

HOUSE BILL No. 2872

By Committee on Energy and Utilities

2-13

9 AN ACT concerning the state corporation commission; relating to as-
10 sessment of expenses; amending K.S.A. 66-1502 and repealing the ex-
11 isting section.
12

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

14 Section 1. K.S.A. 66-1502 is hereby amended to read as follows: 66-
15 1502. ~~(a)~~ Whenever, in order to carry out the duties imposed upon it by
16 law, the state corporation commission, in a proceeding upon its own mo-
17 tion, on complaint, or upon an application to it, shall deem it necessary
18 to investigate any public utility or common carrier or make appraisals of
19 the property of any public utility, such public utility or common carrier,
20 in case the expenses reasonably attributable to such investigation or ap-
21 praisal exceed the sum of \$100, including both direct and indirect ex-
22 penses incurred by the commission or its staff or by the citizens' utility
23 ratepayer board, shall pay such expenses which shall be assessed against
24 such public utility or common carrier by the commission. Such expenses
25 shall be assessed beginning on the date that the proceeding is filed or
26 beginning three business days after the commission gives the public utility
27 or common carrier notice of the assessment by United States mail, which-
28 ever is later. The state corporation commission shall give such public
29 utility or common carrier notice and opportunity for a hearing in accord-
30 ance with the provisions of the Kansas administrative procedure act. At
31 such hearing, the public utility or common carrier may be heard as to the
32 necessity of such investigation or appraisal and may show cause, if any,
33 why such investigation or appraisal should not be made or why the costs
34 thereof should not be assessed against such public utility or common
35 carrier. The finding of the commission as to the necessity of the investi-
36 gation or appraisal and the assessment of the expenses thereof shall be
37 conclusive, except that no such public utility or common carrier shall be
38 liable for payment of any such expenses incurred by such state corporation
39 commission or citizens' utility ratepayer board in connection with any
40 proceeding before or within the jurisdiction of any federal regulatory
41 body.

42 The commission shall ascertain the expenses of any such investigation
43 or appraisal and by order assess such expenses against the public utility

1 or common carrier investigated or whose property is appraised in such
2 proceeding, and shall render a bill therefor, by United States mail, to the
3 public utility or common carrier, either at the conclusion of the investi-
4 gation or appraisal, or from time to time during such investigation or
5 appraisal. Such bill shall constitute notice of such assessment and demand
6 of payment thereof. Upon a bill rendered to such public utility or common
7 carrier, within 15 days after the mailing thereof, such public utility or
8 common carrier shall pay to the commission the amount of the assessment
9 for which it is billed. Such payment when made shall be transmitted by
10 the commission to the state treasurer, who shall credit the same to the
11 appropriations made for the use of such commission or for the use of the
12 citizens' utility ratepayer board. The total amount, in any one state fiscal
13 year for which any public utility or common carrier shall be assessed
14 under the provisions of this section shall not exceed the following: ~~(1)~~ (a)
15 For a public utility or common carrier that is under the jurisdiction of
16 the commission and has not filed an annual report with the commission
17 pursuant to K.S.A. 66-123, and amendments thereto, prior to the begin-
18 ning of the commission's fiscal year, actual expenses, including direct and
19 indirect expenses incurred by the commission or the commission's staff
20 or by the citizens' utility ratepayer board; and ~~(2)~~ (b) for any other public
21 utility or common carrier under the jurisdiction of the commission, 0.6%
22 of the public utility's or common carrier's gross operating revenues de-
23 rived from intrastate operations as reflected in the last annual report filed
24 with the commission pursuant to K.S.A. 66-123, and amendments
25 thereto, prior to the beginning of the commission's fiscal year. The com-
26 mission may render bills in one fiscal year for costs incurred within a
27 previous fiscal year.

28 ~~(b) The commission, in accordance with the procedures prescribed~~
29 ~~by subsection (a), may assess against an entity, other than a residential or~~
30 ~~small commercial ratepayer, that is not subject to assessment pursuant to~~
31 ~~subsection (a) actual expenses of any services extended, filings processed~~
32 ~~or actions certified by the commission for the entity.~~

33 Sec. 2. K.S.A. 66-1502 is hereby repealed.

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