

Kansas House Energy, Utilities and Telecommunications Committee
Testimony of the Citizens' Utility Ratepayer Board
Written Testimony (Only) in Support of
HB 2367
February 16, 2021

Mr. Chairman and members of the House Energy, Utilities and Telecommunications Committee. My name is Joseph Astrab. I am an attorney for the Citizens' Utility Ratepayer Board (CURB). I am furnishing testimony in support of House Bill (HB) 2367.

HB 2367 seeks to amend K.S.A. 66-104 by re-affirming 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.

From CURB's prospective, HB 2367 aims to remove the potential for conflict in statutory interpretation between K.S.A. 66-104 and 66-183. K.S.A. 66-104(c) provides that individual cities have the exclusive power and control to regulate *all* public utilities situated and operated within a city. There is the potential that wire stringing and maintenance authority may lead to confusion of Commission authority under K.S.A. 66-183 and a city's authority under K.S.A. 66-104. By adding the proposed language of HB 2367, ambiguity between the statutes is reduced and cities retain an avenue for redress through the KCC.

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 local decision makers. The amendment does not require a significant change or additional responsibilities for the KCC. The KCC, with its available resources and experience, is a preferable avenue to establish statewide standards and rules for wiring to avoid unreasonable injury and interruptions to utility services. Very few cities are likely to have the same capability to review these issues and provide the same level of details and expertise. Wire stringing and maintenance inherently involves the coordination of various utilities to ensure the orderly creation of a utility distribution and transmission system. By ensuring that the KCC is the primary regulator of wire stringing, the public has a central location to bring grievances and to request copies of rules and regulations rather than having to seek out the same from multiple locations. The uniform process under the KCC helps facilitate resolution when dealing with multiple stakeholders without having to sift through different interpretations of rules. The open nature of KCC proceedings allows for a greater level of access and transparency by the public without the need for multiple hearings in different locations.

Therefore, CURB stands in support of HB 2367.