

Approved: 4/28/94  
Date

## MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Chairperson Ben Vidricksen at 9:00 a.m. on March 22, 1994 in Room 254-E of the Capitol.

All members were present except:

Senator Emert  
Senator Harris

Committee staff present: Hank Avila, Legislative Research Department  
Ben Barrett, Legislative Research Department  
Bruce Kinzie, Revisor of Statutes  
Martha Ozias, Committee Secretary

Conferees appearing before the committee:

Representative Galen Weiland - 49th District  
Patrick Roberts - State Correctional Supervisor  
Dave Nichols - Southwestern Bell Telephone  
Karen Flaming - KCC

Others attending: See attached list

### **HB 2720 - K-92 Finney Scenic Highway**

No one was present to address this bill. No action was taken.

### **HB 2838 - Designating a party of U.S. Highway 75 as Danny J. Petersen Memorial Highway**

Representative Weiland appeared before the Committee in memory of Danny J. Peterson who lost his life in Vietnam 24 years ago. His mother, Flora Petersen of Horton, was introduced. Specialist Fourth Class Danny J. Peterson, U.S. Army, Company B, 4th Battalion, 23d Infantry, 25th Infantry Division was killed on January 9, 1970 at Tay Ninh Province, Republic of Vietnam and is the only Medal of Honor recipient that is buried in northeast Kansas. Sp4c Peterson distinguished himself while serving as an armored personnel carrier commander with Company B during a combat operation against a North Vietnamese Army Force. His conspicuous gallantry and extraordinary heroism prevented further loss of life in his platoon. This bill would designate a part of U.S. Highway 75 from Holton, Kansas to Netawaka, Kansas in honor of him. (Attachment 1)

Patrick Roberts explained his concern that one of our nation's most honored soldiers was laid to rest in cemetery in close proximity to a highway on which hundreds of people travel and are not aware of his sacrifice. Inasmuch as Sp4c Peterson received the only Medal of Honor to be awarded to a native Kansan for heroism in the Vietnam War it was requested that the Committee give thoughtful consideration to this legislation. (Attachment 2)

### **HB 3039 - Concerning telecommunications public utilities**

Dave Nichols addressed the Committee on this bill which would codify current practice in the industry regarding the offering of free call blocking for the service-caller ID. (Attachment 3)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES, Room 254E-Statehouse, at 9:00 a.m. on March 22, 1994.

Karen Flaming provided a status report on KCC action. She stated that caller ID has always carried with it concerns regarding a caller's privacy and right to not have the calling telephone number identified by the called party. The major privacy issue was whether to require the ability to block the calling telephone number on a "per call" or "per line" basis. The Commission studied this and approved the service with certain modifications. (Attachment 4)

There was considerable discussion on this bill. No action was taken.

Senator Jones made a motion to recommend HB 2838 favorable for passage. Senator Papay seconded this. Motion carried.

A motion to approve the minutes of March 18 and March 21 was made by Senator Tiahrt and seconded by Senator Papay. Motion carried.

The meeting was then adjourned by the Chairman.

No further meetings are scheduled at this time.

# GUEST LIST

## SENATE TRANSPORTATION COMMITTEE

DATE: MARCH 22, 1994

NAME (PLEASE PRINT)	ADDRESS	COMPANY/ORGANIZATION
Alan ZAREK	TOPEKA	K-W-I-C 99.3 F-m
Jamie Clover Adams	Topeka	KFAA / KGFA
Allie Devine	Topeka	KLA
Rich McKee	Topeka	KLA
ED SCHAUB	"	WESTERN RESOURCES
Bill Watts	Topeka	KDOT
Carl Hull	Topeka	Mid-America Transport
John W Smith	Topeka	KDOR DMW
Rick Scheibe	Topeka	KDOR
Ken Gudenkaut	Topeka	KDOT
Betty McBride	Topeka	KDOR
Mrs. Flora Petersen	Horton, Kansas	
PATRICK Roberts	Topeka	SELF
LONNIE PETERSEN	TOPEKA	SELF
DAVID NICHOLS	TOPEKA	SWBT
J.C. Long	Topeka	UtiliCorp
Tom Day	TOPEKA	KCC
Karen Matson Flaming	Topeka	KCC
Libby Guard		AP
Larry Ireland	Bandera	Rep
Torri Roberts	Topeka	KSNA

GUEST LIST (continued)

DATE: MARCH 22, 1994

[illegible]

