Kansas Corporation Commission
Commission Meeting
October 13, 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 13, 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 13, 2020, containing pages one through three and are attached to these Minutes. Commissioner Keen seconded the motion.

   The motion was approved.

2. **Discussion Item:**
   A. Presentation by Linda Berry, Director of Public Affairs and Consumer Protection, providing a quarterly update on PACP activities and calls.

   B. Presentation by Cole Bailey, Litigation Counsel on Federal Energy Regulatory Commission (FERC) matter ER-19-2273-000, Sunflower Formula Rate Revisions and Merger of Mid-Kansas into Sunflower.

   Commissioner French moved the Commission support he Settlement Agreement in FERC Docket No. ER19-2273-000. Commissioner Keen seconded the motion.

   The motion was approved.

   C. The Commission recognized Eric MacLaren for 15 years of service and B.J. Hope for 35 years of public service.

3. **Other Matters:**

   Chair Duffy moved to meet in Executive Session for a period of 30 minutes in the 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, Assistant General Counsel Phoenix Anshutz, Litigation Counsel Cole Bailey, Justin Grady, Chief of Revenue Requirements, Costs of Service and Finance, and Chad Unrein, Senior Managing Auditor/FERC Affairs Specialist. Commissioner French seconded the motion. Chair Duffy stated the Commission would reconvene in the 1st Floor Hearing Room at 11:05 a.m. The motion was approved.

The Commission moved into Executive Session at 10:35 a.m. and reconvened in Public session at 11:05 a.m.
The Commission took no action following the Executive Session.

Chair Duffy moved to meet in Executive Session for a period of 30 minutes in the 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, Phoenix Anshutz Assistant General Counsel, Cole Bailey Litigation Counsel, Justin Grady, Chief of Revenue Requirements, Costs of Service and Finance, Terri Pemberton Chief Litigation Counsel, and Jeff McClanahan Utilities Division Director. Commissioner French seconded the motion. Chair Duffy stated the Commission would reconvene in the 1st Floor Hearing Room at 11:40 a.m. The motion was approved.

The Commission moved into Executive Session at 11:10 a.m. and reconvened in Public session at 11:40 a.m.

Commissioner Keen moved to direct staff to coordinate with D.C. counsel to file for rehearing in FERC Docket RM18-9-000 and on Order 2222 with regard to the limited issue of jurisdiction. Commissioner French seconded the motion.

The motion was approved.

There being no further matters before the Commission, Commissioner French moved for adjournment of the Commission meeting. Commissioner Keen seconded the motion. The motion was approved. The Commission adjourned the October 13, 2020, Commission Meeting at 11:41 a.m.

