Approved: April 1, 2011
Date

MINUTES OF THE HOUSE ENERGY AND UTILITIES COMMITTEE

The meeting was called to order by Chairman Carl Holmes at 9:00 A.M. on March 10, 2011, in Room 785 of the Docking State Office Building.

All members were present except:
Representative Stan Frownfelter-excused
Representative Mike Slattery-excused
Representative Tom Sloan-excused

Committee staff present:
Matt Sterling, Office of the Revisor of Statutes
Cindy Lash, Kansas Legislative Research Department
Corey Carnahan, Kansas Legislative Research Department
Renae Hansen, Committee Assistant

Conferees appearing before the Committee:
Bill Cade, Missouri
Leo Haynos, KCC

Others attending:
Thirty three including the attached list.

Action on:

HCR 5023-Urging the Kansas Corporation Commission to regulate hydraulic fracturing.

Representative Annie Kuether moved to recommend **HCR 5023** favorable for passage to the house floor. Seconded by Representative Forrest Knox. Motion carried.

Representative Phil Hermanson will carry the bill on the floor.

Informational hearing on:
E-911-Background, current law, proposed law

Bill Cade, Missouri, (Attachment 1), spoke to the committee on providing 911 services amidst changing times. Additionally, a biography for Mr. Cade (Attachment 2) was provided. He spoke about the history of 9-1-1 and then offered information about the current status of wireless 911.

Questions were asked and comments made by Representatives: Don Hineman, Vern Swanson, Annie Kuether, and Don Schroeder.

The hearing was suspended.

Hearing on:

HCR 5022-Urging adoption of federal regulations or policies permitting Kansas to regulate the underground storage of natural gas in interstate transportation.

Proponents:
Leo Haynos, KCC, (Attachment 3) offered testimony to the committee in support of **HCR 5022**.

Representative Dennis Hedke, district #99, spoke to the committee in support of **HCR 5022** and offered a history in regards to this Concurrent Resolution.

Questions were asked and comments made by Representatives: Annie Kuether, Forrest Knox and Carl Holmes.

The hearing on **HCR 5022** was closed.

The minutes of the House Energy and Utilities Committee at 9:00 A.M. on March 10, 2011, in Room 785 of the Docking State Office Building.

Continued informational hearing on:
E-911

Cindy Lash, Kansas Legislative Research Department, spoke to the committee about the history of 9-1-1 in the state of Kansas.

Questions were asked and comments made by Representatives: Forrest Knox, Greg Smith, and Carl Holmes.

The hearing on E-911 was suspended.

The next meeting is scheduled for March 11, 2011.

The meeting was adjourned at 10:50 A.M.

HOUSE ENERGY AND UTILITIES COMMITTEE
GUEST LIST

DATE: March 10, 2011

NAME	REPRESENTING
Derek Hein	Hein Law Firm
Lon Stanton	Northern Natural Gas Co
Mike Loeffler	Northern Natural Gas
Colin Curtis	Sandstone Group
[illegible]	GMN's Grants Program
Jim Gardner	AT&T
Mike Reedy	Sprint
Melissa Wangemann	KAC
Tom Day	KCC
Leo Haynos	KCC
Dina Fisk	Verizon
Kim Winn	LKM
Doug Smith	KLPG
Mike Huttles	Ks. Independent Telephone Co.
Dennis Hedica	Rep 99
Wes Ashton	Black Hills

GeoComm

been there.

Providing 9-1-1 Services Amidst Changing Times

Sponsored by
League of Kansas Municipalities (LKM)

Presented by
Bill Cade, GeoComm

March 2011

HOUSE ENERGY AND UTILITIES
DATE: 3/10/2011
ATTACHMENT 1-1

Public Safety Consulting, GIS, and Software
www.geo-comm.com

Main: 320.240.0040 Fax: 320.240.2389 Toll-free: 888.436.2666
601 West St. Germain Street St. Cloud, MN 56301

GeoComm

been there.