GALEN WEILAND  
REPRESENTATIVE, FORTY-NINTH DISTRICT  
DONIPHAN AND BROWN COUNTY  
P O BOX 146  
BENDENA, KS 66008



TOPEKA

HOUSE OF  
REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
RANKING MINORITY MEMBER:  
FINANCIAL INSTITUTIONS AND  
INSURANCE  
MEMBER: AGRICULTURE  
PUBLIC HEALTH AND WELFARE  
JOINT COMMITTEE ON GAMING COMPACTS

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE

With reference to HB 2838, I appear before you today in memory of a young man from northeast Kansas who lost his life in Vietnam 24 years ago. Danny J. Petersen was born in Horton, attended junior high in Topeka and high school in Troy. Today he is buried in Netawaka. In 1974, then vice president Gerald Ford, presented Danny Petersen's family with the Congressional Medal of Honor in the garden at Blair House. Of the millions that served in the Vietnam conflict, only 238 were awarded the country's highest award for heroism. Danny Petersen is the only Medal of Honor recipient that is buried in northeast Kansas. His mother, Flora Petersen, of Horton, is my constituent.

Specialist Fourth Class Danny J. Petersen, U. S. Army, Company B, 4th Battalion, 23d Infantry, 25th Infantry Division was born March 11, 1949 at Horton, Kansas and was killed on the 9th day of January, 1970 at Tay Ninh Province, Republic of Vietnam. He entered the service in Kansas City, Missouri.

ATTACHMENT A

SEN. TRAUS. 3/22/94

A-1

Sp4c Petersen distinguished himself while serving as an armored personnel carrier commander with Company B during a combat operation against a North Vietnamese Army Force estimated to be of battalion size. During the initial contact with the enemy, an armored personnel carrier was disabled and the crewmen were pinned down by the heavy onslaught of enemy small arms, automatic weapons and rocket-propelled grenade fire. Sp4c Petersen immediately maneuvered his armored personnel carrier to a position between the disabled vehicle and the enemy. He placed suppressive fire on the enemy's well-fortified position, thereby enabling the crewmembers of the disabled personnel carrier to repair their vehicle. He then maneuvered his vehicle, while still under heavy hostile fire to within 10 feet of the enemy's defensive emplacement. After a period of intense fighting, his vehicle received a direct hit and the driver was wounded. With extraordinary courage and selfless disregard for his own safety, Sp4c Petersen carried his wounded comrade 45 meters across the bullet swept field to a secure area. He then voluntarily returned to his disabled armored personnel carrier to provide covering fire for both the other vehicles and the dismounted personnel of his platoon as they withdrew. Despite heavy fire from 3 sides, he remained with his disabled vehicle, alone and completely exposed. Sp4c Petersen was standing on top of his vehicle, firing his weapon, when he was mortally wounded. His

heroic and selfless actions prevented further loss of life in his platoon. Sp4c Petersen's conspicuous gallantry and extraordinary heroism are in the highest traditions of the service and reflect great credit on him, his unit, and the U. S. Army.

This act designates a part of U. S. Highway 75 from Holton, Kansas to Netawaka, Kansas, the site of his burial, as Danny J. Petersen Memorial Highway. Markers shall be placed along the right-of-way at proper intervals to indicate that the highway is the Danny J. Petersen Memorial Highway.



March 22, 1994

Patrick Roberts  
Correctional Supervisor  
State of Kansas

Steve Roberts  
Assistant Principal  
Topeka High School

Re: H.B. #2838 DANNY J. PETERSEN MEMORIAL HIGHWAY

Mr. Chairman, members of the committee, my name is Patrick Roberts. About three years ago, my brother Steve, read a story in the Topeka paper about a Memorial Day service being held at the Netawaka gravesite of Medal of Honor winner, Danny J. Petersen. About a year later, I travelled to the cemetery and was struck by it's proximity to the highway and by the way that cars passed by the hundreds, unaware that one of our nation's most honored soldiers was laid to rest nearby. I was saddened by the fact that the selfless courage and ultimate sacrifice of Danny Petersen was being forgotten by the people of his home State. The Danny J. Petersen Memorial Highway would be a testimony to all of the Kansans that served in Viet Nam, that they will not be forgotten - especially, those that did not return to their homes. The Medal of Honor is our nation's highest award for heroism and to receive it is a singular achievement. The majority of recipients, like Danny Petersen, do not survive their Medal action to wear the award. What you have been holding is the only Medal of Honor to be awarded to a native Kansan for heroism in the Viet Nam War. Danny Petersen gave up a lot for his country - he would have been 45 years old this month.