Respectfully submitted,

Lynn M. Retz, Executive Director

Susan K. Duffy, Chair

Andrew J. French, Commissioner

Dwight D. Keen, Commissioner

Kansas
Corporation Commission

ITEMS OF
Consent Agenda

Approval Date: Tuesday, October 13, 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 seperately 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 of Palomino Petroleum, Inc. for an exception to the pit closure time limitation of K.A.R 82-3-602 at its Ziegenbalg Trust #1 located in the SE/4 of Section 35, Township 14S, Range 28 West, Gove County, Kansas. ***Order Granting Application***	21-CONS-3041-CEXC	
2	In the matter of the failure of Arcadian Resources, LLC (Operator) to comply with K.A.R. 82-3-602 at the Jerone #1-31 well in Thomas County, Kansas. ***Penalty Order - Arcadian Resources, LLC***	21-CONS-3083-CPEN	
3	In the Matter of the Capital Plan Compliance Docket for Kansas City Power & Light Company and Westar Energy, Inc. Pursuant to the Commission's Order in Docket No. 18-KCPE-095-MER. ***Order Granting Intervention to McPherson Board of Public Utilities and Admission of Starnes Pro Hac Vice***	19-KCPE-096-CPL	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Audit of Google North America Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2017 Supp. 66-2010(b) for KUSF Operating Year 22, Fiscal Year March 2018-February 2019. ***Order Accepting and Adopting Compliance Report and Closing Docket***	20-GNAZ-065-KSF	
5	In the Matter of the Complaint Against Evergy by Richard S. & Barbara R. Brooks ***Order Granting Request for Extention of Time***	20-EKCE-414-COM	
6	In the Matter of the Application for Approval of the Traffic Exchange Agreement Between Embarq Missouri, Inc. d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, and United Telephone Company of Eastern Kansas d/b/a Century Link and TC Wireless, Inc. Pursuant to the Telecommunications Act of 1996 ***Order Approving Interconnection Agreement***	21-UTDT-096-IAT	
7	In the Matter of the Investigation of Hinkle Trucking, LLC of Severy, 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 Reinstating Intrastate Motor Carrier Operations***	20-TRAM-529-PEN	
8	In the Matter of the Investigation of Dewey W. Huber, d/b/a Liberty Trucking of Garden City, 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. ***Penalty Order***	21-TRAM-136-PEN	
9	In the Matter of the Investigation of J-L Trucking LLC of Garnett, 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. ***Penalty Order***	21-TRAM-137-PEN	
10	In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees. ***2019 UCR Penalty Orders***	21-TRAM-018-PEN	
11	Transportation orders to be approved by the Commission on the Consent Agenda. ***Transportation Economic Orders***	21-TRAM-5025-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

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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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-5025-TRA

Order Number	Description	Removed
20201007091459	*In the Matter of the Application of HOLLOMAN TRANSPORT SERVICES LLC of SOLOMON KS for Authority for a Certificate of Public Service.* USDOT #2724434 HOLLOMAN TRANSPORT SERVICES LLC of SOLOMON KS - Order Granting Application for Certificate of Public Service	
20201007154709	*In the Matter of the Application of BARAY TRUCKING LLC of LIBERAL KS for Authority for a Certificate of Public Service. DocketID=247FC2AF-01F6-489B-9610-A715A5C955DB* USDOT #3491513 BARAY TRUCKING LLC of LIBERAL KS - Order Granting Application for Certificate of Public Service	
20201007155323	*In the Matter of the Application of SAVAGE TRANSPORT LLC of OLATHE KS for Authority for a Certificate of Public Service. DocketID=247FC2AF-01F6-489B-9610-A715A5C955DB* USDOT #3488698 SAVAGE TRANSPORT LLC of OLATHE KS - Order Granting Application for Certificate of Public Service	
20201007160952	*In the Matter of the Application of RANDALL LEE HUBER of LACROSSE KS for Authority for a Certificate of Public Service. DocketID=247FC2AF-01F6-489B-9610-A715A5C955DB* USDOT #882431 RANDALL LEE HUBER of LACROSSE KS - Order Granting Application for Certificate of Public Service	

Total # of Orders: 4

End of Report

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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-018-PEN

Order Number	Description	Removed
20-1767	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees.' Docket No. '21-TRAM-018-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees.'* 2019 UCR Penalty Order - 3E Trucking LLC	
20-1769	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees.' Docket No. '21-TRAM-018-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees.'* 2019 UCR Penalty Order - 365 Construction	
20-1771	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees.' Docket No. '21-TRAM-018-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees.'* 2019 UCR Penalty Order - Affordable Moving LLC	
20-1773	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees.' Docket No. '21-TRAM-018-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees.'* 2019 UCR Penalty Order - Alejandro Guerrero dba Greenfield Lawn	
20-1775	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees.' Docket No. '21-TRAM-018-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees.'* 2019 UCR Penalty Order - Amtrux LLC	

Transportation Orders By Docket Number
21-TRAM-018-PEN

Order Number	Description	Removed
20-1777	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees.' Docket No. '21-TRAM-018-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for the Failure to Pay 2019 UCR Fees.'* 2019 UCR Penalty Order - Aperture Fusion LLC	

Total # of Orders: 6

End of Report