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MEMORANDUM

To: Chairman Seiwert and Committee on Energy, Utilities and Telecommunications
From: Office of Revisor of Statutes
Date: February 13, 2020
RE: House Bill 2585

HB 2585 would amend K.S.A. 66-104 concerning the definition of public utility. This section provides a broad definition for what entities constitute a public utility subject to the jurisdiction of the Kansas Corporation Commission. Under current law, the term "public utility" does not include any activity of an otherwise jurisdictional entity for the marketing or sale of compressed natural gas for end use as motor vehicle fuel.

HB 2585 would add an additional exception from the definition of public utility for the marketing or sale of electricity that is purchased through a retail electric supplier in the certified territory of such retail electric supplier, as such terms are defined in K.S.A. 66-1,170, and amendments thereto, for the sole purpose of the provision of electric vehicle charging service to end users. The bill would prevent an entity from being a public utility for marketing or selling electricity that was purchased through an electric public utility in that utility's service territory if the electricity was for the sole purpose of providing an electric vehicle charging service to end users.

Definitions used in the section:

- "Retail electric supplier" means any person, firm, corporation, municipality, association or cooperative corporation engaged in the furnishing of retail electric service.
- "Certified territory" means an electric service territory certified to a retail electric supplier pursuant to the Retail Electric Supplier Act.