

1 facilities under an exclusive certificate of convenience and necessity, shall
 2 obtain commission approval of any abandonment of service upon dem-
 3 onstrating that such abandonment is not adverse to the public interest. A
 4 person purchasing natural gas or gas gathering services from a person
 5 offering gas gathering services in a retail natural gas service area where
 6 the commission has issued more than one certificate of convenience and
 7 necessity shall not be assessed an exit fee for electing to purchase natural
 8 gas or gas gathering services from another person offering gas gathering
 9 services.

10 ~~(b) This section shall take effect and be in force on and after July 1,
 11 1997.~~

12 Sec. 7. K.S.A. 55-1,108 is hereby amended to read as follows: 55-
 13 1,108. ~~(a)~~ Nothing in K.S.A. 55-1,101 through 55-1,107, and amendments
 14 thereto, shall be construed, or authorize the commission, to amend any
 15 contractual obligations between the person offering gas gathering services
 16 or gas gathering facilities and the complainant unless the commission
 17 determines, after investigation, notice and hearing, that such contractual
 18 obligations are unjust, unreasonable, unjustly discriminatory or unduly
 19 preferential and adversely impact the public welfare.

20 ~~(b) This section shall take effect and be in force on and after July 1,
 21 1997.~~

22 Sec. 8. K.S.A. 55-1,109 is hereby amended to read as follows: 55-
 23 1,109. If a public utility providing service from a gas gathering system
 24 facility determines that such utility lacks sufficient services or facilities to
 25 serve the needs of any person wishing to utilize such utility's services
 26 within such utility's certificated service area during any calendar year,
 27 such utility, not later than November 1 preceding the beginning of such
 28 calendar year, shall give notice thereof to the commission and to each
 29 person that such utility determines it will be unable to serve. The com-
 30 mission may review such proposed abandonment at its discretion. *except*
 31 *that the commission shall review such proposed abandonment upon com-*
 32 *plaint by such person served. Unless the proposed abandonment is deter-*
 33 *mined by the commission to be adverse to the public interest, such service*
 34 *may be discontinued as proposed by the utility.*

35 Sec. 9. K.S.A. 2005 Supp. 66-105a is hereby amended to read as
 36 follows: 66-105a. (a) ~~On and after July 1, 1997,~~ The term "public utility"
 37 as used in K.S.A. 66-104, and amendments thereto, and the term "com-
 38 mon carriers" as used in K.S.A. 66-105, and amendments thereto, shall
 39 not include any gas gathering system, as defined in K.S.A. 55-150, and
 40 amendments thereto, *except that nothing in this section shall limit or*
 41 *abridge the commission's authority over natural gas gathering services*
 42 *and natural gas gathering facilities as provided in K.S.A. 55-1,101 et seq.,*
 43 *and amendments thereto.*

except that the commission shall not withhold its approval where the
 abandonment is occasioned by the gas gathering service terminating the supply
 of natural gas, or by the natural gas supplier experiencing gas quality or low
 pressure conditions giving rise to safety concerns or unreliable service at the
 point where the public utility receives the natural gas