

Before the House Energy, Utilities, and Telecommunications Committee
February 16, 2021

Proponent Testimony
On House Bill 2367

Submitted by Leo Haynos, Chief Engineer, Utilities Division
On Behalf of
The Staff of the Kansas Corporation Commission

Chair Seiwert, Vice Chair Schreiber, Ranking Minority Member Kuether, and members of the committee, thank you for the opportunity to provide testimony to your committee today on behalf of the staff of the Kansas Corporation Commission (Commission).

The Commission Staff supports HB 2367, which proposes to include electric transmission lines associated with renewable energy generating resources into the Commission's electric power line safety oversight.

In 1917, the Kansas Legislature enacted K.S.A. 66-183, which required the Commission to promulgate rules and regulations with respect to the "support, maintenance, repair and reconstruction of electric lines. This statute and its associated regulations found in K.A.R. 82-12-1 through 82-12-9 are known as the Kansas Wire Stringing Rules. However, the statute limits the Commission jurisdiction to applying the Wire Stringing Rules only to public utilities.

In 1985, the Kansas Legislature enacted K.S.A. 66-104b, which removed certain electric cooperative public utilities from Commission jurisdiction, - with certain exceptions. One of the exceptions is that the Kansas Wire Stringing Rules still apply to cooperatives. Additionally, in 1992 the Kansas Legislature enacted K.S.A. 66-104d, which permitted additional electric cooperative public utilities to exempt themselves from Commission jurisdiction, with exceptions. Again, one of the exceptions being the Kansas Wire Stringing Rules. (See, K.S.A. 66-104d(f)).

In 2001, the Kansas Legislature amended K.S.A. 66-104 to include paragraph (e). Under certain conditions, this provision allows an entity the option of deciding if it will be a public utility. The statute only allows this exception for activities or facilities associated with electric generation that are placed in service after 2001 and are not included in the rate base of any public utility subject to Commission rate regulation, any cooperative, or any municipal utility.

Although this amendment applies to any type of electric generation activity and related facility placed in service after 2001, only generating facilities associated with wind farms and commercial solar operations have notified the Commission that they are invoking the 66-104(e) exception. Staff interprets the 66-104(e) exception to remove such generation and associated facilities from Commission oversight with respect to line siting and to the Wire Stringing Rules.

Using notices filed with the Commission regarding the 66-104(e) exception, Staff has identified at least 376 miles of transmission power lines associated with renewable generation that are exempted from Commission oversight. These lines are known as generator tie-lines because they connect generation facilities to the electric transmission grid. They range in voltage from 34,500 volts to 345,000 volts and resemble other transmission line construction. Attached to my testimony is a map that indicates the general location of some of these lines that we were able to glean from the exception notices filed with the Commission. Because not all entities include maps identifying the location of their tie-lines when submitting the notice, Staff is unable to know how many miles of transmission lines of this nature are in service. We do know that they range in length from a few miles to more than 80 miles long. The map also shows the general location of transmission lines that are under Commission Wire Stringing jurisdiction. To date, 34 wind generators and two solar generators have notified the KCC that the generator owner/operator has elected to not be considered to be a public utility.

Although the Commission does not regulate these facilities, Staff still receives calls from the public alerting us to certain problems and seeking solutions. The most notable case occurred on May 28, 2018, when a 115kV generator tie-line in Haskell County was damaged in a storm, broke loose from its moorings and draped across a distribution electric line and a county highway. Although the power tripped off for both lines, the tie-line draped across the road 7 feet from the ground. The next day, 19 hours after the line fell, a semi-truck hit the downed line and the driver was killed. After questioning the electric cooperative whose line was tripped off by the falling power line, Staff has learned that this particular generator tie-line has fallen at least three times in different locations. The reasons for the multiple failures are unknown to Staff. However, the May 2018 incident clearly demonstrates these electric power lines pose at least a similar risk to public safety as power lines placed under Commission oversight in 1917.

Another case- not so tragic but still concerning- occurred in Kingman County where a farmer called to ask for assistance about a 600 volt charge on his electric fence. Evidently, the fence was picking up an induced voltage from an overhead 345kV generator tie-line. Again, we are unaware of if or how this situation was resolved.

By allowing the Commission to have wire stringing oversight of generators, the proposed bill follows the exemption limitation that was applied by the legislature to the electric cooperatives.

K.S.A 66-183 requires the Commission to promulgate regulations regarding safety oversight of electric lines. The Commission has accomplished this by incorporating by reference the National Electric Safety Code (NESC) into regulations found in K.A.R. 82-12-2. Adoption of the NESC for electric safety oversight by state utility commissions is a common practice. Because the NESC is developed by industry, it also ensures safety requirements are applied uniformly across the nation. The Commission regulations also require a utility to provide notice of construction to the Commission and to any other utility which may be crossed by a proposed line. Such notice allows Staff to map the facilities and participate in discussion resolving any construction conflicts that may occur. Staff's role in safety oversight of the Wire Stringing rules has consisted of monitoring construction activity, investigating inquiries from the public, and investigating accidents.

In conclusion, Staff recommends the Committee approve the HB 2367. At present, we estimate there are at least 376 miles of generator tie-lines active in Kansas. With the popularity of commercial renewable electric generators being placed in Kansas, the proliferation of tie-lines will increase with the need to connect renewable generation to the electric grid. Generator tie-lines operate at the same high voltages as transmission lines that are part of the transmission grid, and as such, they represent a safety risk equal to that of all other electric transmission lines. Passage of this bill will benefit the safety of the public by allowing enforcement of NESC standards.

This concludes my testimony, and I am available to answer any questions you may have on this matter.