

SENATE BILL No. 111

By Committee on Utilities

1-24

AN ACT concerning the state corporation commission; relating to investigations; amending K.S.A. 2000 Supp. 66-101d, 66-101e, 66-1,191, 66-1,192, 66-1,204, 66-1,205, 66-1,219, 66-1,220, 66-1,234 and 66-1,235 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2000 Supp. 66-101d is hereby amended to read as follows: 66-101d. The commission, upon its own initiative, ~~may~~ shall investigate all schedules of rates and rules and regulations of electric public utilities. If after investigation and hearing the commission finds that such rates or rules and regulations are unjust, unreasonable, unjustly discriminatory or unduly preferential, the commission shall have the power to establish and order substituted therefor such rates and such rules and regulations as are just and reasonable.

If after investigation and hearing it is found that any regulation, measurement, practice, act or service complained of is unjust, unreasonable, unreasonably inefficient or insufficient, unduly preferential, unjustly discriminatory, or otherwise in violation of this act or of the orders of the commission, or if it is found that any service is inadequate or that any reasonable service cannot be obtained, the commission shall have the power to substitute therefor such other regulations, measurements, practices, service or acts, and to make such order respecting any such changes in such regulations, measurements, practices, service or acts as are just and reasonable. When, in the judgment of the commission, public necessity and convenience require, the commission shall have the power to establish just and reasonable concentration or other special rates, charges or privileges, but all such rates, charges and privileges shall be open to all users of a like kind of service under similar circumstances and conditions.

Hearings shall be conducted in accordance with the provisions of the Kansas administrative procedure act, unless, in the case of a general investigation, for good cause, the commission orders otherwise.

Sec. 2. K.S.A. 2000 Supp. 66-101e is hereby amended to read as follows: 66-101e. Upon a complaint in writing made against any electric public utility governed by this act that any of the rates or rules and reg-

1 ulations of such electric public utility are in any respect unreasonable,
2 unfair, unjust, unjustly discriminatory or unduly preferential, or both, or
3 that any regulation, practice or act whatsoever affecting or relating to any
4 service performed or to be performed by such electric public utility for
5 the public, is in any respect unreasonable, unfair, unjust, unreasonably
6 inefficient or insufficient, unjustly discriminatory or unduly preferential,
7 or that any service performed or to be performed by such electric public
8 utility for the public is unreasonably inadequate, inefficient, unduly in-
9 sufficient or cannot be obtained, the commission ~~may~~ *shall* proceed, with
10 or without notice, to make such investigation as it deems necessary.

11 No order changing such rates, rules and regulations, practices or acts
12 complained of shall be made or entered by the commission without a
13 formal public hearing, of which due notice shall be given by the com-
14 mission to such electric public utility or to such complainant or complain-
15 ants, if any, in accordance with the provisions of the Kansas administrative
16 procedure act. Any public investigation or hearing which the commission
17 shall have power to make or to hold may be made or held before any one
18 or more commissioners. All investigations, hearings, decisions and orders
19 made by a commissioner shall be deemed the investigations, hearings,
20 decisions and orders of the commission, when approved by the
21 commission.

22 The commission shall have power to require electric public utilities to
23 make such improvements and do such acts as are or may be required by
24 law to be done by any such electric public utility.

25 Sec. 3. K.S.A. 2000 Supp. 66-1,191 is hereby amended to read as
26 follows: 66-1,191. The commission, upon its own initiative, ~~may~~ *shall* in-
27 vestigate all rates, joint rates, tolls, charges and exactions, classifications
28 or schedules of rates or joint rates and rules and regulations of telecom-
29 munications public utilities. If after full hearing and investigation the
30 commission finds that such rates, joint rates, tolls, charges or exactions,
31 classifications or schedules of rates or joint rates or rules and regulations
32 are unjust, unreasonable, unjustly discriminatory or unduly preferential,
33 the commission shall have the power to fix and order substituted therefor
34 such rates, tolls, charges, exactions, classifications or schedules of rates or
35 joint rates and such rules and regulations as are just and reasonable.

