

House Committee on Energy, Utilities and Telecommunications
Testimony of Citizens' Utility Ratepayer Board
Written Testimony Only
Proponent of House Bill 2597
February 8, 2024

Chairman Delperdang and members of the House Committee on Energy, Utilities and Telecommunications, thank you for this opportunity to testify regarding House Bill (HB) 2597. My name is David Nickel. I am the Consumer Counsel for the Citizens' Utility Ratepayer Board (CURB). CURB is the advocate for residential and small commercial ratepayers before the Kansas Corporation Commission (KCC) and the Kansas Legislature. My testimony reflects the interests of these utility ratepayer classes regarding HB 2597.

HB 2597 extends the time within which the KCC shall determine rate-making principles and treatment pertaining to applications filed with the KCC pursuant to K.S.A. 66-1239 by public utilities as defined by K.S.A. 66-104: (1) prior to undertaking the construction of, or participation in, a transmission facility, or prior to undertaking the construction of, or participation in, a generating facility, or (2) prior to entering into a new contract or prior to retiring or abandoning a generating facility, or within a reasonable time after retirement or abandonment if filing before retirement or abandonment is not possible under the circumstances. Under current law (K.S.A. 66-1239), if the KCC does not issue a determination within 180 days of the date such an application is filed, the rate-making principles and treatment proposed by the applicant public utility are deemed to have been approved by the KCC and are binding on the KCC as to rate-making principles pertaining thereto in all subsequent and pertinent rate-making proceedings.

Under HB 2597, the 180-day deadline set forth in K.S.A. 66-1239 for KCC determinations is extended to 240 days. CURB perceives that this amendment to K.S.A. 66-1239 is good for residential and small commercial ratepayers. The types of applications that are brought to the KCC under K.S.A. 66-1239 are very complex and can have a significant, long-term effect upon ratepayers in general. The extension of time contemplated by HB 2597 for the KCC to determine these types of applications from 180 days to 240 days is reasonable, will allow a better evidentiary record to be created, and allow more time for the KCC to more carefully consider and meet the public interest.

For the reasons stated above, CURB is a proponent of HB 2597.