

Kansas Corporation Commission
Commission Meeting
January 10, 2017
10:00 a.m. 1st floor hearing room
KCC Offices, 1500 Arrowhead, Topeka, Kansas

MINUTES

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on January 10, 2017 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chairman Emler, Commissioner Albrecht and Commissioner Apple. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Albrecht moved for approval of the Consent Agenda: All other listed matters as presented for January 10, 2017 on the eight page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Apple seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 14-GIMT-118-CPL: *In the Matter of the Quality of Service Report Filings for Local Exchange Carriers.***

Chairman Emler requested order #17-0006 - *Order Assessing Penalty Upon CenturyLink* to be passed over until January 24, 2017.

- B. **Docket No. 15-KCPE-544-COM: *In the Matter of the Complaint Against Kansas City Power & Light Company by Stephen and Karen Gradwohl.***

Commissioner Apple moved for approval of order #16-4169 - *Final Order*. Commissioner Albrecht seconded the motion.

The motion was approved.

- C. **Docket No. 16-CONS-4086-CPEN: *In the matter of the failure of Rains & Williamson Oil Co., Inc. ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year.***

Commissioner Apple moved for approval of order #17-0052 - *Final Order*. Commissioner Albrecht seconded the motion.

The motion was approved.

- D. **Docket No. 16-CONS-4087-CPEN: *In the matter of the failure of Raney Oil Company, LLC ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year.***

Commissioner Apple moved for approval of order #17-0051 - *Final Order*. Commissioner Albrecht seconded the motion.

The motion was approved.

3. **Discussion/Presentation Item(s): *Proposed Legislative Changes to Transportation Statutes.***
Ahsan Latif, Litigation Counsel, was the presenter.

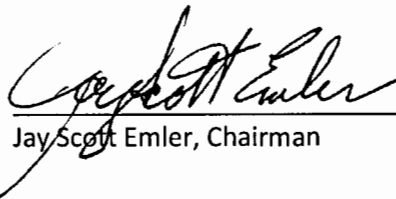
Commissioner Apple moved for approval for Commission staff to introduce and support a bill for three Transportation Statutes to be updated in the 2017 Legislative session; KSA 66-1,139; 66-1,139 and 66-1,108. Commissioner Albrecht seconded the motion.

The motion was approved.

There being no further matters before the Commission, Commissioner Albrecht moved for adjournment of the Commission meeting. Commissioner Apple seconded the motion. The motion was approved. The Commission adjourned the January 10, 2017 Commission Meeting at 10:18 a.m.

Respectfully submitted,

Amy L. Green
Secretary to the Commission



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, January 10, 2017

NOTICE TO THE PUBLIC: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Kansas Corporation Commission. Unless removed from the website's Consent Agenda, the orders appearing on the Consent Agenda will become the Order of the full Commission at the Commission's regularly scheduled Business Meeting. If Commission staff or a Commissioner requests an item be removed from the Consent Agenda, the affected item may be considered separately or placed on the earliest possible Business Meeting agenda for discussion.