GeoComm

Providing 9-1-1 Services Amidst Changing Times

Kansas Legislature
House Energy and Utilities Committee
March 10, 2011

GeoComm

9-1-1 Services in Kansas

For Emergencies Dial 9-1-1

- Beginning in 1967, we have told our citizens to use 9-1-1
- Abbreviated dialing to promptly access all emergency services
- One number, one call, all services which is not part of our law and culture

GeoComm

9-1-1 Services in Kansas

Wireline 9-1-1 Service

- Basic and then enhanced over time
- Managed network, sole source, based on standards for equipment and data
- Funding derived from charge per telephone line (as approved per state)

GeoComm

9-1-1 Services in Kansas

Wireline 9-1-1 Service - Enhanced

- Location data associated with telephone number
- Routed to specific Public Safety Answering Point (PSAP) by Emergency Service Zone (ESZ)
- Funding derived from increased charges per telephone line (as approved per state)

GeoComm

9-1-1 Services in Kansas

Wireless 9-1-1 Service – Phase One

- Wireless phones have access to 9-1-1 (1996)
- PSAP must make formal service request with required conditions met
- Routed based on tower location and antenna configuration
- System performance does not match consumer expectation

GeoComm

9-1-1 Services in Kansas

Wireless 9-1-1 Service - Impact on PSAPs

- Wireless phones may reach 70 percent today
- PSAP management has new roles and responsibilities
- PSAP training must expand for this class of caller, costs, time, and documentation
- PSAP equipment upgrades, network changes add to cost

GeoComm

9-1-1 Services in Kansas

Wireless 9-1-1 Service

Debated issues, FCC regulatory actions:

1. Cost recovery
2. Demarcation point for cost
3. Future sustainable funding
4. Non-Recurring Engineering (NRE) Monthly Recurring Charges (MRC)

GeoComm

9-1-1 Services in Kansas

Wireless 9-1-1 Service

FCC Regulatory Actions:

1. FCC Docket 94-102 et al – 1998 (JasCo)
2. E9-1-1 Second Memorandum Opinion and Order (1999)
3. King County (WA) Decision (2000)
4. Richardson (TX) Decision (2001)

GeoComm

9-1-1 Services in Kansas

Wireless 9-1-1 Service
FCC Regulatory Actions:
1. FCC Docket 94-102 et al
2. E9-1-1 Second Memorandum Opinion and Order (1999) – cost recovery
3. E9-1-1 Third Memorandum Opinion and Order (1999) – location accuracy
4. King County (WA) Decision (2000)
5. Richardson (TX) Decision (2001)

GeoComm

9-1-1 Services in Kansas

FCC Regulatory Actions – Accuracy Network Solution:
- 100 meter accuracy 67 percent of the time, and 300 meter accuracy 95 percent of the time
- TDMA, GSM, and analog
- Generally good urban and suburban accuracy
- Rural accuracy is problematic

GeoComm

9-1-1 Services in Kansas

FCC Regulatory Actions – Accuracy Hand Set Based Solution:
- 50 meter accuracy 67 percent of the time, and 150 meter accuracy 95 percent of the time
- CDMA and iDEN GPS phones
- In-building coverage problem
- Generally good suburban and rural accuracy

GeoComm

9-1-1 Services in Kansas

Industry Definitions of Typology:

- Urban
  - High population density
  - High rise buildings ("urban canyons")
  - Many closely spaced cell sites

GeoComm

9-1-1 Services in Kansas

Industry Definitions of Typology:

- Suburban
  - Moderate population density
    - Medium rise buildings
    - Cell sites less dense

GeoComm

9-1-1 Services in Kansas

Industry Definitions of Typology:

- Rural
  - Low population density
    - Low rise buildings
  - Cell sites far apart and/or linear

GeoComm

9-1-1 Services in Kansas

Wireless E9-1-1 also Requires:

- New Standard Operating Procedure (SOP), training, and education
- Awareness of current value of delivered data
- Greater reliance upon base maps
- Ongoing interaction with Wireless Service Providers (WSP) and their contractors

GeoComm

9-1-1 Services in Kansas

PSAP Mapping Issues:

- Ability to utilize the E9-1-1 data
- Base mapping development
- Base map maintenance
- Clear definition of responsibility
- Shared resource for community

The best base map still needs good location data to facilitate effective dispatch on wireless E9-1-1 calls.