36 If upon any investigation it is found that any regulation, measurement,
37 practice, act or service complained of is unjust, unreasonable, unreason-
38 ably inefficient or insufficient, unduly preferential, unjustly discrimina-
39 tory, or otherwise in violation of this act or of the orders of the commis-
40 sion, or if it is found that any service is inadequate or that any reasonable
41 service cannot be obtained, the commission may substitute therefor such
42 other regulations, measurements, practices, service or acts, and make
43 such order respecting any such changes in such regulations, measure-

1 ments, practices, service or acts as are just and reasonable. When, in the
2 judgment of the commission, public necessity and convenience require,
3 the commission may establish just and reasonable concentration or other
4 special rates, charges or privileges, but all such rates, charges and privi-
5 leges shall be open to all users of a like kind of service under similar
6 circumstances and conditions. Hearings shall be conducted in accordance
7 with the provisions of the Kansas administrative procedure act, unless, in
8 the case of a general investigation, for good cause, the commission orders
9 otherwise.

10 Sec. 4. K.S.A. 2000 Supp. 66-1,192 is hereby amended to read as
11 follows: 66-1,192. (a) Upon a complaint in writing made against any tel-
12 ecommunications public utility governed by this act, that any of the rates
13 or joint rates, tolls, charges, rules, regulations, classifications or schedules
14 of such telecommunications public utility are in any respect unreasonable,
15 unfair, unjust, unjustly discriminatory or unduly preferential, or both, or
16 that any regulation, practice or act whatsoever affecting or relating to any
17 service performed or to be performed by such telecommunications public
18 utility for the public, is in any respect unreasonable, unfair, unjust, un-
19 reasonably inefficient or insufficient, unjustly discriminatory or unduly
20 preferential, or that any service performed or to be performed by such
21 telecommunications public utility for the public is unreasonably inade-
22 quate, inefficient, unduly insufficient or cannot be obtained, the com-
23 mission ~~may~~ shall proceed, with or without notice, to make such inves-
24 tigation as it deems necessary.

25 No order changing such rates, joint rates, tolls, charges, rules, regula-
26 tions and classifications, schedules, practices or acts complained of shall
27 be made or entered by the commission without a formal public hearing
28 in accordance with the provisions of the Kansas administrative procedure
29 act, of which due notice shall be given by the commission to such tele-
30 communications public utility or to such complainant or complainants, if
31 any. Any public investigation or hearing which the commission shall have
32 power to make or to hold may be made or held before any one or more
33 commissioners. All investigations, hearings, decisions and orders made by
34 a commissioner shall be deemed the investigations, hearings, decisions
35 and orders of the commission, when approved by the commission.

36 (b) The commission shall have power to require telecommunications
37 public utilities to make such improvements and do such acts as are or
38 may be required by law to be done by any such telecommunications
39 public utility.

40 Sec. 5. K.S.A. 2000 Supp. 66-1,204 is hereby amended to read as
41 follows: 66-1,204. The commission, upon its own initiative, ~~may~~ shall in-
42 vestigate all schedules of rates and rules and regulations of natural gas
43 public utilities. If after investigation and hearing the commission finds

1 that such rates or rules and regulations are unjust, unreasonable, unjustly
2 discriminatory or unduly preferential, the commission shall have the
3 power to establish and order substituted therefor such rates and such
4 rules and regulations as are just and reasonable.

5 If after investigation and hearing it is found that any regulation, meas-
6 urement, practice, act or service complained of is unjust, unreasonable,
7 unreasonably inefficient or insufficient, unduly preferential, unjustly dis-
8 criminatory, or otherwise in violation of this act or of the orders of the
9 commission, or if it is found that any service is inadequate or that any
10 reasonable service cannot be obtained, the commission may substitute
11 therefor such other regulations, measurements, practices, service or acts,
12 and make such order respecting any such changes in such regulations,
13 measurements, practices, service or acts as are just and reasonable. When,
14 in the judgment of the commission, public necessity and convenience
15 require, the commission may establish just and reasonable concentration
16 or other special rates, charges or privileges, but all such rates, charges
17 and privileges shall be open to all users of a like kind of service under
18 similar circumstances and conditions. Hearings shall be conducted in ac-
19 cordance with the provisions of the Kansas administrative procedure act,
20 unless, in the case of a general investigation, for good cause, the com-
21 mission orders otherwise.

22 Sec. 6. K.S.A. 2000 Supp. 66-1,205 is hereby amended to read as
23 follows: 66-1,205. (a) Upon a complaint in writing made against any nat-
24 ural gas public utility governed by this act that any rates or rules and
25 regulations of such natural gas public utility are in any respect unreason-
26 able, unfair, unjust, unjustly discriminatory or unduly preferential, or
27 both, or that any rule and regulation, practice or act whatsoever affecting
28 or relating to any service performed or to be performed by such natural
29 gas public utility for the public, is in any respect unreasonable, unfair,
30 unjust, unreasonably inefficient or insufficient, unjustly discriminatory or
31 unduly preferential, or that any service performed or to be performed by
32 such natural gas public utility for the public is unreasonably inadequate,
33 inefficient, unduly insufficient or cannot be obtained, the commission
34 ~~may~~ shall proceed, with or without notice, to make such investigation as
35 it deems necessary.