Other Medal winners from around the country have been similarly honored. In Chicago, one of the world's busiest airports, O'Hare International, is named for Medal recipient Butch O'Hare (WWII). Alvin York (WWI) stands larger than life, in bronze, on the grounds of the Tennessee State Capitol. In Maine, Loring Air Force Base is named for a Korean War recipient. An oil portrait of Audie Murphy (WWII) hangs in a place of honor in the chambers of the Texas State Senate.

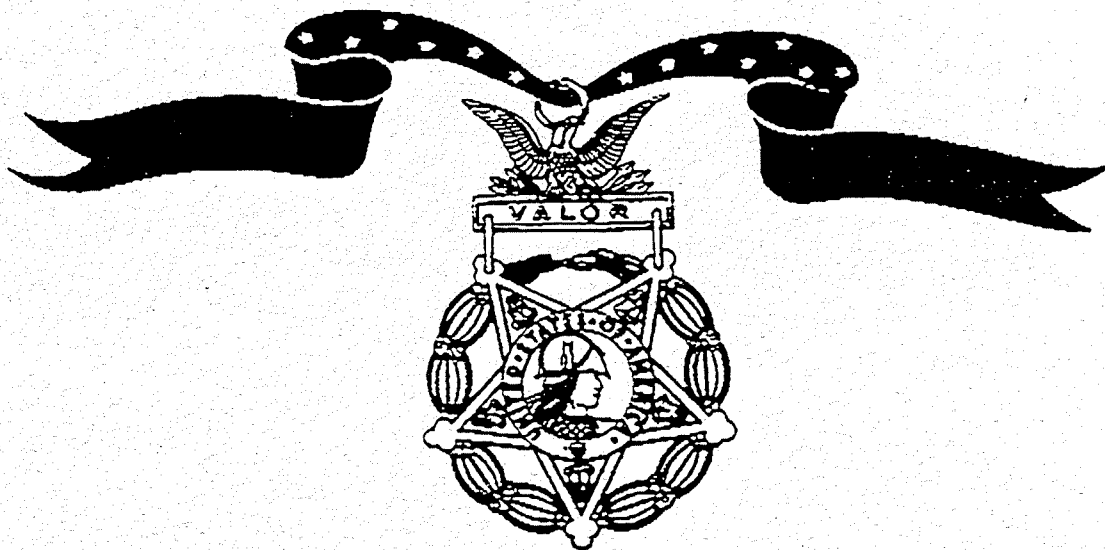
The Petersens are a solid Kansas family, going back several generations. Danny Petersen was born in Horton, and lived his entire life in northeast Kansas. He was, and he remains, one of our own. I hope that you will see fit to continue the process of honoring him in a way that my brother and I believe to be both deserved and appropriate. Thank you for your time and your kind consideration of this legislation. Attached to my testimony, you will find a copy of Danny Petersen's Medal of Honor Citation for you to read at your convenience.

ATTACHMENT 2

SEN. TRAVS. 3/22/94

21





**\*PETERSEN, DANNY J.**

Rank and organization: Specialist Fourth Class, U.S. Army, Company B, 4th Battalion, 23d Infantry, 25th Infantry Division. *Place and date:* Tay Ninh Province, Republic of Vietnam, 9 January 1970. *Entered service at:* Kansas City, Mo. *Born:* 11 March 1949, Horton, Kans. *Citation:* Sp4c. Petersen distinguished himself while serving as an armored personnel carrier commander with Company B during a combat operation against a North Vietnamese Army Force estimated to be of battalion size. During the initial contact with the enemy, an armored personnel carrier was disabled and the crewmen were pinned down by the heavy onslaught of enemy small arms, automatic weapons and rocket-propelled grenade fire. Sp4c. Petersen immediately maneuvered his armored personnel carrier to a position between the disabled vehicle and the enemy. He placed suppressive fire on the enemy's well-fortified position, thereby enabling the crewmembers of the disabled personnel carrier to repair their vehicle. He then maneuvered his vehicle, while still under heavy hostile fire to within 10 feet of the enemy's defensive emplacement. After a period of intense fighting, his vehicle received a direct hit and the driver was wounded. With extraordinary courage and selfless disregard for his own safety, Sp4c. Petersen carried his wounded comrade 45 meters across the bullet-swept field to a secure area. He then voluntarily returned to his disabled armored personnel carrier to provide covering fire for both the other vehicles and the dismounted personnel of his platoon as they withdrew. Despite heavy fire from 3 sides, he remained with his disabled vehicle, alone and completely exposed. Sp4c. Petersen was standing on top of his vehicle, firing his weapon, when he was mortally wounded. His heroic and selfless actions prevented further loss of life in his platoon. Sp4c. Petersen's conspicuous gallantry and extraordinary heroism are in the highest traditions of the service and reflect great credit on him, his unit, and the U.S. Army.