GeoComm

9-1-1 Services in Kansas

Current FCC Regulatory Activity:

Failed 2007 FCC ruling yielded:

- Industry and public safety reconsideration
- Accuracy requirement applies to county level (proposed)
- Discussion continues....

GeoComm

9-1-1 Services in Kansas

9-1-1 Evolution continues.....

Next Generation 9-1-1:

- Ability to pass voice and some data across current 9-1-1 infrastructure does not permit access via alternate devices
- Replace the present 9-1-1 system with Internet Protocol (IP) based network

GeoComm

9-1-1 Services in Kansas

Next Generation 9-1-1

- NG9-1-1 system would permit devices and practices beyond voice capability to access 9-1-1
- Consumers could transmit text messages, pictures, video clips to local PSAP
- Additional applications also exist from remote sensors to closed circuit television

GeoComm

9-1-1 Services in Kansas

Next Generation 9-1-1

- Requests for Service (calls) would be routed based upon GIS data
- This routing alternative may mean that the "consumer" would reach the appropriate PSAP directly
- Regional, statewide, and national networks are anticipated

GeoComm

9-1-1 Services in Kansas

Next Generation 9-1-1
Impact on PSAP Manager of today:

- The past practices, equipment, service providers, standards, and business practices change
- Staff training, SOP, reliance upon IT support locally will change
- The costs are predicted but remain undefined at the per PSAP level

GeoComm

9-1-1 Services in Kansas

Next Generation 9-1-1

- The fully developed and well managed NG9-1-1 systems will support improved service delivery. It is not clear when and how this will evolve across Kansas and what changes will be most practical in the long-term.

GeoComm

9-1-1 Services in Kansas

GeoComm appreciates the opportunity to present, and we are hopeful that this information has been helpful.

Thank you!

William A. Cade Jr.
Communications Consultant

GeoComm

Acronyms (NENA Glossary)

ALI - Automatic Location Information The automatic display at the PSAP of the caller's telephone number, the address/location of the telephone and supplementary emergency services information of the location from which a call originates.

ANI – Automatic Number Identification Telephone number associated with the access line from which a call originates.

ESN/ESZ An Emergency Services Number (ESN) is a three to five digit number representing a unique combination of emergency service agencies (Law Enforcement, Fire, and Emergency Medical Service) designated to serve a specific range of addresses within a particular geographical area, or Emergency Service Zone (ESZ). The ESN facilitates selective routing and selective transfer, if required, to the appropriate PSAP and the dispatching of the proper service agency (ies).

GeoComm

Acronyms (NENA Glossary)

MSAG – Master Street Address Guide A data base of street names and house number ranges within their associated communities defining Emergency Service Zones (ESZs) and their associated Emergency Service Numbers (ESNs) to enable proper routing of 9-1-1 calls.

GIS – Geographic Information Systems Data A computer software system that enables one to visualize geographic aspects of a body of data. It contains the ability to translate implicit geographic data (such as a street address) into an explicit map location. It has the ability to query and analyze data in order to receive the results in the form of a map. It also can be used to graphically display coordinates on a map i.e. Latitude/Longitude from a wireless 9-1-1 call.

Best Practices, Effective Practices and Standards as developed by ESIF, NRIC, NFPA, APCO, NENA, IJIS, and others.

GeoComm

Acronyms (NENA Glossary)

CPE Customer Premise Equipment Communications or terminal equipment located in the customer's facilities – Terminal equipment at a PSAP. (Originally use to refer to telephony equipment at PSAP, recently expanded to include other elements of mission critical equipment at the PSAP.

