

HOUSE BILL No. 2166

By Committee on Energy, Utilities and Telecommunications

1-25

1 AN ACT concerning electricity; relating to vehicle charging stations;
2 amending K.S.A. 66-1,170 and K.S.A. 2016 Supp. 66-104 and
3 repealing the existing sections.
4

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

6 Section 1. K.S.A. 2016 Supp. 66-104 is hereby amended to read as
7 follows: 66-104. (a) The term "public utility," as used in this act, shall be
8 construed to mean every corporation, company, individual, association of
9 persons, their trustees, lessees or receivers, that now or hereafter may own,
10 control, operate or manage, except for private use, any equipment, plant or
11 generating machinery, or any part thereof, for the transmission of
12 telephone messages or for the transmission of telegraph messages in or
13 through any part of the state, or the conveyance of oil and gas through
14 pipelines in or through any part of the state, except pipelines less than 15
15 miles in length and not operated in connection with or for the general
16 commercial supply of gas or oil, and all companies for the production,
17 transmission, delivery or furnishing of heat, light, water or power. No
18 cooperative, cooperative society, nonprofit or mutual corporation or
19 association which is engaged solely in furnishing telephone service to
20 subscribers from one telephone line without owning or operating its own
21 separate central office facilities, shall be subject to the jurisdiction and
22 control of the commission as provided herein, except that it shall not
23 construct or extend its facilities across or beyond the territorial boundaries
24 of any telephone company or cooperative without first obtaining approval
25 of the commission. As used herein, the term "transmission of telephone
26 messages" shall include the transmission by wire or other means of any
27 voice, data, signals or facsimile communications, including all such
28 communications now in existence or as may be developed in the future.

29 (b) The term "public utility" shall also include that portion of every
30 municipally owned or operated electric or gas utility located in an area
31 outside of and more than three miles from the corporate limits of such
32 municipality, but regulation of the rates, charges and terms and conditions
33 of service of such utility within such area shall be subject to commission
34 regulation only as provided in K.S.A. 2016 Supp. 66-104f, and
35 amendments thereto. Nothing in this act shall apply to a municipally
36 owned or operated utility, or portion thereof, located within the corporate

1 limits of such municipality or located outside of such corporate limits but
2 within three miles thereof ~~except as provided in K.S.A. 66-131a, and~~
3 ~~amendments thereto.~~

4 (c) Except as herein provided, the power and authority to control and
5 regulate all public utilities and common carriers situated and operated
6 wholly or principally within any city or principally operated for the benefit
7 of such city or its people, shall be vested exclusively in such city, subject
8 only to the right to apply for relief to the corporation commission as
9 provided in K.S.A. 66-133, and amendments thereto, and to the provisions
10 of K.S.A. 66-104e, and amendments thereto. A transit system principally
11 engaged in rendering local transportation service in and between
12 contiguous cities in this and another state by means of street railway,
13 trolley bus and motor bus lines, or any combination thereof, shall be
14 deemed to be a public utility as that term is used in this act and, as such,
15 shall be subject to the jurisdiction of the commission.

16 (d) The term "public utility" shall not include:

17 (1) Any activity of an otherwise jurisdictional corporation, company,
18 individual, association of persons, their trustees, lessees or receivers as to
19 the marketing or sale of compressed natural gas for end use as motor
20 vehicle fuel; *or*

21 (2) *any entity that furnishes electric vehicle charging services at one*
22 *or more vehicle charging stations located on any premises owned or*
23 *operated by such entity, unless such entity is otherwise subject to the*
24 *jurisdiction of the state corporation commission.*

25 (e) At the option of an otherwise jurisdictional entity, the term "public
26 utility" shall not include any activity or facility of such entity as to the
27 generation, marketing and sale of electricity generated by an electric
28 generation facility or addition to an electric generation facility which:

29 (1) Is newly constructed and placed in service on or after January 1,
30 2001; and

31 (2) is not in the rate base of: (A) An electric public utility that is
32 subject to rate regulation by the state corporation commission; (B) any
33 cooperative, as defined by K.S.A. 17-4603, and amendments thereto, or
34 any nonstock member-owned cooperative corporation incorporated in this
35 state; or (C) a municipally owned or operated electric utility.

36 (f) Additional generating capacity achieved through efficiency gains
37 by refurbishing or replacing existing equipment at generating facilities
38 placed in service before January 1, 2001, shall not qualify under
39 subsection (e).

40 (g) For purposes of the authority to appropriate property through
41 eminent domain, the term "public utility" shall not include any activity for
42 the siting or placement of wind powered electrical generators or turbines,
43 including the towers.

1 Sec. 2. K.S.A. 66-1,170 is hereby amended to read as follows: 66-
2 1,170. As used in this act:

3 (a) "Distribution line" means an electric line used to furnish retail
4 electric service, including any line from a distribution substation to an
5 electric consuming facility; but such term does not include a transmission
6 facility used for the bulk transfer of energy even if such energy is reduced
7 in voltage and used as station power.

8 (b) "Electric consuming facility" means any entity which utilizes
9 electric energy from a central station service.

10 (c) "Commission" means the state corporation commission of the
11 state of Kansas.

12 (d) "Retail electric supplier" means any person, firm, corporation,
13 municipality, association or cooperative corporation engaged in the
14 furnishing of retail electric service, *except "retail electric supplier" shall*
15 *not mean any entity that furnishes electric vehicle charging services at one*
16 *or more vehicle charging stations located on any premises owned or*
17 *operated by such entity, unless such entity is otherwise a public utility*
18 *pursuant to K.S.A. 66-104, and amendments thereto.*

19 (e) "Certified territory" means an electric service territory certified to
20 a retail electric supplier pursuant to this act.

21 (f) "Existing distribution line" means a distribution line which is in
22 existence on the effective date of this act, and which is being or has been
23 used as such.

24 (g) "Single certified service territory" means that service area in
25 which only one retail electric supplier has been granted a service
26 certificate by the commission.

27 (h) "Dual certified service territory" means that service area where
28 more than one retail electric supplier has been granted a service certificate
29 by the commission.

30 (i) "Station power" means electric energy used for operating
31 equipment necessary for the process of generating electricity at any
32 generating plant owned by a utility or a generating plant specified in
33 ~~subsection (e) of K.S.A. 66-104(e)~~, and amendments thereto, and placed in
34 use on or after January 1, 2002, whether such electrical energy is generated
35 at such generating plant or provided through the adjacent transformation
36 and transmission interconnect, but does not include electric energy used
37 for heating, lighting, air conditioning and office needs of the buildings at a
38 generating plant site.

39 Sec. 3. K.S.A. 66-1,170 and K.S.A. 2016 Supp. 66-104 are hereby
40 repealed.

41 Sec. 4. This act shall take effect and be in force from and after its
42 publication in the statute book.