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-------------------|---------|
| 1 | In the matter of an Order to Show Cause issued to Curtis Abbey ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3144-CSHO | |
| 2 | In the matter of an Order to Show Cause issued to Allison Operating Co., L.C. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3145-CSHO | |
| 3 | In the matter of an Order to Show Cause issued to Ashton Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3146-CSHO | |
| 4 | In the matter of an Order to Show Cause issued to Awesome Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3147-CSHO | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-------------------|---------|
| 5 | In the matter of an Order to Show Cause issued to B & N Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3148-CSHO | |
| 6 | In the matter of an Order to Show Cause issued to B & S Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3149-CSHO | |
| 7 | In the matter of an Order to Show Cause issued to B.E.C. Oil Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3150-CSHO | |
| 8 | In the matter of an Order to Show Cause issued to James Valentine Bauer III ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3152-CSHO | |
| 9 | In the matter of an Order to Show Cause issued to Bird and Hanley ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3154-CSHO | |
| 10 | In the matter of an Order to Show Cause issued to Joe Blanchard Jr. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3155-CSHO | |
| 11 | In the matter of an Order to Show Cause issued to Bobbi Jo Smith ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3156-CSHO | |
| 12 | In the matter of an Order to Show Cause issued to Bollinger Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3157-CSHO | |
| 13 | In the matter of an Order to Show Cause issued to M A Bollinger ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3158-CSHO | |
| 14 | In the matter of an Order to Show Cause issued to Brecheisen Oil Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3159-CSHO | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-------------------|---------|
| 15 | In the matter of an Order to Show Cause issued to Gwendolyn Bronson ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3160-CSHO | |
| 16 | In the matter of an Order to Show Cause issued to Buman Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3161-CSHO | |
| 17 | In the matter of an Order to Show Cause issued to Burris Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3162-CSHO | |
| 18 | In the matter of an Order to Show Cause issued to Ron A. Campbell dba R C Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3163-CSHO | |
| 19 | In the matter of an Order to Show Cause issued to John T. Casady ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3164-CSHO | |
| 20 | In the matter of an Order to Show Cause issued to Cascade Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3165-CSHO | |
| 21 | In the matter of an Order to Show Cause issued to CEC 2000 Trust ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3166-CSHO | |
| 22 | In the matter of an Order to Show Cause issued to CFA Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3167-CSHO | |
| 23 | In the matter of an Order to Show Cause issued to James L. Cheever ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3168-CSHO | |
| 24 | In the matter of an Order to Show Cause issued to Clver Leaf Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3169-CSHO | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-------------------|---------|
| 25 | In the matter of an Order to Show Cause issued to Carl Wayne Cody ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3170-CSHO | |
| 26 | In the matter of an Order to Show Cause issued to Gary P. Conklin ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3171-CSHO | |
| 27 | In the matter of an Order to Show Cause issued to Coyote Oil Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3172-CSHO | |
| 28 | In the matter of an Order to Show Cause issued to Criger Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3173-CSHO | |
| 29 | In the matter of an Order to Show Cause issued to C. A. Crouch dba Kansas Energy Res. Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3174-CSHO | |
| 30 | In the matter of an Order to Show Cause issued to John T. Davis dba Davis Drilling & Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3175-CSHO | |
| 31 | In the matter of an Order to Show Cause issued to Dennis E. De Young ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3176-CSHO | |
| 32 | In the matter of an Order to Show Cause issued to Glenn M. Drotts dba G-D Oil Operations ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3177-CSHO | |
| 33 | In the matter of an Order to Show Cause issued to Robert Edwards ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3178-CSHO | |
| 34 | In the matter of an Order to Show Cause issued to Eurisko ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3179-CSHO | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-------------------|---------|
| 35 | In the matter of an Order to Show Cause issued to Fair Banks Enterprises ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3180-CSHO | |
| 36 | In the matter of an Order to Show Cause issued to Gary W. Falkin dba G. W. Energy ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3181-CSHO | |
| 37 | In the matter of an Order to Show Cause issued to Jack Finney ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3182-CSHO | |
| 38 | In the matter of an Order to Show Cause issued to John W. Gehrke Sr. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3183-CSHO | |
| 39 | In the matter of an Order to Show Cause issued to Harper Production Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3185-CSHO | |
| 40 | In the matter of an Order to Show Cause issued to Harvest Energy Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3186-CSHO | |
| 41 | In the matter of an Order to Show Cause issued to Charles G. Hohman ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3187-CSHO | |
| 42 | In the matter of an Order to Show Cause issued to Ronnie J. Hon - Oil & Gas ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3188-CSHO | |
| 43 | In the matter of an Order to Show Cause issued to Robert Hopkins ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3189-CSHO | |
| 44 | In the matter of an Order to Show Cause issued to Jack Rabbit Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3191-CSHO | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|---|-------------------|---------|
| 45 | In the matter of an Order to Show Cause issued to Gary Jackson Drilling Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3192-CSHO | |
| 46 | In the matter of an Order to Show Cause issued to Cal Jones ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3194-CSHO | |
| 47 | In the matter of an Order to Show Cause issued to Pamela Jones dba Jones and Sons Well Service ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3195-CSHO | |
| 48 | In the matter of an Order to Show Cause issued to Gerald Keys Oil Production & Explor. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3197-CSHO | |
| 49 | In the matter of an Order to Show Cause issued to Last Chance Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3199-CSHO | |
| 50 | In the matter of an Order to Show Cause issued to Roger L. Leenerts dba Tiger Oil Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3200-CSHO | |
| 51 | In the matter of an Order to Show Cause issued to Marsh Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3201-CSHO | |
| 52 | In the matter of an Order to Show Cause issued to Henry Martell ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3202-CSHO | |
| 53 | In the matter of an Order to Show Cause issued to John W. Masek dba Masek Oil Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference</i> | 17-CONS-3203-CSHO | |
| 54 | In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with BullsEye Telecom, Inc. <i>Order Approving Amended Interconnection Agreement</i> | 03-SWBT-305-IAT | |

