

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Vice Chairman Pat Apple at 9:30 A.M. on February 14, 2008 in Room 526-S of the Capitol. Chairman Emler had pages and was delayed at the picture taking.

Committee members absent:

Committee staff present: Raney Gilliland, Kansas Legislative Research Department  
Cindy Lash, Kansas Legislative Research Department  
Mike Corrigan, Revisor of Statutes  
Ann McMorris, Committee Secretary

Conferees appearing before the committee:

Mike Murray, Embarq Corporation  
Cyndi Gallagher, AT&T Kansas  
C. Steven Rarrick, CURB  
John Federico, Kansas Cable Telecommunications Assn

Others in attendance: See attached list

Chair continued hearing on:

**SB 469 - Telecommunications, requirements on local exchange carriers as carriers of last resort**

Mike Murray, Embarq Corporation, provided a response to question regarding carrier of last resort (COLR) investment as posed at the February 13, 2008 hearing. ([Attachment 1](#))

Proponent

Cyndi Gallagher, Director of Regulatory, AT&T Kansas, explained “exclusive access arrangement” and how it affects COLR. When such exclusive arrangements exist, it is AT&T’s belief that the designated carrier of last resort should be relieved of its obligations. She voiced concern when such an arrangement occurs in their territory and they are legally obligated to stand ready to serve those customers. ([Attachment 2](#))

Opponent

Steven Rarrick, Staff Attorney, CURB noted **SB 469** provides a mechanism to automatically relieve a local exchange carrier of its carrier of last resort (COLR) obligations under certain circumstances, and another mechanism for the local exchange carrier to seek a waiver of its COLR obligations when those circumstances have not been met. **SB 469** fails to ensure that every Kansan will have access to a first class telecommunications infrastructure that provides excellent services at an affordable price. He stated provisions fail to provide any real protections for Kansans in new developments. ([Attachment 3](#))

John Federico, Kansas Cable Telecommunications Association, stated their opposition to the bill covers three areas; (1) - The bill currently contains language that appears overly-broad; (2) the bill introduces the “internet” as part of, or rather, in addition to, local telecommunication services; and (3) the potential for damaging unintended consequences for the cable industry. He provided a balloon of **SB 469** with their suggested amendments. ([Attachment 4](#))

Discussion on the various amendments offered.

Chair closed hearing on **SB 469**.

KCC provided information on all Kansas Telephone companies. ([Attachment 5](#))

Adjournment.

Respectfully submitted,  
Ann McMorris, Secretary  
Attachments- 4