Kansas Corporation Commission
Commission Meeting
October 22, 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 22, 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 22, 2020, containing pages one through two and are attached to these Minutes. Commissioner Keen seconded the motion.

   The motion was approved.

2. **Noticed Item:**
   Docket No. 20-TRAM-392-PEN
   In the Matter of the Waiver of the Requirement to Attend Commission-Sponsored Safety Seminars.

   Commissioner Keen moved for approval of order #20-1863 – Order Lifting Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars. Commissioner French seconded the motion.

   The order is approved.

3. **Discussion Item** - Ryan Hoffman, Director, KCC Conservation Division, updated the Commission on the Class II UIC Program Peer Review Executive Summary. Presentation materials are attached to these Minutes.

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 22, 2020, Commission Meeting at 10:39 a.m.

Respectfully submitted,

Lynn M. Retz, Executive Director

Susan K. Duffy, Chair

Andrew J. French, Commissioner

Dwight D. Keen, Commissioner

Kansas Class II UIC Peer Review

Commission Business Meeting October 22, 2020

Ryan A. Hoffman, Director, Conservation Division

Kansas
Corporation Commission

About GWPC

- Ground Water Protection Council
  - Chartered in1983.
  - 501(c)6 non-profit.
  - Members include state environmental protection, UIC agencies, source water, ground water, and oil and gas regulatory agencies.
  - 20 Board Members from the 10 EPA Regions.

Timeline and Process

- First review conducted in 1990.
- April 2019.
- July 2019.
- September 2019.
  - Review Team.
    - Five members – four observers.
  - Participating Staff.
    - Nine Conservation Division Staff participants.
- Final Report published September 2020.
  - http://www.gwpc.org/sites/default/files/Kansas%20Peer%20Review%20Final%20September%202020.pdf

Executive Summary Strengths

- The Division's ability to utilize flex time, approve overtime and shift inspectors from within a District to cover critical operations such as MITs, well construction and well plugging is commendable.
- The Class II program staff is dedicated, knowledgeable, experienced, and demonstrates a high degree of technical competency.
- To the extent resources allow, the permitting and field witnessing programs have focused on the most critical programmatic elements such as casing installation and cementing and mechanical integrity testing of wells.

Executive Summary Strengths

- Through an ongoing review process, the Division has promulgated updates to the rules and regulations which have enhanced the UIC program.
- To supplement the UIC program, the Division has actively prioritized, decentralized to the district office level, and accelerated the abandoned well plugging efforts.

Executive Summary Suggestions

- The review team strongly suggests the Division consider reviewing with the KCC Advisory Committee the current financial assurance program. This may include:
  - Modifying the current licensing system to establish full time individual and blanket bonds that are maintained through the lifecycle of the well; and
  - Evaluating the cost of Class II well plugging and abandonment and setting bonding amounts consistent with these costs; and
  - Surveying the bonding requirements in other states as a means of assisting the Division in establishing a financial assurance system that is consistent (where appropriate) with other states' primacy programs.

Executive Summary Suggestions

- The review team suggests continued emphasis be placed on updating KOLAR and the Risk Based Data Management System (RBDMS) to fully incorporate all UIC activities including field inspections, permitting, well testing and reporting.
- The review team suggests the division consider requiring new or newly converted Class II wells have a Cement Bond Log (CBL) and where possible a CBL and Variable Density Log (VDL) run to assure proper cementing bonding on both the casing and the formation.

Executive Summary Suggestions

- The Division should continue to work with the KGS and the KDHE on a plan for the division to acquire and use all seismic data held by KGS and KDHE regardless of its source to assure proper seismic monitoring relative to potential induced seismicity. This may need to include a means of assuring that privately owned seismic data can be confidentially held by the division. A Memorandum of Agreement (MOA) involving the three agencies might be a possible mechanism to achieve this goal.

Thank You.

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ITEMS OF
Consent Agenda

Approval Date: Thursday, October 22, 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 failure of Fuel Source Inc. (Operator) to comply with K.A.R. 82-3-407 at the Riggs #1 Injection in Chautauqua County, Kansas. ***Order Designating Presiding Officer and Setting Prehearing Conference***	21-CONS-3078-CPEN	
2	In the Matter of An Investigation to Determine the Assessment Rate and the Affordable Local Service Rates for Rate-of-Return Regulated Carriers for the Twenty-Third Year of the Kansas Universal Service Fund, Effective March 1, 2019. ***Order Granting Suspension of the Commission's On-Site Audit Procedure Under Section VIII of the KUSF Carrier Audit Procedure for Fiscal Year 23***	19-GIMT-056-GIT	
3	In the Matter of the Investigation of VF Anderson Builders LLC of Harrisville, Missouri, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). ***Penalty Order***	21-DPAX-150-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Investigation of Rockers Construction LLC of Greeley, Kansas, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). ***Penalty Order***	21-DPAX-151-PEN	
5	In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees ***2019 UCR Penalty Orders***	21-TRAM-153-PEN	
6	Transportation orders to be approved by the Commission on the Consent Agenda. ***Transportation Economic Orders***	21-TRAM-5028-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-5028-TRA

Order Number	Description	Removed
20201016094510	USDOT #3480752 SAUL VITOLAS PEREZ of ULYSSES KS - Order Granting Application for Certificate of Public Service	
20201016135358	*In the Matter of the Application of PAUL T GASSLER SR of SHAWNEE KS for Authority for a Certificate of Public Service. DocketID=C0ABEA0F-8F1B-46F9-B72C-EF82FA15B0D4* USDOT #2128609 PAUL T GASSLER SR of SHAWNEE KS - Order Granting Application for Certificate of Public Service	
20201019102846	*In the Matter of the Application of B&B TRUCKING LLC of WICHITA KS for Authority for a Certificate of Public Service. DocketID=C0ABEA0F-8F1B-46F9-B72C-EF82FA15B0D4* USDOT #3491894 B&B TRUCKING LLC of WICHITA KS - Order Granting Application for Certificate of Public Service	
20201019110544	*In the Matter of the Application of A&B TRANSPORTATION LLC of SHAWNEE KS for Authority for a Certificate of Public Service. DocketID=C0ABEA0F-8F1B-46F9-B72C-EF82FA15B0D4* USDOT #3481568 A&B TRANSPORTATION LLC of SHAWNEE 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-153-PEN

Order Number	Description	Removed
20-1857	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* *Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Dennis Vondemkamp	
20-1859	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* *Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Deven Ryan Trucking LLC	
20-1861	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* *Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Eldin Castellanos	
20-1865	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* *Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Energy Services Inc.	
20-1867	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* *Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Eric J Cole, d/b/a Cole Farms	

Transportation Orders By Docket Number
21-TRAM-153-PEN

Order Number	Description	Removed
20-1869	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Escape Lawn and Landscaping LLC	
20-1872	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Fittings Export LLC	
20-1873	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Five Star Transportation LLC	
20-1875	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Front Edge Lawn & Landscape LLC	
20-1877	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Gabriel Valdovino dba Gabriel Valdovino Xpress Transport	
20-1879	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Galen Critchfield, d/b/a Outdoor Supply & Service	
20-1881	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Galen Larson	
20-1883	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Gamoict Inc.	

Transportation Orders By Docket Number
21-TRAM-153-PEN

Order Number	Description	Removed
20-1885	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Gary Dolores and Timothy Ebert, d/b/a P & G Custom Harvesting	
20-1887	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - GE Transportation LLC	
20-1889	*Order for Docket 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-153-PEN'* *Synopsis: 'In the Matter of the Investigation into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Glover Trucking LLC	

Total # of Orders: 16

End of Report