36 No order changing such rates, rules and regulations, practices or acts
37 complained of shall be made or entered by the commission without a
38 formal public hearing in accordance with the provisions of the Kansas
39 administrative procedure act, of which due notice shall be given by the
40 commission to such natural gas public utility or to such complainant or
41 complainants, if any. Any public investigation or hearing which the com-
42 mission shall have power to make or to hold may be made or held before
43 any one or more commissioners. All investigations, hearings, decisions

1 and orders made by a commissioner shall be deemed the investigations,
2 hearings, decisions and orders of the commission, when approved by the
3 commission.

4 (b) The commission shall have power to require natural gas public
5 utilities to make such improvements and do such acts as are or may be
6 required by law to be done by any such natural gas public utility.

7 Sec. 7. K.S.A. 2000 Supp. 66-1,219 is hereby amended to read as
8 follows: 66-1,219. The commission, upon its own initiative, ~~may~~ *shall* in-
9 vestigate all rates, joint rates, tolls, charges and exactions, classifications
10 or schedules of rates or joint rates and rules and regulations of common
11 carriers, except a motor carrier holding a certificate of public service. If
12 after full hearing and investigation the commission finds that such rates,
13 joint rates, tolls, charges or exactions, classifications or schedules of rates
14 or joint rates or rules and regulations are unjust, unreasonable, unjustly
15 discriminatory or unduly preferential, the commission shall have the
16 power to fix and order substituted therefor such rates, tolls, charges, ex-
17 actions, classifications or schedules of rates or joint rates and such rules
18 and regulations as are just and reasonable.

19 If upon any investigation it is found that any such regulation, measure-
20 ment, practice, act or service complained of is unjust, unreasonable, un-
21 reasonably inefficient or insufficient, unduly preferential, unjustly dis-
22 criminatory, or otherwise in violation of this act or of the orders of the
23 commission, or if it is found that any service is inadequate or that any
24 reasonable service cannot be obtained, the commission may substitute
25 therefor such other regulations, measurements, practices, service or acts,
26 and make such order respecting any such changes in such regulations,
27 measurements, practices, service or acts as are just and reasonable. When,
28 in the judgment of the commission, public necessity and convenience
29 require, the commission may establish just and reasonable concentration
30 or other special rates, charges or privileges, but all such rates, charges
31 and privileges shall be open to all users of a like kind of service under
32 similar circumstances and conditions. Hearings shall be conducted in ac-
33 cordance with the provisions of the Kansas administrative procedure act,
34 unless, in the case of a general investigation, for good cause, the com-
35 mission orders otherwise.

36 Sec. 8. K.S.A. 2000 Supp. 66-1,220 is hereby amended to read as
37 follows: 66-1,220. (a) Upon a complaint in writing made against any com-
38 mon carrier, except a motor carrier holding a certificate of public service,
39 governed by this act that any of the rates or joint rates, fares, tolls, charges,
40 rules, regulations, classifications or schedules of such common carrier are
41 in any respect unreasonable, unfair, unjust, unjustly discriminatory or
42 unduly preferential, or both, or that any regulation, practice or act what-
43 soever affecting or relating to any service performed or to be performed

1 by such common carrier for the public, is in any respect unreasonable,
2 unfair, unjust, unreasonably inefficient or insufficient, unjustly discrimi-
3 natory or unduly preferential, or that any service performed or to be
4 performed by such common carrier for the public is unreasonably inad-
5 equate, inefficient, unduly insufficient or cannot be obtained, the com-
6 mission ~~may~~ shall proceed, with or without notice, to make such inves-
7 tigation as it deems necessary.

8 No order changing such rates, joint rates, tolls, charges, rules, regula-
9 tions and classifications, schedules, practices or acts complained of shall
10 be made or entered by the commission without a formal public hearing
11 in accordance with the provisions of the Kansas administrative procedure
12 act, of which due notice shall be given by the commission to such common
13 carrier or to such complainant or complainants, if any. Any public inves-
14 tigation or hearing which the commission shall have power to make or to
15 hold may be made or held before any one or more commissioners. All
16 investigations, hearings, decisions and orders made by a commissioner
17 shall be deemed the investigations, hearings, decisions and orders of the
18 commission, when approved by the commission.