"The One to Call On"®

**David C. Nichols**  
District Manager  
External Affairs

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE, I AM DAVID NICHOLS  
REPRESENTING SOUTHWESTERN BELL TELEPHONE COMPANY (SWBT).

HB 3039 WOULD CODIFY CURRENT PRACTICE IN THE INDUSTRY REGARDING  
THE OFFERING OF FREE CALL BLOCKING FOR THE SERVICE- CALLER ID.  
CALLER ID IS OFFERED BY SWBT IN SEVERAL LOCATIONS WITH OVER  
15,000 CUSTOMERS. OUR CURRENT PLANS ARE TO OFFER CALLER ID  
ON A STATEWIDE BASIS BY THE END OF 1995.

THE NUMBER ONE REASON CUSTOMERS BUY CALLER ID IS TO AVOID  
ANNOYING AND HARASSING CALLS. PER-CALL BLOCKING OFFERS THE BEST  
OF BOTH WORLDS, THE ABILITY TO BLOCK AND THE FREEDOM TO CHOOSE  
WHEN TO BLOCK. FOR EXAMPLE, A CALLER MAY WANT TO BLOCK A CALL  
TO THE INTERNAL REVENUE SERVICE, BUT NOT NECESSARILY TO A FRIEND.

SWBT IS A PROPONENT OF HB 3039 WITH THE ATTACHED AMENDMENTS  
CLARIFYING SECTION 1 AND SECTION 2.

THANK YOU MR. CHAIRMAN AND THE COMMITTEE.

220 East Sixth  
Topeka, Kansas 66603

Phone 913 276-8514

ATTACHMENT 3

GEN. TRANS. 3/22/94

3-1

PER-CALL BLOCKING  
VS.  
PER-LINE BLOCKING

- Per-line blocking means that all calls the caller places are blocked.
- Per-line blocking is inflexible and research shows that most customers do not want all calls blocked all the time. For example, a person may want to block a call to the Internal Revenue Service, but not necessarily to Aunt Betsy. With per-line blocking there is no choice; all calls are blocked.
- On the other hand, per-call blocking gives customers choices. It allows customers to choose when they want calls blocked.
- Per-call blocking offers the best of both worlds, the ability to block and the freedom to choose when to block. Per-call blocking puts customers in control.
- It's important to keep in mind that there are two sides to consider when determining blocking options; the person making the call and the person receiving the call. Per-call blocking balances the needs of these two sides.

## HOUSE BILL No. 3039

By Committee on Judiciary

2-15

9 AN ACT concerning ~~telephone call identification service~~; en-  
10 ~~forcement by the state corporation commission~~ telecommu-  
11 ~~nications public utilities~~; establishing certain requirements for  
12 ~~telephone call identification service~~; relating to rates for en-  
13 ~~hanced emergency telephone service~~.  
14

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

16 Section 1. (a) The state corporation commission, by rule and  
17 regulation, shall require that every telephone call identification serv-  
18 ice offered in this state by a ~~telephone corporation~~ telecommu-  
19 ~~nications public utility~~, or by any other person or corporation that  
20 makes use of the facilities of a ~~telephone corporation~~ telecom-  
21 ~~munications public utility~~, shall allow a caller to withhold display of  
22 the caller's telephone number, on ~~an individual~~ a per call basis,  
23 from the telephone instrument of the individual receiving the tel-  
24 ephone call placed by the caller.

25 (b) There shall be no charge to the caller who requests that the  
26 caller's telephone number be withheld, on a per call basis, from  
27 the recipient of any call placed by the caller.

28 (c) The state corporation commission shall direct every tele-  
29 phone corporation to ~~notify the corporation's subscribers that~~  
30 ~~such subscribers' calls may be identified to a called party either~~  
31 ~~telecommunications public utility to notify the utility's customers~~  
32 ~~that the customers' calls may be identified to a called party and to~~  
33 ~~provide to customers directions for withholding a caller's telephone~~  
34 ~~number~~.

number from which a call is placed

on a per call basis

35 (1) Thirty or more days before the ~~telephone corporation~~ tel-  
36 ~~ecomunications public utility~~ commences to participate in the of-  
37 fering of a call identification service; or

38 (2) by September 1, 1994, if the telephone corporation or,  
39 if the telecommunications public utility is participating in a call  
40 identification service prior to July 1, 1994, by September 1, 1994;  
41 and (2) annually thereafter in a customer billing.

