

As Amended by House Committee

Session of 2014

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 issuance of certificates of public convenience and
3 necessity; amending K.S.A. 2013 Supp. 66-131 and repealing the
4 existing section.

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

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

1 section, nor shall this section apply to any municipally owned or operated
2 electric or gas utility furnishing electricity or gas to a facility owned or
3 jointly owned by such municipality and located outside the corporate
4 limits of such municipality.

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

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

19 Sec. 2. K.S.A. 2013 Supp. 66-131 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its
21 publication in the statute book.