19 (b) The commission shall have power to require common carriers,
20 except a motor carrier holding a certificate of public service, to make such
21 improvements and do such acts as are or may be required by law to be
22 done by any such common carrier.

23 Sec. 9. K.S.A. 2000 Supp. 66-1,234 is hereby amended to read as
24 follows: 66-1,234. The commission, upon its own initiative, ~~may~~ shall in-
25 vestigate all rates, joint rates, tolls, charges and exactions, classifications
26 or schedules of rates or joint rates and rules and regulations of miscella-
27 neous public utilities. If after full hearing and investigation the commis-
28 sion finds that such rates, joint rates, tolls, charges or exactions, classifi-
29 cations or schedules of rates or joint rates or rules and regulations are
30 unjust, unreasonable, unjustly discriminatory or unduly preferential, the
31 commission shall have the power to fix and order substituted therefor
32 such rates, tolls, charges, exactions, classifications or schedules of rates or
33 joint rates and such rules and regulations as are just and reasonable.

34 If upon any investigation it is found that any regulation, measurement,
35 practice, act or service complained of is unjust, unreasonable, unreason-
36 ably inefficient or insufficient, unduly preferential, unjustly discrimina-
37 tory, or otherwise in violation of this act or of the orders of the commis-
38 sion, or if it is found that any service is inadequate or that any reasonable
39 service cannot be obtained, the commission may substitute therefor such
40 other regulations, measurements, practices, service or acts, and make
41 such order respecting any such changes in such regulations, measure-
42 ments, practices, service or acts as are just and reasonable. When, in the
43 judgment of the commission, public necessity and convenience require,

1 the commission may establish just and reasonable concentration, com-
2 modity, transit or other special rates, charges or privileges, but all such
3 rates, charges and privileges shall be open to all users of a like kind of
4 service under similar circumstances and conditions. Hearings shall be
5 conducted in accordance with the provisions of the Kansas administrative
6 procedure act, unless, in the case of a general investigation, for good
7 cause, the commission orders otherwise.

8 Sec. 10. K.S.A. 2000 Supp. 66-1,235 is hereby amended to read as
9 follows: 66-1,235. (a) Upon a complaint in writing made against any mis-
10 cellaneous public utility governed by this act, that any of the rates or joint
11 rates, tolls, charges, rules, regulations, classifications or schedules of such
12 miscellaneous public utility are in any respect unreasonable, unfair, un-
13 just, unjustly discriminatory or unduly preferential, or both, or that any
14 regulation, practice or act whatsoever affecting or relating to any service
15 performed or to be performed by such miscellaneous public utility for
16 the public, is in any respect unreasonable, unfair, unjust, unreasonably
17 inefficient or insufficient, unjustly discriminatory or unduly preferential,
18 or that any service performed or to be performed by such miscellaneous
19 public utility for the public is unreasonably inadequate, inefficient, unduly
20 insufficient or cannot be obtained, the commission ~~may~~ shall proceed,
21 with or without notice, to make such investigation as it deems necessary.

22 No order changing such rates, joint rates, fares, tolls, charges, rules,
23 regulations and classifications, schedules, practices or acts complained of
24 shall be made or entered by the commission without a formal public
25 hearing in accordance with the provisions of the Kansas administrative
26 procedure act, of which due notice shall be given by the commission to
27 such miscellaneous public utility or to such complainant or complainants,
28 if any. Any public investigation or hearing which the commission shall
29 have power to make or to hold may be made or held before any one or
30 more commissioners. All investigations, hearings, decisions and orders
31 made by a commissioner shall be deemed the investigations, hearings,
32 decisions and orders of the commission, when approved by the
33 commission.

34 (b) The commission shall have power to require miscellaneous public
35 utilities to make such improvements and do such acts as are or may be
36 required by law to be done by any such miscellaneous public utility.

37 Sec. 11. K.S.A. 2000 Supp. 66-101d, 66-101e, 66-1,191, 66-1,192,
38 66-1,204, 66-1,205, 66-1,219, 66-1,220, 66-1,234 and 66-1,235 are hereby
39 repealed.

40 Sec. 12. This act shall take effect and be in force from and after its
41 publication in the statute book.

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