42 (d) Every telephone directory published for distribution in an  
43 area of this state served by a telephone call identification service



1 shall advise that the service is available and provide directions for  
2 withholding a caller's telephone number.

3 (d) (e) This section does not apply to any of the following:

4 (1) An identification service which is used within the same limited  
5 system, including, but not limited to, a Centrex or private branch  
6 exchange system, as the recipient telephone;

7 (2) an identification service which is used on a public agency's  
8 emergency telephone line or on the line which receives the primary  
9 emergency telephone number;

10 (3) any identification service provided in connection with legally  
11 sanctioned call tracing or tapping procedures; or

12 (4) any identification service provided in connection within any  
13 "700," "800" or "900" access code telephone service until the tel-  
14 ephone corporation telecommunications public utility develops the  
15 technical capability to comply with subsection (a), as determined by  
16 the state corporation commission.

17 (f) Nothing in this section shall be construed to prohibit a tel-  
18 ecommunications public utility from ~~providing for a caller~~ to with-  
19 hold the ~~caller's~~ telephone number on a per line basis.

20 (g) As used in this section, "telecommunications public utility"  
21 has the meaning provided by K.S.A. 66-1,187 and amendments  
22 thereto.

23 Sec. 2. (a) The state corporation commission shall adopt rules  
24 and regulations governing rates for enhanced emergency telephone  
25 service, which rates shall not exceed the cost of such service to the  
26 telecommunications public utility offering the service.

27 (b) As used in this section:

28 (1) "Enhanced emergency telephone service" means a service  
29 which enables the receiver of a call on an emergency telephone  
30 service, as defined by K.S.A. 12-5301 and amendments thereto, to  
31 identify the telephone number and location of the caller.

32 (2) "Telecommunications public utility" has the meaning pro-  
33 vided by K.S.A. 66-1,187 and amendments thereto.

34 Sec. 2 3. This act shall take effect and be in force from and after  
35 its publication in the statute book.

on a per call basis

allowing any customer

customer's

This definition shall not include any customer premises equipment or any network services which are subject to competition.

BEFORE THE SENATE  
TRANSPORTATION AND UTILITIES COMMITTEE

PRESENTATION OF THE  
KANSAS CORPORATION COMMISSION ON

HB 3039 - Caller Id

The Kansas Corporation Commission is neither supporting or opposing this bill. Caller Id has been an issue before the Commission, and we wanted to provide you a status report so that you will know what action the Commission has taken on this matter.

Caller Id has been available in limited areas of Kansas since December 21, 1992. Today, Caller Id is tariffed and available for Southwestern Bell in Lawrence, Wichita, Topeka, and Kansas City. The service is offered at a monthly rate of \$6.50 for residential customers and \$8.50 for business customers. I am aware of two other small independent telephone companies that are preparing to offer Caller Id in their service territories.

Caller Id has always carried with it concerns regarding a caller's privacy and right to not have the calling telephone number identified by the called party. In Kansas, the Attorney General has issued an opinion (Opinion No. 92-80 on June 22, 1992) that Caller Id is not in violation of Kansas laws. The major privacy issue surrounding Caller Id thus was whether to require the ability to block the calling telephone number from the called party on a "per call" or "per line" basis. The per call blocking requires customers to enter the blocking code (\*67) prior to dialing each telephone number if they wish to prevent their number from being displayed. Per line blocking provides that function automatically for all calls from a given line or telephone number. The majority of states with approved Caller Id services allow the service to be implemented with per call blocking rather than per line blocking. This bill mirrors the Kansas Commission's standards on per line blocking.

In preparing its recommendation for the Commission, the Commission staff met with CURB (Citizens Utility Rate Payers Board), representatives from Kansas domestic violence agencies and local law enforcement

agencies, during its investigation. We incorporated several of these organizations' requests and recommended the Commission approve the service with certain modifications. The modifications included per line blocking at no charge for domestic violence agencies, their employees and volunteers of the agencies, including the residence lines of employees and volunteers. Additionally per line blocking is available to federal, state, and local law enforcement agencies, also at no charge. Per line blocking is not generally available to other subscribers.

Any telephone company proposing to offer the service is required to give notice to the specific area prior to implementing the service, to inform customers that their number will be displayed and to provide directions as how to block delivery of their number if the caller desires. After implementation, this information also appears in the local directories for the involved areas.

I will be happy to answer any questions you may have, and I thank you for this opportunity to provide you information.