Consent Agenda

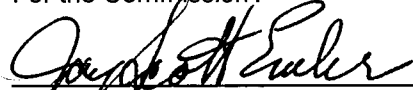
| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|---|-------------------|---------|
| 55 | In the Matter of the Audit of McLeod USA Telecommunications Services, L.L.C. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. Order Accepting and Adopting GVNW Consulting Inc.'s Second Compliance Report and Closing Docket | 16-MLTT-034-KSF | |
| 56 | In the Matter of the Application of South Central Telephone Association, Inc. Filing Tariff Revisions to Add a New Calling Feature Order Approving Tariff Revisions | 17-SCNT-250-TAR | |
| 57 | In the Matter of the Application of Wheat State Telephone Company Filing Tariff Revisions Adding New Service Bundles. Order Approving Tariff Revisions | 17-WHST-251-TAR | |
| 58 | In the Matter of the Investigation of Flying J Trucking LLC of Thayer, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Order Suspending Intrastate Motor Carrier Operations | 17-TRAM-168-PEN | |
| 59 | In the Matter of the Investigation of Savannah Traders LLC of Overland Park, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Order Suspending Intrastate Motor Carrier Operations | 17-TRAM-173-PEN | |
| 60 | In the Matter of the Investigation of Kuntz Farms Harvesting, Inc. of Wakeeney, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order | 17-TRAM-276-PEN | |
| 61 | In the Matter of the Application of City of Garden City, KS for Certificate of Convenience and Authority to Transact the Business of a(n) Electric Municipal in the State of Kansas. Order Granting Waiver of Deadline | 17-GDCE-041-COC | |
| 62 | In the Matter of the Application of The Empire District Electric Company for Approval of the Commission to Make Certain Changes in Its Charges for Electric Service Order Granting Motion to Withdraw Application and Closing Docket | 17-EPDE-101-RTS | |
| 63 | In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy Seeking Commission Approval for Ad Valorem Tax Surcharge Rider Tariff Adjustments for 2017. Order Approving Ad Valorem Tax Surcharge Tariff | 17-BHCG-255-TAR | |
| 64 | In the matter of a general investigation into potential Commission rulemaking regarding responsibility for abandoned wells. Order Granting Interventions | 17-CONS-3362-CINV | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-------------------|---------|
| 65 | In the Matter of the Notice of Denial of License Renewal Application to Mid-Continent Energy Operating Company. <i>Order Closing Docket</i> | 17-CONS-3410-CMSC | |
| 66 | In the Matter of the Notice of Denial of License Renewal Application to Northstar Investments, Inc. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i> | 17-CONS-3425-CMSC | |

The above-captioned matter(s) were approved by the Commission, unless noted as removed.

For the Commission:


Jay Scott Emler, Chairman


Shari Feist Albrecht, Commissioner


Pat Apple, Commissioner

Attest:


Amy L. Green
Secretary to the Commission

December 29, 2016

1. Transportation Division – Commercial Motor Vehicle (CMV) clarification

The proposed changes update K.S.A. 66-1,109 and K.S.A. 66-1,139 to clarify that only those passenger vehicles that meet the definition of a “Commercial Motor Vehicle” (i.e. – for-hire vehicles that have a Gross Vehicle Weight Rating (GVWR) more than 10,001 pounds and/or carry more than 8 passengers) will be regulated as a CMV. The current statute is ambiguous in certain instances, which has led to citations of motor vehicles that do not meet the definition of Commercial Motor Vehicle.

2. Transportation Division – Removal of \$10 Regulatory Fee/Vehicle Registration

The proposed change updates K.S.A. 66-1,139, by striking the requirement for certain carriers (interstate exempt, private and for-hire motor carriers of property or passengers) to register their vehicles with the Commission and pay a regulatory fee of \$10.00 for each vehicle registered. This regulatory fee was phased out several years ago by federal statute and no longer serves any purpose.

3. Transportation Division – Update Definitions

The proposed amendments to 66-1,108 will update state motor carrier definitions to align with the federal motor carrier definitions. Generally, the KCC adopts the federal regulations through the K.A.R's on an annual basis. Statutes are amended less frequently, which can create a conflict between the definitions in the Kansas statutes and the definitions found in the federal regulations.

