Kansas Corporation Commission
Commission Meeting
October 29, 2020
10:02 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 10:02 a.m. on October 29, 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 Keen moved for approval of the Items on the Consent Agenda dated October 29, 2020, containing pages one through three and are attached to these Minutes. Commissioner French seconded the motion.

   The motion was approved.

2. **Noticed Item:**

A. **Docket No. 20-EKME-514-GIE**
In the Matter of the Investigation into the Agreement Between Evergy and Elliott Management to Consider a Modified Standalone Plan or Merger Transaction.

Commissioner Keen moved for approval of order # 20-1890 – Order Closing General Investigation. Chair Duffy seconded the motion.

The order is approved.

B. **Docket No. 21-BHCG-099-RTS**
In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy to Reduce Rates Due to State Income Tax Exemption.

Commissioner French noted there needed to be a correction to a typo in the title of the order, which was corrected. Commissioner Keen moved for approval of order # 20-1940 – Order on Application of Black Hills Energy. Chair Duffy seconded the motion.

The order is approved.

C. **Docket No. 20-EKCE-357-TAR**
In the Matter of the Application of Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. for Approval of Customer Forward Program Tariff Changes.

Commissioner Keen moved for approval of order # 20-1936 – Order on Application. Chair Duffy seconded the motion.

The order is approved.

D. **Docket No. 20-EKME-358-TAR**
In the Matter of the Application of Evergy Kansas Metro Inc. for Approval of Customer Forward Program Tariff Changes.

Commissioner Keen moved for approval of order 20-1938 – Order on Application. Chair Duffy seconded the motion.

The order is approved.

E. **Docket No. 20-UNTV-525-SHO**
In the Matter of a General Investigation for Unitel Voice, LLC to Show Cause Why this Commission Should Not Initiate Sanctions and Fines for Non-Compliance with Kansas Statues and Commission Orders.

Commissioner Keen moved for approval of order 20-1983 – Order on Request for Waiver of Administrative Penalties. Chair Duffy seconded the motion.

The order is approved.

F. **Docket No. 21-CONS-3096-CMSC**
In the matter of a Compliance Agreement between Todd Miller dba Speedy Well Service (Operator) and Commission Staff regarding bringing 175 wells into compliance with K.A.R. 82-3-111.

Commissioner Keen moved for approval of order 20-1994 – Order Approving Compliance Agreement. 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. Chair Duffy seconded the motion. The motion was approved. The Commission adjourned the October 29, 2020, Commission Meeting at 10:17 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: Thursday, October 29, 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 Berexco LLC for a third exception to the 10-year time limitation of K.A.R. 82-3-111 for its Latta A #3 well located in the NE NE SE of Sec 8-30S-2W, Sumner County, Kansas. ***Order Granting Application***	20-CONS-3338-CEXC	
2	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 Garden City TX #1-20 well located in the N/2 SW SE NW of Sec 20, T22S, R33W, Finney County, Kansas. ***Order Granting Application***	21-CONS-3013-CEXC	
3	In the matter of the application of Merit Energy Company, LLC, for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its BCU 403 well in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 31, Township 27 South, Range 33 West, Haskell County, Kansas. ***Order Granting Application***	21-CONS-3024-CEXC	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the matter of the application of Langston Oil & Gas LLC, for an exception to the 10-year time limitation of K.A.R. 82-3-111 regarding Applicant's Reif #A-1 well-bore, located in the NW NE SW, and Applicant's Reif #B-2 well-bore located in the SW SW NW, both within the W/2 Sec. 31-18S-10W, Rice County, Kansas. ***Order Granting Application***	21-CONS-3056-CEXC	
5	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 Hoffman #2 well located in the NE SE SW of Sec 32, T13S, R17W, Ellis County, Kansas. ***Order Granting Application***	21-CONS-3059-CEXC	
6	In the matter of the application of Falcon Exploration, Inc. for a second exception to the 10-year time limitation of K.A.R. 82-3-111 for its Brookover #7 well located in the NW SE SE SE of Section 22-T13S-R30W, Gove County, Kansas. ***Order Granting Application***	21-CONS-3069-CEXC	
7	In the Matter of the Joint Application of Sunflower and Southern Pioneer for the Approval of an Updated 34.5 kV Loss Factor in the Local Access Delivery Service Tariff. ***Order Designating Presiding Officer and Setting Procedural Schedule***	21-SEPE-047-TAR	
8	In the Matter of Rainbow Telecommunications Association Filing Tariff Revision to its Bundled Services ***Order Approving Tariff Revisions***	21-RNBT-157-TAR	
9	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. ***Order Amending Penalty Assessment***	21-TRAM-126-PEN	
10	In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees ***UCR Penalty Orders***	21-TRAM-162-PEN	

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-162-PEN

Order Number	Description	Removed
20-1956	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* *Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Gragg Trucking LLC	
20-1958	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* *Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - JM Concrete Solutions LLC	
20-1960	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* *Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - John F Roenne dba Ronne Auto Salvage	
20-1962	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* *Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Jonathan Brett Hilton dba Hilton Lawn and Landscape	
20-1964	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* *Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - JP Contracting LLC	

Transportation Orders By Docket Number
21-TRAM-162-PEN

Order Number	Description	Removed
20-1966	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Kansas City Roofing & Sheetmetal Inc	
20-1968	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Kansota Transport Inc	
20-1970	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Kissinger and Associates Inc	
20-1972	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Kreider Trucking LLC	
20-1974	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Larry Kenneth Olberding dba Olberding Farms	
20-1976	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Lawrenz Masonry	
20-1978	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - LC Trucking LLC	
20-1980	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Leiker Custom Concrete LLC	

Transportation Orders By Docket Number
21-TRAM-162-PEN

Order Number	Description	Removed
20-1982	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Luis Moreno dba Moreno Transport	
20-1986	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - M & V Express LLC	
20-1988	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Mark Harms dba Harms Plainview Ranch	
20-1990	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Martin A Juarez dba MY & G Trucking	
20-1992	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Martin A Pinon Romero dba El Viejo Trucking	
20-1996	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Martin Machine & Welding Inc	
20-1998	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Michael Adams dba Circle T Commodities LLC	
20-2000	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Martinez Tow Service LLC	

Transportation Orders By Docket Number
21-TRAM-162-PEN

Order Number	Description	Removed
20-2002	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Marvin Fehlman	
20-2004	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Meyers Home Improvement Solutions LLC	
20-2007	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Michael R. Kiefer	
20-2009	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Midwest Bus Sales Inc	
20-2011	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Midwest Homes	
20-2013	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - Musa Farms Inc	
20-2015	*Order for Docket 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees' Docket No. '21-TRAM-162-PEN'* *Synopsis: 'In the Matter of the Investigation Into Certain Motor Carriers for Failure to Pay 2019 UCR Fees'* 2019 UCR Penalty Order - MidAmerica Auto Exchange Inc	

Total # of Orders: 28

End of Report