HB 2463**.

The conferees responded to questions from the committee. Additionally, Mark Caplinger, Executive Manager of the state Independent Telephone Association, responded to questions.

Chairman Holmes closed the hearing on **HB 2463**.

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

Chairman Holmes opened the debate on **HB 2050**. Representative Sloan distributed a balloon for the committee's consideration (Attachment 9). Representative Sloan moved adoption of the balloon. Representative Kuether seconded the motion. The motion carried. Representative Myers moved to amend page 2 by inserting the word 'commercial' in front of 'provider.' Representative Oharah seconded the motion. Upon discussion and with the second's concur, the motion was withdrawn. Representative Sloan moved to recommend **HB 2050**, as amended, favorable for passage. Representative Svaty seconded the motion. Representative Huy moved to table **HB 2050**. Representative Carter seconded the motion to table. The motion to table prevailed.

### **HB 2046 - Regulation of local exchange carriers; broadband deployment**

Chairman Holmes opened the debate on **HB 2046**. Representative Sloan distributed a balloon for discussion (Attachment 10). Representative Sloan moved to adopt the balloon. Representative Kuether seconded the motion. The motion failed. Debate was suspended.

Chairman Holmes provided a list of bills the committee would be considering for debate the following day.

The meeting adjourned at 10:52 a.m.

The next meeting is Friday, February 18, 2005 at 9:00 a.m.