Article 1. - POWERS OF STATE CORPORATION COMMISSION

66-1,139. Registration of interstate carriers in base state; registration of intrastate carriers with corporation commission; ~~regulatory fees~~; disposition; exemptions; application requirements; certain interstate carriers may display identification on side. (a) All interstate regulated public motor carriers of property, of household goods or of passengers who operate a motor vehicle in Kansas shall register their motor vehicles in their base state pursuant to federal statutes, unless exempted under the provision of K.S.A. 66-1,109, and amendments thereto.

(b) All intrastate public motor carriers of property, household goods or passengers private motor carriers of property shall register with the commission all trucks or truck tractors as defined by K.S.A. 8-126, and amendments thereto, and all other passenger vehicles that meet the definition of commercial motor vehicle (CMV) as defined in K.A.R. 82-4-1(f), used to transport persons for hire, used in the operation of their business as such, except those used in operations exempted under the provisions of K.S.A. 66-1,109, and amendments thereto.

~~(c) Interstate motor carriers which have been granted authority by the commission to transport commodities exempt from the jurisdiction of the relevant federal authority and who operate for hire or who operate as private motor carriers shall register all trucks or truck tractors as defined by K.S.A. 8-126, and amendments thereto, and all other passenger vehicles used to transport persons for hire, used in the operation of their business as such, except those used in operations exempted under the provisions of K.S.A. 66-1,109, and amendments thereto. For the purpose of assisting in paying the cost of supervision and regulation of motor carriers, every such carrier shall annually pay to the commission for each calendar year a regulatory fee of \$10 for each truck, truck tractor or passenger vehicle registered with the commission. No fee shall be charged for a trailer or semitrailer. Interstate motor carriers that are already registered pursuant to subsection (a), shall not be required to register under this subsection.~~

(d) All applications for registration shall be made on forms furnished by the commission. Applications for registration of interstate common or contract motor carriers shall include on the application the quantity of trucks, truck tractors or passenger vehicles used by the motor carriers on which a fee is required to be paid. Applications for registration of intrastate common motor carriers and private motor carriers, ~~and interstate exempt motor carriers~~ shall include the complete vehicle identification numbers and the year and make of all trucks, truck tractors or passenger vehicles used by the motor carrier, on which a fee is required to be paid, and the application shall be accompanied by the required fee. The fees shall be due January 1 and shall be paid not later than January 15. Upon receipt of the application and fee, the commission shall issue to the carrier appropriate credentials for each vehicle registered.

(e) The commission shall remit all moneys received by it or for it in payment of fees imposed under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the motor carrier license fees fund.

History: L. 1955, ch. 297, § 2; L. 1956, ch. 50, § 2; L. 1957, ch. 350, § 2; L. 1968, ch. 159, § 1; L. 1976, ch. 288, § 2; L. 1982, ch. 277, § 1; L. 1985, ch. 224, § 3; L. 1989, ch. 207, § 1; L. 1992, ch. 26, § 1; L. 1993, ch. 263, § 8; L. 2001, ch. 92, § 14; L. 2003, ch. 124, § 30; L. 2008, ch. 45, § 5; Apr. 10.

Article 1. - POWERS OF STATE CORPORATION COMMISSION

66-1,109. Regulation of motor carriers; exemptions of certain carriers, certain transporters and certain uses from act. This act shall not require the following carriers to obtain a certificate, license or permit from the commission or file rates, tariffs, annual reports or provide proof of insurance with the commission:

(a) Transportation by motor carriers wholly within the corporate limits of a city or village in this state, or between contiguous cities or villages in this state or in this and another state, or between any city or village in this or another state and the suburban territory in this state within three miles of the corporate limits, or between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the relevant federal authority, except that none of the exemptions specified in this subsection (a) shall apply to wrecker carriers;

(b) a private motor carrier who operates within a radius of 25 miles beyond the corporate limits of its city or village of domicile, or who operates between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the relevant federal authority. For the purpose of this subsection, "domicile" shall mean the principal place of business of a motor carrier;

(c) the owner of livestock or producer of farm products transporting livestock of such owner or farm products of such producer to market in a motor vehicle of such owner or producer, or the motor vehicle of a neighbor on the basis of barter or exchange for service or employment, or to such owner or producer transporting supplies for the use of such owner or producer in a motor vehicle of such owner or producer, or in the motor vehicle of a neighbor on the basis of barter or exchange for service or employment;