CAD Computer Aided Dispatch A computer based system, which aids PSAP Telecommunicators by automating selected dispatching and record keeping activities.

SOP/SOG Standard Operating Procedures/Guides A written directive that provides a guideline for carrying out an activity. The guideline may be made mandatory by including terms such as "shall" rather than "should" or "must" rather than "may".

GeoComm

Acronyms (NENA Glossary)

Primary PSAP The first Public Safety Answering Point (PSAP) to receive the 9-1-1 call. Point at which a set of call takers authorized by a governing body and operating under common management and asynchronous event notifications for a defined geographic area and processes those calls and events according to a specified operational policy.

Secondary PSAP The PSAP to which the Primary PSAP transfers the 9-1-1 call voice and ANI/ALI data for completion of call processing and dispatch of appropriate, emergency services.

Consolidated PSAP A facility where one or more Public Safety Agencies choose to operate as a single 9-1-1 entity. Considerations include funding, governance, operations, technology, staffing, training, facility design, and public education.

GeoComm

Acronyms (NENA Glossary)

Wireless Phase 1 (WPH1) Required by FCC Report and Order 96-264 pursuant to Notice of Proposed Rulemaking (NPRM) 94-102. The delivery of a wireless 9-1-1 call with callback number and identification of the cell-tower from which the call originated. Call routing is usually determined by cell sector.

Wireless Phase 2 (WPH2) Required by FCC Report and Order 96-264 pursuant to Notice of Proposed Rulemaking (NPRM) 94-102. The delivery of a wireless 9-1-1 call with Phase I requirements plus location of the caller within the current required accuracy parameters *and Selective Routing based upon those coordinates.*

GeoComm

Acronyms (NENA Glossary)

Next Generation 9-1-1(NG9-1-1) NG9-1-1 is the next evolutionary step in the development of the 9-1-1 emergency communications system known as E9-1-1 since the 1970s. NG9-1-1 is a system comprised of managed IP-based networks and elements that augment present-day E9-1-1 features and functions and add new capabilities. NG9-1-1 will eventually replace the present E9-1-1 system. NG9-1-1 is designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for PSAPs and other emergency service organizations. It is recognized that there will be a multi-year transition to NG9-1-1.

For More Terms – visit NENA.org and download the Glossary

GeoComm

GeoComm

been there.

Public Safety Consulting

Questions ?

1-12

William Cade, Jr.

William Cade has served over 40 years in the public safety industry. William has a strong background in project management, process development, PSAP consolidation feasibility studies and implementation, radio communications systems, and field operations. Through his active leadership roles with Association of Public Safety Communications Officials (APCO), International and National Emergency Number Association (NENA), William has become an industry expert in E9-1-1 dispatch, wireline and wireless 9-1-1 services, PSAP operational issues, and Next Generation 9-1-1.

William served as Director of 9-1-1 and Communications Center Operations for APCO, International where he participated in many operational consulting projects for public safety agencies. He continues to work on national issues and as an active member of the joint APCO, International – NENA working group that released the NENA Operation Information Directive (OID) reference for a PSAP Survivability Assessment Tool. William's involvement with these industry organizations includes direct involvement as project coordinator with APCO Responsive Efforts to Address Integral Needs in Staffing (RETAINS), Locate our Citizens At Times of Emergency (LOCATE), and presentations that include the Nebraska APCO/NENA Conference, Kansas Emergency Management Association (KEMA) Conference, MARC Professional Development Series and the GeoComm, Kansas Association of Counties (KAC), and the League of Kansas Municipalities (LKM) Event where William engaged discussions on NG9-1- 1: Technology is Constantly Changing; including the affect of NG9-1-1 on current systems, considerations for new or upgraded systems, and adapting in this changing environment.

