



Testimony Submitted to the
House Energy & Utilities Committee
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Neutral Testimony Concerning HB 2589

Thank you for the opportunity to provide brief remarks on HB 2589. Kansas Municipal Utilities (KMU) is the statewide association representing Kansas cities and other public or not-for-profit organizations involved in the ownership and operation of publicly owned utilities across Kansas. KMU provides assistance and information to members with regard to workforce training and educational programs, mutual aid, regulatory and legislative assistance and numerous other services toward the advancement of municipal utilities to achieve maximum benefits for the customer-owners served by our utilities. Our membership ranges in size from some of the largest utilities in the state such as those operated by the Kansas City Board of Public Utilities and the City of Wichita down to some of the smallest utility systems in the state serving fewer than 100 customers.

KMU does not oppose HB 2589. The bill as written has statewide implications. We strongly appreciate that the bill is permissive in nature. Under HB 2589, granting access to a utility pole remains the responsibility of the utility to determine whether pole attachment is granted and the requirements for that attachment. The use of “may” as currently written rather than “shall” grant a pole attachment helps us protect our infrastructure. There are a few points that we thought should receive additional consideration including:

- The term “law enforcement equipment” is undefined. Does it mean video surveillance, speed control radar, traffic enforcement, or other types of equipment?
- It will be critical for the utility to be able to review:
 - The type and size of equipment to be installed;
 - Power requirements for the type of equipment and whether an electric service needs to be available and included for the installation of such “law enforcement equipment.”
 - Where on the pole such equipment is to be installed. For example, if the law enforcement equipment is to be installed near the electric space or on the pole top, such installation must be completed by a contractor “qualified” to work in that space near energized lines.”
- It is important that utilities are not faced with any issues regarding discriminatory access to utility poles if there is no charge or fees for the use of the space.
- Indemnification for police activity is helpful if it fully covers any liability of the utility for the actions of the police agency.

Thank you for the opportunity to provide brief comments on HB 2589. We are happy to stand for questions at the appropriate time.