

Kansas Corporation Commission
Commission Meeting
March 3, 2020
10:01 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 10:01 a.m. on March 3, 2020, in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chair Duffy, Commissioner Albrecht and Commissioner Keen. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Albrecht moved for approval of the Items on the Consent Agenda dated March 3, 2020, containing pages one through four and are attached to these Minutes. Commissioner Keen seconded the motion.

The motion was approved.

2. **Noticed Item:**

- A. Docket No. 20-GIMT-086-GIT

In the Matter of an Investigation to Determine the Assessment Rate for the Twenty-Fourth Year of the Kansas Universal Service Fund, Effective March 1, 2020.

Commissioner Keen moved for approval of order # 20-0339 – Order on Penalties. Commissioner Albrecht seconded the motion.

The order is approved.

The order is determined to be precedential and will be posted on the KCC's website.

- B. Docket No. 19-CONS-3271-CPEN

In the matter of the failure of Quito, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Solomon #3 and Solomon #5 in Chautauqua County, Kansas.

Docket No. 19-CONS-3272-CPEN

In the matter of the failure of Quito, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Doty #3 in Chautauqua County, Kansas.

Commissioner Keen is recused from both dockets (19-CONS-3271-CPEN and 19-CONS-3272-CPEN). Commissioner Albrecht moved for approval of order #20-0336 – Order on Petition for Reconsideration. Chair Duffy seconded the motion.

The order is approved.

There being no further matters before the Commission, Commissioner Keen moved for adjournment of the Commission meeting. Commissioner Albrecht seconded the motion. The motion was approved. The Commission adjourned the March 3, 2020, Commission Meeting at 10:09 a.m.

Respectfully submitted,



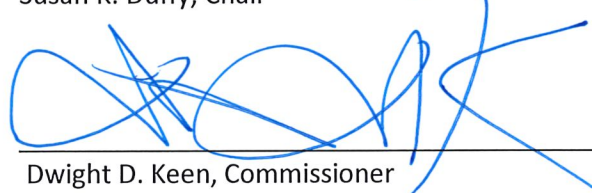
Lynn M. Retz, Executive Director



Susan K. Duffy, Chair



Shari Feist Albrecht, Commissioner



Dwight D. Keen, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, March 3, 2020

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 the Application W.K. Communications, Inc., Filing for Kansas Video Service Authorization. <i>Order Approving Video Service Authorization</i>	08-WKCC-538-VSA	
2	In the Matter of the Application of Kansas Gas Service, a Division of ONE Gas, Inc., to Amend Certificate of Convenience and Necessity to Transact the Business of a Natural Gas Public Utility Within the County of Cherokee, Kansas and the Vicinity Thereof. <i>Order Granting Application</i>	20-KGSG-204-COC	
3	In the Matter of the Application of Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. for Approval of Customer Forward Program Tariff Changes <i>Order Granting CURB's Petition to Intervene, Discovery Order, Protective Order, Suspension Order</i>	20-EKCE-357-TAR	
4	In the Matter of the Application of West Telecom Services, LLC Changing Name to Intrado Communications, LLC. (IXC) <i>Order Assessing Costs</i>	20-KDLC-367-CCN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of West Telecom Services, LLC Changing Name to Intrado Communications, LLC. (CLEC) Order Assessing Costs	20-KDLT-368-CCN	
6	In the matter of the failure of Michael L. Smith ("Operator") to comply with K.A.R. 82-3-120. Default Order	20-CONS-3160-CPEN	
7	In the matter of the application of Berexco LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Tobias Simpson Unit #6-5 well located in the NE SW SE of Sec 35, T20S, R9W Rice County, Kansas. Order Granting Application	20-CONS-3197-CEXC	
8	In the matter of the application of Berexco LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Smith-Griffen #4 WIW well located in the NE SW NW of Sec 9, T18S, R10W Rice County, Kansas. Order Granting Application	20-CONS-3199-CEXC	
9	In the matter of the application of TDI, Inc., for an exception to the to the pit closure time limitation of K.A.R. 82-3-602 at its Unrein #1 located in the Southeast Quarter of the Southeast Quarter of Section 29, Township 14 South, Range 17 West, Ellis County, Kansas. Order Granting Application	20-CONS-3215-CEXC	
10	In the matter of the failure of Ace Energy LLC ("Operator") to comply with K.A.R. 82 3-117 at the Pearson #86 (W106) well in Crawford County, Kansas. Penalty Order - Ace Energy LLC	20-CONS-3235-CPEN	
11	In the matter of the failure of Vince Coble dba Derrick Resources Inc. ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - Vince Coble dba Derrick Resources Inc.	20-CONS-3237-CPEN	
12	In the matter of the failure of Sam W. Mays Jr. LLC dba Mays Oil LLC ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - Sam W. Mays Jr. LLC dba Mays Oil LLC	20-CONS-3238-CPEN	
13	In the matter of the failure of Gus & Annie Myers ("Operator") to comply with K.A.R. 82 3 120. Penalty Order - Gus & Annie Myers	20-CONS-3239-CPEN	
14	In the matter of the failure of M & S Energy, LLC ("Operator") to comply with K.A.R. 82 3 120. Penalty Order - M & S Energy, LLC	20-CONS-3240-CPEN	
15	In the matter of the failure of Hemphill, LLC ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - Hemphill, LLC	20-CONS-3241-CPEN	
16	In the Matter of the Investigation of Rebecca Veith, d/b/a RNR Farms of Pratt, Kansas, Regarding the Violation(s) of the Kansas 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 Amending Penalty Assessment	20-TRAM-338-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
17	In the Matter of the Emergency Suspension of Operating Authority of Ian Leintz, d/b/a Leintz Lawn & Construction of Lansing, Kansas, for Failure to Comply With Federal New Entrant Safety Requirements as Required by the Kansas Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	20-TRAM-364-OOS	
18	In the Matter of the Emergency Suspension of Operating Authority of Steven Brothers Sports Management, LLC of Wichita, Kansas, for Failure to Comply With Federal New Entrant Safety Requirements as Required by the Kansas Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	20-TRAM-365-OOS	
19	In the Matter of the Investigation of Kristopher A. Kromer, d/b/a Bouncer Transportation Services of Salina, Kansas, Regarding the Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Penalty Order</i>	20-TRAM-366-PEN	
20	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i>	20-TRAM-5056-TRA	