In his current role as a GeoComm communications consultant, he led a 9-1-1 Security, Redundancy, and Diversity project for the eight county MARC (Kansas City) 9-1-1 Region. William and a team of consultants reviewed over 40+ PSAPs in the MARC region using the PSAP Service Capability Criteria Service Matrix. The project involved the use of several industry standards and methods including:

- PSAP Service Capability Criteria Service Capability Matrix
- Continuity of operations plans, as currently exists
- Current PSAP E9-1-1 network system configuration data
- Network diagrams for wireline and wireless connectivity to PSAPs
- Mission critical hardware and software error logs and system monitoring information

William continues to contribute to the public safety industry by utilizing his past public safety expertise to provide consulting services for communications projects, PSAP studies, and Next Generation 9-1-1.

William's resume with additional credentials follows.

HOUSE ENERGY AND UTILITIES

DATE: 3/10/2011

ATTACHMENT 2-1

William Cade, Jr.

Communications Consultant

William's experience in public safety started as a local police officer in Connecticut. After earning a Master's Degree in Criminal Justice, he became a faculty member at the University of Maine. During his 15 years with the university, William became a Deputy Sheriff in Lincoln County, Maine and eventually attained the position of Chief Deputy Sheriff. With his desire to improve public safety services, William continues in the public safety industry 40 years later. William has been employed by, and is active member of, APCO International for the majority of his career. He has served as the Director of 9-1-1 Services and Communication Center Operations for International APCO including direct involvement with project RETAINS and project LOCATE. He has actively served on the Standards Work Group leading to ANSI approved documents on PSAP training, wireless 9-1-1 deployment and management, and the PSAP Capabilities Rating Scale.

With his solid base of public safety knowledge, William began assisting and overseeing PSAP and dispatch center review and consolidation projects. He was responsible for creating the Jasper County Emergency Call Center in Southwest Missouri where he oversaw the consolidation of local dispatch points into a single countywide call taking and dispatch center and upgraded the Joplin City PSAP to serve as a backup PSAP.

William is actively involved in industry organizations and has presented to various public safety groups including the 2009 Nebraska APCO/NENA Conference, Kansas Emergency Manager Association Conference, and the GeoComm, KAC, and LKM Event. He also presented for the MARC Professional Development Series on emerging public safety issues and standards.

As a public safety consultant, William has focused his 9-1-1 communications center experience to assist in project ranging from PSAP feasibility and consolidations studies, PSAP survivability assessments, and continuity of operations planning, to assisting in 700 and 800 MHz, VHF and UHF, and interoperable public safety radio systems projects. His commitment to improving public safety is proven by his involvement in public safety projects across the United States.

William's experience in consulting and public safety includes:

- Serving over 40 years in public safety services, including law enforcement, fire/rescue, and corrections
- Developing and implementing countywide 9-1-1 systems and serving as the first director in Maine

Professional Experience

GeoComm

St. Cloud, Minnesota

- Communications Consultant

APCO, International

- Project Coordinator
- Executive Council
- Director of 9-1-1 Services and Communication Center Operations
- Project RETAINS
- Project LOCATE
- Homeland Security Task Force

Lincoln County, Maine

- Chief Deputy Sheriff
- Deputy Sheriff

University of Maine

- Associate Professor of Criminal Justice

Education

University of Connecticut

- B.S. Natural Sciences

University of Maine

- Bachelors of Public Administration

University of New Haven, Connecticut

- M.S. in Criminal Justice Administration

Technical Experience

- Customer Premise Equipment
- E9-1-1 Operations and Technical Support
- Enhanced Wireless 9-1-1 Communications

William Cacke, Jr.

