

# Citizens' Utility Ratepayer Board

## Board Members:

Robert L. Harvey, Chair  
Ellen K. Janoski, Vice-Chair  
Brian Weber, Member  
Bob Kovar, Member  
James L. Mullin II, Member



State of Kansas

Sam Brownback, Governor

David Springe, Consumer Counsel  
1500 S.W. Arrowhead Road  
Topeka, Kansas 66604-4027  
Phone: (785) 271-3200  
Fax: (785) 271-3116  
<http://curb.kansas.gov>

## HOUSE UTILITIES AND TELECOMMUNICATIONS COMMITTEE H.B. 2482

Testimony on Behalf of the Citizens' Utility Ratepayer Board  
By David Springe, Consumer Counsel  
February 19, 2014

Chairman Seiwert and members of the committee:

Thank you for this opportunity to offer testimony on H.B. 2482. The Citizens' Utility Ratepayer Board (CURB) supports this bill and urges the Committee to pass H.B. 2482.

H.B. 2482 amends K.S.A. 66-106 to clarify that the state corporation commission has the authority to "intervene in other state and federal proceedings on any matter pertaining to the state corporation commission's official duties", and, after conferral with the attorney general, to "file amicus briefs with any court within the state or federal government."

The state corporation commission, with its ability to intervene and participate in federal proceedings, plays a vital consumer protection role for utility customers in Kansas. Many decisions that are made at the federal level, whether at the Federal Energy Regulatory Commission (FERC), the Federal Communication Commission (FCC), other federal agencies or through the federal courts, ultimately result in impacts to Kansas utility customers. The state corporation commission has long intervened in these proceedings on behalf of Kansas customers, and must continue to be able to do so to protect our interests.

I understand that in other legal venues, the authority of a state regulatory commission to participate at the federal level has been questioned. While I believe that our current statutes are sufficient to grant this authority, there is no harm in making this authority explicit. As such, CURB supports this bill and urges its passing.

While not necessary, CURB does ask the committee to consider a few drafting changes that serve to enhance the proposed language:

(3) *On its own, or in conjunction and/or association with others with similar interests, intervene and/or otherwise participate, in other state or federal proceedings, on any matter pertaining to the state corporation commission's reasonably believes pertains to its official duties.* Upon conferral with the attorney general, the commission has discretion to file amicus briefs with any court within the state or federal government.

This language makes the authority broader, (1) by giving the commission the specific authority to join with other states, associations or even industry where interests are aligned, to participate in state and federal proceedings, and (2) expands the authority beyond intervention to include "and/or otherwise participate" in the event other options short of intervention present themselves, and (3) expands the authority to any proceeding the state corporation commission "reasonably believes" pertains to its official duties. This broader language may negate an argument that the commission is attempting to participate in a proceeding that is not specifically within its official statutory duties.