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

For the Commission :



Susan K. Duffy, Chair



Shari Feist Albrecht, Commissioner



Dwight D. Keen, Commissioner

Attest:



Lynn M. Retz
Executive Director



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Susan K. Duffy, Chair
Shari Feist Albrecht, Commissioner
Dwight D. Keen, Commissioner

Laura Kelly, Governor

Transportation Orders By Docket Number 20-TRAM-5056-TRA

Order Number	Description	Removed
20200225082909	<i>In the Matter of the Application of LYNNEBROTHERSTRUCKING LLC of TONGANOXIE KS for Authority for a Certificate of Public Service.</i> USDOT #3390315 LYNNEBROTHERSTRUCKING LLC of TONGANOXIE KS - Order Granting Application for Certificate of Public Service	
20200225131905	<i>In the Matter of the Application of BRIGHTON AG LLC of SHAWNEE KS for a Private Carrier Permit.</i> USDOT #3385907 BRIGHTON AG LLC of SHAWNEE KS - Order Granting Application for a Private Carrier Permit	
20200225131908	<i>In the Matter of the Application of BRIGHTON AG LLC of SHAWNEE KS for Authority for a Certificate of Public Service.</i> USDOT #3385907 BRIGHTON AG LLC of SHAWNEE KS - Order Granting Application for Certificate of Public Service	
20200226095119	<i>In the Matter of the Application of FORGE TRANSPORT LLC of COUNCIL GROVE KS for Authority for a Certificate of Public Service.</i> USDOT #3370694 FORGE TRANSPORT LLC of COUNCIL GROVE KS - Order Granting Application for Certificate of Public Service	
20200226095829	<i>In the Matter of the Application of SUPERIOR EROSION CONTROL INC of MOUNDRIDGE KS for a Private Carrier Permit.</i> USDOT #1983722 SUPERIOR EROSION CONTROL INC of MOUNDRIDGE KS - Order Granting Application for a Private Carrier Permit	
20200226151347	<i>In the Matter of the Application of HUBBAS TRANSPORT LLC of TOPEKA KS for Authority for a Certificate of Public Service.</i> USDOT #3359212 HUBBAS TRANSPORT LLC of TOPEKA KS - Order Granting Application for Certificate of Public Service	
20200227112307	<i>In the Matter of the Application of AMERICAN CONCRETE PRODUCTS OF KANSAS LLC of KANSAS CITY KS for a Private Carrier Permit.</i> USDOT #3168723 AMERICAN CONCRETE PRODUCTS OF KANSAS LLC of KANSAS CITY KS - Order Granting Application for a Private Carrier Permit	

**Transportation Orders By Docket Number
20-TRAM-5056-TRA**

Order Number	Description	Removed
20200227132826	<i>In the Matter of the Application of DODGE CITY SALVAGE RECYCLING INC of DODGE CITY KS for Authority for a Certificate of Public Service.</i> USDOT #954530 DODGE CITY SALVAGE RECYCLING INC of DODGE CITY KS - Order Granting Application for Certificate of Public Service	
20200227151727	<i>In the Matter of the Emergency Suspension of Authority of REDGER TRANSPORT LLC of INGALLS KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3265971 REDGER TRANSPORT LLC of INGALLS KS - Emergency Order Suspending Authority	
20200227151727	<i>In the Matter of the Emergency Suspension of Authority of GUADALUPE HERNANDEZ AND ANGELICA MARTINEZ REYES of GARDEN CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3215911 GUADALUPE HERNANDEZ AND ANGELICA MARTINEZ REYES of GARDEN CITY KS - Emergency Order Suspending Authority	
20200227151727	<i>In the Matter of the Emergency Suspension of Authority of TRINITY STEEL AND PIPE INC of WEIR KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #871177 TRINITY STEEL AND PIPE INC of WEIR KS - Emergency Order Suspending Authority	
20200227151727	<i>In the Matter of the Emergency Suspension of Authority of KENNY BIRT TRUCKING LLC of GREAT BEND KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2988922 KENNY BIRT TRUCKING LLC of GREAT BEND KS - Emergency Order Suspending Authority	

Total # of Orders: 12

End of Report