

Kansas Corporation Commission
Commission Meeting
October 6, 2020
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 October 6, 2020, in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

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

1. **Consent Agenda:** Commissioner French moved for approval of the Items on the Consent Agenda dated October 6, 2020, containing pages one through three and are attached to these Minutes. Commissioner Keen seconded the motion.

The motion was approved.

2. **Noticed Items:**

- A. **Docket No. Docket No. 20-EPDE-448-MIS**

In the Matter of the Application of The Empire District Electric Company for Approval of Temporary Waivers of Certain of Empire's Tariffs and for Approval of a Process to Implement Temporary Waivers of Certain Other Rules and Regulations, Billing Standards, General Terms and Conditions and to Allow Operating Changes to Address the COVID-19 Pandemic.

Commissioner Keen moved for approval of order #20-1728 – Order on Empire District Electric Company Application. Commissioner French seconded the motion.

The order is approved.

3. **Presentation:**

David A. Carter, Director, Kansas Energy Program, K-State Engineering Extension updated the Commission on the KSU-EE contract with the Energy Division.

4. **Other Matters:**

- A. Chair Duffy moved to meet in Executive Session for a period of 15 minutes to discuss Attorney/Client privileged matters, pursuant to K.S.A. 75-4319(b)(2), for consultation with attorneys to obtain legal advice. Also called into the Executive Session were Mike Hoeme, Director, Transportation Division, and Ahsan Latif, Litigation Counsel. Commissioner French seconded the motion. Chair Duffy stated the Commission would reconvene in the 1st Floor Hearing Room at 11:13 a.m. The motion was approved.

The Commission moved into Executive Session at 10:58 a.m. and reconvened in Public session at 11:13 a.m.

The Commission took no action subsequent to the Executive Session.

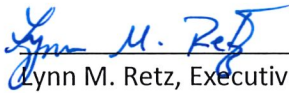
- B. Chair Duffy moved to meet in Executive Session for a period of 30 minutes to discuss Attorney/Client privileged matters, pursuant to K.S.A. 75-4319(b)(2), for consultation with attorneys to obtain legal advice. Also called into the Executive Session were Cole Bailey, Litigation Counsel. Commissioner French seconded the motion. Chair Duffy stated the Commission would reconvene in the 1st Floor Hearing Room at 11:43 a.m. The motion was approved.

The Commission moved into Executive Session at 11:13 a.m. and reconvened in Public session at 11:43 a.m.

The Commission took no action subsequent to the Executive Session.

There being no further matters before the Commission, Commissioner French moved for adjournment of the Commission meeting. Chair Duffy seconded the motion. The motion was approved. The Commission adjourned the October 6, 2020, Commission Meeting at 11:44 a.m.

Respectfully submitted,



Lynn M. Retz, Executive Director



Susan K. Duffy, Chair



Andrew J. French, Commissioner



Dwight D. Keen, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, October 6, 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 failure of Viva International, Inc. (Operator) to comply with K.S.A. 55-172 and K.A.R. 82-3-603 at the Mitchell Lease in Linn County, Kansas. <i>Order Designating Presiding Officer and Setting Prehearing Conference</i>	21-CONS-3053-CPEN	
2	In the matter of the failure of Red Oak Energy, Inc. (Operator) to comply with K.A.R. 82-3-117 at the Brown #9-1 well in Graham County, Kansas. <i>Penalty Order - Red Oak Energy, Inc.</i>	21-CONS-3080-CPEN	
3	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. <i>Order Approving Traffic Factors for Midcontinent Communications, d/b/a Midco</i>	20-GIMT-086-GIT	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Application of Mid-America Pipeline Company, LLC for Permission to Cease Operating as a Liquids Pipeline Carrier from Coffeyville Refinery in Coffeyville, Montgomery County, Kansas, to the Connection Point with NuStar Pipeline Operating Partnership L.P. in El Dorado, Butler County, Kansas. <i>Suspension Order</i>	21-MDAP-108-CCS	
5	In the Matter of the Application of Kansas Gas Service, a Division of One Gas, Inc., for an Administrative Update to their Tariff <i>Suspension Order: May 10, 2021</i>	21-KGSG-114-TAR	
6	In the Matter of the Investigation of Topeka Trailer Repair, Inc. of Topeka, 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>	21-TRAM-118-PEN	
7	In the Matter of the Investigation of Kolton Harting Trucking LLC of Norton, 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>	21-TRAM-120-PEN	
8	In the Matter of the Investigation of Brandon J. Schwartz, d/b/a Brandon Schwartz Trucking of Great Bend, 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>	21-TRAM-121-PEN	
9	In the Matter of the Investigation of Midwest Mobile Home Service LLC of Emporia, 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>	21-TRAM-123-PEN	
10	In the Matter of the Investigation of Mario Lopez Benitez, d/b/a Maya Trucking of Wichita, 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>	21-TRAM-125-PEN	
11	In the Matter of the Investigation of Diamond D Enterprises LLC of Hays, 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>	21-TRAM-126-PEN	

Consent Agenda

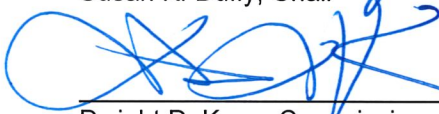
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
12	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i>	21-TRAM-5023-TRA	

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

For the Commission :



Susan K. Duffy, Chair




Dwight D. Keen, Commissioner



Andrew J. French, Commissioner

Attest:



Lynn M. Retz
Executive Director



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Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

**Transportation Orders By Docket Number
21-TRAM-5023-TRA**

Order Number	Description	Removed
20201001173449	<i>In the Matter of the Application of JESSE GARCIA of SATANTA KS for Authority for a Certificate of Public Service.</i> USDOT #3348114 JESSE GARCIA of SATANTA KS - Order Granting Application for Certificate of Public Service	
20201001173925	<i>In the Matter of the Application of AGSUN LLC of BREWSTER KS for Authority for a Certificate of Public Service.</i> USDOT #1309554 AGSUN LLC of BREWSTER KS - Order Granting Application for Certificate of Public Service	

Total # of Orders: 2

End of Report