- Served on committees, panels, and consulting groups including Department of Homeland Security, Target Capabilities Workshops, Emergency Services Interconnection Forum (ESIF), and Network Reliability and Interoperability Council (NRIC)
- Organizing, building, and managing a countywide 9-1-1 system in Jasper County, Missouri, reducing operating costs for local police agencies
- Receiving recognition from state and national organizations for public safety, community policing, and education
- Serving as the first director of the consolidated city, police, and fire dispatch services, serving three separate communities following the creation and opening of the Regional Public Safety Communication Center in Port Orange, Florida

Projects Experience

- Northeast Minnesota PSAP Consolidation Study Group: January 2011
  PSAP Consolidation Feasibility Study
- Ouachita Parish, Louisiana: Completed August 2010
  9-1-1 Plan and Assessment Project
- City of Fremont and Dodge County, Nebraska: July 2010
  PSAP Consolidation Feasibility Study
- Cascade County, Montana: September 2009
  Wireless E9-1-1 Accuracy Testing Project
- Mid-America Regional Council (MARC), Missouri: April 2009
  9-1-1 Security, Diversity, and Redundancy Analysis
- Jackson County, Mississippi: February 2009
  PSAP Operations and Technology Consolidation Feasibility Study
- Kansas Association of Counties (KAC) and League of Kansas Municipalities (LKM), October 2008
  Wireless Assessment, Training, and Planning Sessions
- Lee County, Iowa: October 2008
  PSAP Consolidation Feasibility Study
- Middle Flint Regional E9-1-1 Authority Board: October 2008
  Administrative, Organizational, and Operational Analysis
- Stark County, Ohio: August 2008
  Radio Assessment and PSAP Consolidation Feasibility Study
- West Des Moines (WestCom), Iowa: January 2008
  Needs Assessment and Operational Review
- Kandiyohi, Big Stone and Swift, Minnesota: December 2007
  PSAP Operational Review
- Larimer County, Colorado: June 2007
  PSAP Consolidation Study Review

- Computer Aided Dispatch (CAD)
- E9-1-1 Implementation
- PSAP Equipment Requirements and Procurement
- PSAP Consolidation Feasibility and Consolidation Implementation Planning
- PSAP Staffing and Management Analysis and Performance Assessment
- Next Generation 9-1-1 System Planning
- Wireless Deployment Management

Memberships and Certifications

- Certified Crime Prevention Through Environmental Design (CPTED)
- National Academy of Emergency Medical Dispatch (NAEMD) Executive and Quality Assurance Certifications
- USDOT – Certified Emergency Medical Technician

Professional and Civic Societies

- Active member of APCO, International
- APCO-NENA ANS Work Group on PSAP Service Capability
- Project 33 – Telecommunications Officer Training Standards

House Energy and Utilities Committee
HCR 5022
Comments by Leo Haynos
Chief of Gas Operations & Pipeline Safety
Kansas Corporation Commission
Conservation Division
March 10, 2011

Chairman Holmes and members of the Natural Resources Committee, I am Leo Haynos, Chief of Gas Operations and Pipeline Safety for the Kansas Corporation Commission. I am here today to provide Staff's comment on House Concurrent Resolution 5022.

Background and Current Status

The Commission has been involved in regulating oil and gas exploration and production operations since the mid 1930's. The Commission's conservation division provides regulatory oversight for such activities as: oil and gas operator licensing; drilling permits; well plugging operations, injection well permits and regulating the safety of underground porosity gas storage operations. Related to this area of operations, the Commission's utilities division provides safety oversight for intrastate natural gas pipelines. Staff has developed an expertise with many aspects of the oil and gas industry's field activities by the nature of enforcing regulations that are designed to prevent waste of natural resources, protect correlative rights and protect public safety.

