

Kansas Senate Utilities Committee
Testimony of the Citizens' Utility Ratepayer Board
Written Testimony (Only) in Support of
HB 2367
March 16, 2021

Mr. Chairman and members of the Senate Utilities Committee my name is Joseph R. Astrab. I am an attorney for the Citizens' Utility Ratepayer Board (CURB). I am furnishing testimony in support of House Bill (HB) 2367. CURB testified in support of HB 2367 when it was heard by the House Energy, Utilities and Telecommunications Committee.

HB 2367 seeks to amend K.S.A. 66-104 by clarifying the Legislature's intent to have the Kansas Corporation Commission (KCC) be responsible for wire stringing regulation across Kansas. The proposed amendment provides that the definition of "public utility" shall not be construed to affect the authority granted to the Commission by K.S.A. 66-183 with regard to wire stringing. K.S.A. 66-183 specifically states that it is the duty of the KCC to set reasonable rules and regulations with respect to stringing and maintaining transmission wires in Kansas to avoid unreasonable injury to or interference from wires among different utilities.

HB 2367 aims to address inconsistency in application of KCC authority on wire stringing in Kansas. K.S.A. 66-104(e) allows an otherwise jurisdictional entity to elect whether to be classified as a "public utility" under certain conditions, which can result in a loss of KCC jurisdiction. In its testimony before the House Energy, Utilities and Telecommunications Committee, Commission Staff identified instances of safety hazards connected to high-voltage generator tie-in lines. Additionally, several hundred miles of power lines have been identified as outside of KCC authority. HB 2367 would preserve KCC jurisdiction over such entities responsible for those lines in the area of wire stringing and ensure that industry-accepted standards are used to promote the safety of Kansas.

HB 2367 will promote uniformity on wire stringing and maintenance by ensuring that such rules and regulations are determined by a centralized body rather than a litany of independent actors. The amendment does not require a significant change or unduly increases in operations for the KCC. The KCC, with its established procedures and experience, is a preferable avenue to adopt statewide practices and rules for wiring to avoid unreasonable injury and interruptions to utility services. Wire stringing and maintenance inherently involves the coordination of various utilities and entities to ensure the orderly creation of a utility distribution and transmission system. With the KCC as the primary regulator of wire stringing, the public has a central location to bring grievances and to request information rather than having to seek out the same from multiple locations. The KCC's unique position as an objective arbitrator provides an efficient and effective venue for dispute resolution for entities. The public stands to benefit from such centralized regulation and improved coordination.

Therefore, CURB stands in support of HB 2367.