

HOUSE BILL No. 2487

By Committee on Utilities and Telecommunications

1-23

1 AN ACT concerning ~~utilities; relating to~~ the state corporation commission;
2 concerning the ***powers and duties thereof***; issuance of certificates of
3 public convenience and necessity; amending ***K.S.A. 66-106 and*** K.S.A.
4 2013 Supp. 66-131 and repealing the existing ~~section~~ ***sections***.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 ***Section 1. K.S.A. 66-106 is hereby amended to read as follows: 66-***

8 ***106. (a) The state corporation commission shall have power to adopt***
9 ***reasonable and proper rules and regulations to govern its proceedings,***
10 ***including the assessment and taxation of costs on any complaint***
11 ***provided for in K.S.A. 66-133, and amendments thereto, and to regulate***
12 ***the mode and manner of all investigations, tests, audits, inspections and***
13 ***hearings not specifically provided for herein, except that no person***
14 ***desiring to be present at any investigation or hearing by the commission***
15 ***shall be denied admission.***

16 ***(b) The state corporation commission may:***

17 ***(1) Confer with officers of other states and officers of the United***
18 ***States on any matter pertaining to the state corporation commission's***
19 ***official duties; and***

20 ***(2) (A) enter into and establish fair and equitable cooperative***
21 ***agreements or contracts with or act as an agent or licensee for the***
22 ***United States, or any official, agency or instrumentality thereof, or any***
23 ***railroad, public utility or similar commission of another state, for the***
24 ***purpose of carrying out the state corporation commission's duties; (B) to***
25 ***that end receive and disburse any contributions, grants or other***
26 ***financial assistance as a result of or pursuant to such agreements or***
27 ***contracts; and (C) make joint investigations, hold joint hearings within***
28 ***or outside the state and issue joint or concurrent orders in conjunction***
29 ***or concurrence with such official, agency, instrumentality or***
30 ***commission; and***

31 ***(3) on its own, or in association with others with similar interests,***
32 ***intervene or otherwise participate in other state or federal proceedings on***
33 ***any matter the state corporation commission reasonably believes pertains***
34 ***to the commission's official duties. Upon conferral with the attorney***

1 *general, the commission has discretion to file amicus briefs with any court*
2 *within the state or federal government.*

3 *(c) The attorney general, when requested, shall give the state*
4 *corporation commission or the attorney for the commission such*
5 *counsel and advice as the commission or the attorney for the*
6 *commission may from time to time require. It is hereby made the duty of*
7 *the attorney general to aid and assist the commission and the attorney*
8 *for the commission in all hearings, suits and proceedings in which the*
9 *commission or attorney for the commission requests the attorney*
10 *general's assistance.*

11 ~~Section 1.~~ **Sec. 2.** K.S.A. 2013 Supp. 66-131 is hereby amended to
12 read as follows: 66-131. (a) No *person or entity seeking to construct*
13 *electric transmission lines as defined in K.S.A. 66-1,177, and amendments*
14 *thereto, or common carrier or public utility, including that portion of any*
15 *municipally owned utility defined as a public utility by K.S.A. 66-104,*
16 *and amendments thereto, governed by the provisions of this act shall*
17 *transact business in the state of Kansas until it shall have obtained a*
18 *certificate from the corporation commission that public convenience **and***
19 ***necessity** will be promoted by the transaction of said business and*
20 *permitting said applicants to transact the business of a common carrier or*
21 *public utility in this state. In no event shall such jurisdiction authorize the*
22 *corporation commission to review, consider or effect the facilities or rates*
23 *charged for services or in any way the operation of such municipally*
24 *owned or operated electric or gas utility within the corporate limits or*
25 *outside but within three miles of the corporate limits of any city, or*
26 *facilities, or rates charged for services or in any way the operation of*
27 *facilities or their replacements now owned by any such utility. No*
28 *prescribed rates, orders or other regulatory supervision of the corporation*
29 *commission shall be contrary to any lawful provision of any revenue bond*
30 *ordinance authorizing the issuance of revenue bonds to finance all or any*
31 *part of the municipally owned or operated electric or gas utility so*
32 *subjected to the jurisdiction of the corporation commission. This section*
33 *shall not apply to any common carrier or public utility governed by the*
34 *provisions of this act now transacting business in this state, nor shall this*
35 *section apply to the facilities and operations of any municipally owned or*
36 *operated utility supplying electricity or gas outside of the corporate limits*
37 *of any municipality where such facilities and operations are in existence*
38 *on the effective date of this act, but any extension of such facilities or any*
39 *new facilities located outside of and more than three miles from the*
40 *municipality's corporate limits, shall be subject to the requirements of this*
41 *section, nor shall this section apply to any municipally owned or operated*
42 *electric or gas utility furnishing electricity or gas to a facility owned or*
43 *jointly owned by such municipality and located outside the corporate*

1 limits of such municipality.

2 (b) The commission shall issue a decision on a common carrier or
3 public utility's application for a certificate of public convenience *and*
4 *necessity* within 180 days of receiving the application. Nothing in this
5 subsection shall preclude an applicant and the commission from agreeing
6 to a waiver or an extension of the 180-day period. ~~Applications for~~
7 ~~commission approval of mergers, acquisitions or transmission-only~~
8 ~~certificates of public convenience and necessity shall not be subject to this~~
9 ~~subsection.~~

10 (c) **The commission shall issue a decision on a common carrier or**
11 **public utility's application for mergers or acquisitions within 300 days**
12 **of receiving the application. Nothing in this subsection shall preclude**
13 **an applicant and the commission from agreeing to a waiver or an**
14 **extension of the 300-day period. The commission shall expeditiously**
15 **process every application covered within this subsection.**

16 Sec. ~~2~~ 3. K.S.A. ~~66-106~~ and K.S.A. 2013 Supp. 66-131 ~~is~~ **are** hereby
17 repealed.

18 Sec. ~~3~~ 4. This act shall take effect and be in force from and after its
19 publication in the statute book.