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Testimony of
Janet Buchanan, Chief of Telecommunications
Kansas Corporation Commission

Before the Senate Utilities Committee
Regarding SB 463
February 8, 2006

Chairperson Emler and Committee Members:

Thank you for allowing me to appear before you this morning on behalf of the Kansas Corporation Commission to support SB 463. My name is Janet Buchanan. I am the Commission's Chief of Telecommunications.

SB 463 amends a portion of the consumer protection act related to telemarketing, K.S.A. 50-675a, to remove language that is no longer appropriate. The Legislature enacted these provisions during the 2000 Legislative Session (HB 2580) to require the Commission to adopt rules and regulations requiring all local exchange carriers and telecommunications carriers to notify residential subscribers of the Kansas do not call registry by July 1, 2001.

The Commission opened a proceeding on August 3, 2000, and solicited comments from local exchange carriers and telecommunications carriers regarding how to implement the statute. After reviewing the comments of interested parties, Staff drafted regulations that were submitted to the Department of Administration and the Attorney General for approval. Notice of the regulation was provided, a 60 day public comment period permitted, and a public hearing was scheduled for March 22, 2001 as required for implementation of regulations. K.A.R. 82-1-250 was adopted by the Commission on May 28, 2001. The regulation required all interested local exchange carriers and telecommunications carriers to participate in a forum to develop the form, content and method or methods of providing notice of the Direct Marketing Association's telephone preference list. The parties agreed that information regarding the Direct Marketing Association's telephone preference list should be disseminated through the publishing of relevant information (as determined by the forum) in the telephone directories published by local exchange carriers.

In June 2003, the FCC and FTC agreed to jointly administer the national do not call registry and do not call regulations. Shortly thereafter, the Attorney General adopted the national do not call registry as the Kansas do not call registry. With this decision, the information published in telephone directories was inaccurate. However, the statute and K.A.R. 82-1-250 do not give the

Commission the flexibility to adjust the language in the telephone directories. SB 463, attempts to utilize general terms to provide flexibility in responding to any future changes in the provider of the Kansas do not call registry.

After receiving comment from the industry, the Commission proposes two amendments to SB 463. First, at page 1, line 31, insert “ and telecommunications carriers as defined in subsection (m) of K.S.A. 66-1,187, and amendments thereto,” prior to the proposed language. Some industry participants suggest that interexchange carriers and competitive local exchange carriers should continue to participate in the determination of message and method of notification. Additionally, The Commission recommends that the last sentence, beginning at page 1, line 41 through page 2, line 1, be stricken. The Commission will need to issue a new regulation and another forum will need be held to develop a new message and consider method or methods of notification.

If the Committee would permit the Commission even greater flexibility, the Commission suggests that at page 1, line 16, strike “adopt rules and regulations that”. This would permit the Commission to respond more easily to changes in the telecommunications industry that affect the method of notification and to quickly respond to any changes in the provider of the Kansas do not call registry.