(d) (1) the transportation of children to and from school; (2) to motor vehicles owned by schools, colleges, and universities, religious or charitable organizations and institutions, or governmental agencies, when used to convey students, inmates, employees, athletic teams, orchestras, bands or other similar activities; or (3) motor vehicles owned by nonprofit organizations meeting the qualification requirements of section 501(c) of the internal revenue code of 1986, and amendments thereto, when transporting property or materials belonging to the owner of the vehicle;

(e) a new vehicle dealer as defined by K.S.A. 8-2401, and amendments thereto, when transporting property to or from the place of business of such dealer;

(f) motor vehicles carrying tools, property or material belonging to the owner of the vehicle and used in repair, building or construction work, not having been sold or being transported for the purpose of sale;

(g) persons operating motor vehicles which have an ad valorem tax situs in and are registered in the state of Kansas, and used only to transport grain from the producer to an elevator or other place for storage or sale for a distance of not to exceed 50 miles;

- (h) the operation of hearses, funeral coaches, funeral cars or ambulances by motor carriers;
- (i) motor vehicles owned and operated by the United States, the District of Columbia, any state, any municipality or any other political subdivision of this state, including vehicles used exclusively for handling U.S. mail, and the operation of motor vehicles used exclusively by organizations operating public transportation systems pursuant to 49 U.S.C. §§ 5307, 5310 and 5311;
- (j) any motor vehicle with a normal seating capacity of not more than the driver and 15 passengers while used for vanpooling or otherwise not-for-profit in transporting persons who, as a joint undertaking, bear or agree to bear all the costs of such operations, or motor vehicles with a normal seating capacity of not more than the driver and 15 passengers for not-for-profit transportation by one or more employers of employees to and from the factories, plants, offices, institutions, construction sites or other places of like nature where such persons are employed or accustomed to work;
- (k) motor vehicles used to transport water for domestic purposes, as defined by K.S.A. 82a-701(c), and amendments thereto, or livestock consumption;
- (l) transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, calcium chloride, bituminous or concrete mixtures, blacktop, dirt or fill material to a construction site, highway maintenance or construction project or other storage facility and the operation of ready-mix concrete trucks in transportation of ready-mix concrete;
- (m) the operation of a vehicle used exclusively for the transportation of solid waste, as the same is defined by K.S.A. 65-3402, and amendments thereto, to any solid waste processing facility or solid waste disposal area, as the same is defined by K.S.A. 65-3402, and amendments thereto;
- (n) the transporting of vehicles used solely in the custom combining business when being transported by persons engaged in such business;
- (o) the operation of vehicles used for servicing, repairing or transporting of implements of husbandry, as defined in K.S.A. 8-1427, and amendments thereto, by a person actively engaged in the business of buying, selling or exchanging implements of husbandry, if such operation is within 100 miles of such person's established place of business in this state;
- (p) transportation by taxi or bus companies operating commercial motor vehicles, as defined in K.A.R. 82-4-1(f), and operated exclusively within any city or within 25 miles of the point of its domicile in a city. For the purpose of this subsection, "domicile" shall mean the principal place of business of a motor carrier;
- (q) a vehicle being operated with a dealer license plate issued under K.S.A. 8-2406, and amendments thereto, and in compliance with K.S.A. 8-136, and amendments thereto, and vehicles being operated with a full-privilege license plate issued under K.S.A. 8-2425, and amendments thereto;
- (r) the operation of vehicles used for transporting materials used in the servicing or repairing of the refractory linings of industrial boilers;

- (s) transportation of newspapers published at least one time each week;
- (t) transportation of animal dung to be used for fertilizer;
- (u) the operation of ground water well drilling rigs;
- (v) the transportation of cotton modules from the field to the gin;
- (w) the transportation of custom harvested silage, including, but not limited to, corn, wheat and milo;
and
- (x) private motor carriers domiciled in Kansas operating commercial motor vehicles (CMV) with a gross vehicle weight (GVW), gross vehicle weight rating (GVWR), gross combination weight (GCW), or gross combination weight rating (GCWR) of 10,001 to 26,000 pounds and registered pursuant to K.S.A. 8-126 et seq., and amendments thereto. This exception does not apply to commercial motor vehicles, regardless of weight, which are designed or used to transport 16 or more passengers, including the driver, or intrastate public (for hire) motor carriers of property or passengers, or any motor vehicles which are used in the transportation of hazardous materials and required to be placarded pursuant to 49 C.F.R. part 172, subpart F. For the purpose of this subsection, "domicile" shall mean the principal place of business of a motor carrier or a permanent location in Kansas for a vehicle or vehicles annually registered in Kansas.

