



Testimony of Westar Energy, KCP&L, Kansas Electric Cooperatives and Kansas Municipal Utilities

In Opposition to HB2273 Before the Senate Utilities Committee January 18, 2018

Thank you, Chairman Olson, and members of the committee for the opportunity to provide information on the impact to Kansas utility providers on changes to the state's no-call legislation.

Many utilities use auto-dialing technology to alert customers to changes in their electric service or to share information that might impact their bill. For example, in 2016, Westar Energy made 390,445 outbound collection calls in 2016. That averaged out to more than 32,000 customer contacts per month using our predictive dialing service. In addition, we make automated payment reminder calls to customers in the amount of about 2,000 per day. All told, we are making around 870,000 "robo" calls annually, which facilitates efficient and timely reminders to customers regarding their electric service and billing.

Our concern with House Bill 2273 is that we believe the language conflicts with federal law we follow that allows us to provide this convenient service to our customers. The bill's language about "established business relationship" may work under Kansas law, but we believe creates a conflict with federal law and the Telephone Consumer Protection Act (TCPA). Under federal law, the robocall prohibition requires consent for both (1) telemarketing calls; and (2) calls to wireless numbers (regardless of whether the call is of a telemarketing nature or not). Under prior law, consent was implied if there was an "established business relationship." That no longer exists. Under new TCPA regulations, "established business relationship" no longer relieves robo-callers or auto-dialers of the prior express consent requirement. Although the FCC ruled in 2016 that utilities are exempt from the prior consent requirement in certain circumstances, we still have concern that 2273 is duplicative of federal efforts on robo-call regulations and would introduce confusion as to when utilities would be required to obtain prior written consent before making automated calls.

Further, utilities are exploring how to enhance the auto-dialer feature for customer benefit. Westar is currently exploring how the auto-dialer could assist us in contacting customers about approaching storms in their area and alerting them to how to prepare for a storm. We want to be able to continue the use of this convenient, efficient feature when communicating with our customers, and we believe 2273 could compromise our ability to do so. Thank you again for the opportunity to offer our viewpoint on this matter.

Westar Energy | 818 S. Kansas Ave. | Topeka, Kansas | 66612
Laura Maag Lutz | Government Affairs Manager | laura.lutz@westarenergy.com | 785.213.6511