Brief History of KCC regulating Underground Porosity Gas Storage

On January 17, 2001, compressed natural gas leaked from the Yaggy storage field northwest of Hutchinson, Kansas. The escaped natural gas traveled approximately nine miles underground, then rose to the surface through old brine wells in Hutchinson. The escaping gas caused an explosion that destroyed two businesses in the downtown area. A day later, the still uncontained gas caused another explosion that destroyed a home and took the lives of the two occupants. Following this incident, the Kansas legislature passed K.S.A. 55-1,115 which among other things, required the Commission to adopt rules and regulations governing underground porosity storage of natural gas. For gas storage in salt caverns such as Yaggy, KDHE was required to adopt rules and regulations by K.S.A. 55-1,117

In 2002, the KCC adopted K.A.R. 82-3-1000 through K.A.R. 82-3-1012 which implemented K.S.A. 55-1,115. The regulations cover all aspects of storage field operations from permitting to safety inspections and well plugging and abandonment. The regulations were intended to make sure that storage fields were being safely operated and had sufficient integrity to contain the stored gas. Initially, the regulations were applied to twenty-four (24) storage fields, eight (8) of which stored gas in intrastate transportation.

In 2009, Colorado Interstate Gas Company (CIG) challenged the KCC's jurisdiction to regulate interstate gas storage facilities. In *CIG v. Wright, US District Court Case No. 09-4031-SAC* the Court ruled Kansas regulation of interstate gas storage facilities was preempted by the Natural Gas Act (NGA) and the Pipeline Safety Act (PSA) and found the state lacked jurisdiction to regulate any aspect of gas storage when the gas is in interstate transportation. The Court's decision addressed the two aspects of KCC regulations - permitting and safety. Permitting is preempted by the NGA and jurisdiction rests with the Federal Energy Regulatory Commission (FERC) while safety issues are preempted by the PSA and jurisdiction is with the United States Department of Transportation (USDOT). As a consequence of that ruling, KCC is now regulating only the eight (8) intrastate underground porosity gas storage fields. According to the Court, the Pipeline and Hazardous Materials Safety Administration, a division of USDOT, has safety jurisdiction over interstate gas storage. PHMSA is aware of the recent federal court decision that effectively dismantled the KCC's safety regulation over interstate gas storage wellbores in Kansas. However, they have not, to our knowledge, taken any action to date to address this gap.

KCC's efforts to bring this issue to light

In our opinion, Kansas is faced with the dilemma of a classic regulatory gap. Gas storage is a sector of industry that history has demonstrated needs regulatory oversight. The courts have ruled that Kansas is preempted from enforcing its gas wellbore safety regulations on interstate facilities while the US DOT administration has chosen, to date, to not regulate the safety of gas storage wells.

lowing the Court's decision in the CIG case, Staff brought this issue to the attention of the Interstate Oil and Gas Compact Commission and the National Association of Pipeline Safety Representatives in an effort to educate other states with gas storage of the safety issues which we feel are not being addressed. Last fall, the IOGCC passed a resolution titled "Establishing an IOGCC Task Force to Determine the Applicability of the Federal Pipeline Safety Act to Storage of Underground Natural Gas". The National Association of Pipeline Safety Representatives also passed a resolution urging PHMSA to adopt regulations addressing the integrity of natural gas storage wellbores or to support an amendment to the Natural Gas Pipeline Safety Act to give states jurisdiction over all gas storage wellbores. These resolutions, in conjunction with HCR 5022 are intended to engage FERC, DOT and other States in a meaningful dialogue to find a solution to close this regulatory gap.

8 activities unregulated

We see eight areas the KCC regulated before the federal court decision that are currently within the jurisdiction of, but not regulated by, DOT and/or FERC. These eight areas concern safety issues. Because these areas are not the subject of active federal regulation, they should have State oversight.

1. Mechanical integrity testing of storage wells.
2. Installation of leak detectors at the wellhead.
3. Leak reporting.
4. Well blow-out contingency planning.
5. Safety inspections of the wellhead.
6. Down-hole and wellhead storage well construction.
7. Well-cementing.
8. Well-plugging.

Conclusion

We support HCR 5022 and feel the areas of concern expressed here are best left to state regulation. The KCC will continue to work through IOGCC and PHMSA to resolve this issue to protect the resources and safety of Kansans. Thank you for this opportunity to appear. I will gladly answer any questions the Committee might have.