History: L. 1931, ch. 236, § 2; L. 1933, ch. 229, § 2; L. 1935, ch. 239, § 1; L. 1938, ch. 56, § 1; L. 1947, ch. 333, § 1; L. 1951, ch. 367, § 1; L. 1959, ch. 258, § 2; L. 1971, ch. 218, § 1; L. 1974, ch. 263, § 1; L. 1975, ch. 340, § 1; L. 1977, ch. 225, § 1; L. 1977, ch. 304, § 20; L. 1978, ch. 267, § 1; L. 1980, ch. 202, § 1; L. 1981, ch. 258, § 1; L. 1984, ch. 25, § 8; L. 1985, ch. 44, § 1; L. 1985, ch. 54, § 6; L. 1985, ch. 226, § 1; L. 1990, ch. 241, § 2; L. 1992, ch. 206, § 1; L. 1993, ch. 263, § 3; L. 1995, ch. 98, § 1; L. 1996, ch. 164, § 1; L. 2001, ch. 73, § 2; L. 2003, ch. 124, § 15; L. 2004, ch. 152, § 6; L. 2009, ch. 119, § 11; L. 2014, ch. 137, § 1; L. 2015, ch. 9, § 1; Apr. 9.

Article 1. - POWERS OF STATE CORPORATION COMMISSION

66-1,108. Transportation by motor carriers; definitions. As used in this act:

(a) "Commission" means the corporation commission of the state of Kansas;

~~(b) "gross combination vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a combination (articulated) motor vehicle. In the absence of a value specified by the manufacturer, gross combination weight rating shall be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit and any load thereon;~~

~~(c) "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single motor vehicle;~~

(d) "ground water well drilling rigs" means any vehicle, machine, tractor, trailer, semi-trailer or specialized mobile equipment propelled or drawn by mechanical power and used on highways to transport water well field operating equipment, including water well drilling and pump service rigs equipped to access ground water;

(e) "household goods" means property and personal effects used or to be used in a dwelling, when a part of the equipment or supply of such dwelling and such other similar property, as the commission may provide by rules and regulations, if the transportation of such effects or property is:

(1) Arranged and paid for by the householder, including transportation of property from a factory or store when the property is purchased by the householder with intent to use in such householder's dwelling; or

(2) arranged and paid for by another party.

~~(f) "Motor carrier" means any person operating as a for hire motor carrier or a private motor carrier, and any of that person's agents, officers, representatives, as well as employees responsible for hiring, supervising, training, assigning or dispatching of drivers and employees concerned with the installation, inspection and maintenance of motor vehicle equipment or accessories or both;~~

~~(g) "motor vehicle" means any automobile, truck, trailer, semitrailer, tractor, motor bus or any other self-propelled or motor-driven vehicle used upon any of the public highways of the state for the purpose of transporting persons or property;~~

~~(h) "person" means any individual, firm, partnership, limited liability partnership, corporation, limited liability company, association or their lessees, trustees or receivers;~~

~~(i) "private motor carrier" means a person who provides transportation of property or passengers, by commercial motor vehicle and is not a for hire motor carrier;~~

~~(j) "public highways" means every public street, alley, road or highway or thoroughfare of any kind used by the public;~~

(k) "public motor carrier of household goods" means any person who undertakes for hire to transport by commercial motor vehicle from place to place, the household goods of others who may choose to employ or contract with the motor carrier;

(l) "public motor carrier of passengers" means any person who undertakes for hire to transport by commercial motor vehicle, from place to place, persons who may choose to employ or contract with the motor carrier; and

(m) "public motor carrier of property" means any person who undertakes for hire to transport by commercial motor vehicle, from place to place, the property other than household goods of others who may choose to employ or contract with the motor carrier.

History: L. 1931, ch. 236, § 1; L. 1933, ch. 229, § 1; L. 1959, ch. 258, § 1; L. 2001, ch. 73, § 1; L. 2003, ch. 124, § 14; L. 2004, ch. 152, § 5; L. 2009, ch. 119, § 10; July 1.