

2021 Kansas Statutes

66-1236. Same; proceedings for recovery of security expenditures, requirements; confidential documents, not subject to disclosure. (a) In adopting procedures applicable in proceedings pursuant to K.S.A. 66-1233, and amendments thereto, the state corporation commission shall provide for:

- (1) Confidentiality of information so that the amount of recovery requested, the amount of recovery allowed, the method of cost recovery requested and the method of cost recovery allowed is not disclosed;
 - (2) protective orders for all filings so that the citizens' utility ratepayer board may receive and review documents if the board intervenes;
 - (3) procedures to reflect rules of the United States nuclear regulatory commission or other regulatory bodies that govern the release of information and documentation which an applicant is required to submit to support the application or supply to the commission, commission staff or intervenors;
 - (4) the security cost recovery charge to be unidentifiable on customers' bills;
 - (5) the security cost recovery charge shall be allocated and added to all wholesale and retail rates and future contracts. Any contract existing on the effective date of this act, which does not specifically prohibit the addition of such charges, shall have such charges added;
 - (6) review of security-related filings in an expedited manner with reference only to security-related items to assure that the proposed items provide enhanced security;
 - (7) denial of any expenditure that the commission determines is not prudent or is not for security measures and approval of all other expenditures; and
 - (8) recovery of capital expenditures over a period equal to not more than 1/2 the usable lifetime of the capital investment.
- (b) A determination by the commission of the prudence of an expenditure for security measures shall not be based on standard regulatory principles and methods of recovery and shall take fully into account the findings and intent of the legislature as stated in K.S.A. 66-1235, and amendments thereto.
- (c) The provisions of this act and K.S.A. 66-1233, and amendments thereto, shall apply recovery of prudent expenditures for enhanced security incurred after September 11, 2001.
- (d) Any confidential records or information relating to security measures provided or received under the provisions of this act and K.S.A. 66-1233, and amendments thereto, shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

History: L. 2003, ch. 132, § 3; L. 2005, ch. 126, § 3; July 1.