

House Energy, Utilities & Telecommunications Committee

Testimony in Support of HB 2367 – KCC Oversight of Generation Tie Lines

Feb. 16, 2021

Provided by Lindsay Campbell, Executive VP - Asst. CEO and General Counsel, Pioneer Electric Cooperative, Inc.

Testimony offered on behalf of Pioneer Electric Cooperative, Inc. (Pioneer), Kansas Electric Cooperatives, Inc. (KEC), Sunflower Electric Power Corporation (Sunflower), and Kansas Electric Power Cooperative, Inc. (KEPCo)

Chairman Seiwert, Vice Chair Schreiber, Ranking Member Kuether and members of the House Committee on Energy, Utilities & Telecommunications, thank you for the opportunity to offer our support for HB 2367. We believe this legislation is needed to ensure ongoing public safety in the operation of electric transmission lines not owned or operated by a public utility. I am Lindsay Campbell, Executive VP - Asst. CEO and General Counsel, for Pioneer Electric Cooperative, Inc. I am also appearing today on behalf of Kansas Electric Cooperatives, Inc. (KEC), Sunflower Electric Power Corporation (Sunflower), and Kansas Electric Power Cooperative, Inc. (KEPCo).

Public utilities, including cooperatives, have the responsibility to maintain and operate our facilities in a safe manner that delivers reliable power to our customers. Like all public utilities, cooperatives take that responsibility seriously. The unfortunate event in 2018 which helped spur the introduction of this legislation was not caused by Pioneer or any other cooperative. It did, however, demonstrate that greater oversight by the Kansas Corporation Commission (KCC) is warranted, particularly in terms of construction standards, maintenance requirements and emergency response for non-public utility owners/operators of generation tie lines.

Safety of the public, our members and our employees is always our number one priority and concern. Public utilities serving Kansas customers can readily deploy staff or contractors to respond to emergency situations. We should expect no less from those entities running generation lead lines across our state. Pioneer, Sunflower, and KEPCO, like many other cooperatives, have a special interest in assuring owners/operators of generation tie lines can be reached in an emergency and respond quickly to situations as they often cross our own co-op lines, sometimes in multiple places.

We believe HB 2367 as proposed allows the KCC to bring generator lead lines at a voltage of 34.5 kV and greater under the KCC wiring stringing rules requiring that the owners of generator lead lines design and construct their transmission lines in accordance with National Electric Safety Code (NESC) clearance and loading requirements. We support this important provision, and it is a good start.

Unfortunately, the bill does not fully address the concern of ensuring a timely response to operational and/or safety emergencies by non-public utility generation tie line owners/operators. Therefore, we suggest that there also be a process established for the KCC to verify how the owner/operator of a generator lead line will respond to emergencies, including coordination with other affected public utilities, local emergency management and law enforcement.

Additionally, we note that for the safety outcomes to be fully maximized under the statutory changes proposed in HB 2367, non-public utility generation tie lines (and their owners or operators) must fall fully within the Kansas Administrative Regulations on wire stringing imposing NESC requirements. In particular, requirements that “lines and equipment shall be inspected at such intervals as experience has shown to be necessary” (NESC 214A 2) and NESC general duty provisions.

We thank you again for the opportunity to share our support for the bill and offer suggestions for improving the measure. Pioneer, Sunflower, KEPCo and KEC are certainly willing to work with other stakeholders on addressing our concerns.

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