Kansas Corporation Commission
Commission Meeting
December 3, 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 December 3, 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 December 3, 2020, containing pages one through three and are attached to these Minutes. Commissioner Keen seconded the motion.

   The motion was approved.

2. **Discussion Item:**
   Ahsan Latif, KCC Litigation Counsel, presented an overview of proposed amendments to Motor Carrier Regulation K.A.R. 82-4-3a and instructions for submitting public comments.

There being no further matters before the Commission, Commissioner Keen moved for adjournment of the Commission meeting. Commissioner French seconded the motion. The motion was approved. The Commission adjourned the December 3, 2020, Commission Meeting at 10:12 a.m.

Respectfully submitted,

Lynn M. Retz, Executive Director

Susan K. Duffy, Chair

Andrew J. French, Commissioner

Dwight D. Keen, Commissioner

Public Hearing

On Proposed Motor Carrier Regulation

K.A.R. 82-4-3a

December 3, 2020

Kansas Corporation Commission

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Purpose of Public Hearing

- Receive public comments on proposed regulations
- Comments may be limited to accommodate the number of participants
- Agenda
  1. Overview of amendments
  2. Receipt of public comments

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Summary of Changes:

- Changes to "On-Duty" time calculations;
- Minor grammatical and form corrections;
- Recent updates to other FMCSA regulations.

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Amendments Explained

- Update Kansas regulations to mirror 2019 version of U.S. Code of Federal Regulations
- Update necessary to maintain federal grants
- Overwhelming majority of amendments are technical corrections and updates
- One substantive new rule: "On-Duty" time

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"On-Duty" Time Calculations

Changes to the following four scenarios:

- Short-haul movements – the driving mileage radius and driving times for these movements are extended as follows: Driving mileage radius extends from 100 air miles to 150 air miles; Driving time is extended from 12 hours to 14 hours
- Adverse Driving Conditions - drivers encountering "adverse driving conditions" will have an extra two hours to operate before having to go off-duty.
- 30-Minute Break provision - the 30-minute break provision is modified to require the break after eight hours of driving time (instead of just on-duty time) and allows an on-duty/not driving period to qualify as the required break.
- Sleeper Berth provision – modifications to this provision allow drivers to split the 10-hour off-duty period as long as one off-duty period is at least two hours long and the other involves at least 7 consecutive hours in the sleeper berth.

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Submit a Public Comment

Comments will be accepted through December 3, 2020 at 5 p.m.

To submit online, go kcc.ks.gov. Click on the Your Opinion Matters link.

Scroll down to the Proposed Hours of Service Rules for Motor Carriers entry and select Submit a Comment.

Public Hearing on Proposed Hours of Service Rules for Motor Carriers to be held December 3, 2020

The Kansas Corporation Commission will consider adoption of proposed Transportation rules and regulations (K.A.R. 82-4-3a Hours of Service) on a permanent basis. A public hearing on the proposed regulations will be held at 10 a.m. on Thursday, December 3, 2020. In response to concerns related to COVID-19, the public hearing will be held by video conference. Anyone desiring to participate in the public hearing video conference must pre-register at: https://zoom.us/meeting/register/tJwtdO2orDMoEtazAHyurS21y_aGHjEotdpJ. The meeting will also be audio streamed live on the Kansas Corporation Commission website (https://kcc.ks.gov).

Links to the public notice, proposed regulations, economic impact statement and form to submit an online comment can be found below. Public Comments will be accepted through December 3, 2020.

Public Notice | Proposed Regulations | Economic Impact Statement | Submit a Public Comment

Or send an email to public.affairs@kcc.ks.gov. Include your name and city.

Public Comment Portion

- Time limits for comments may be imposed to accommodate all participants.

Contact Information

Kansas Corporation Commission
1500 S.W. Arrowhead Rd.
Topeka, Kansas 66604

a.latif@kcc.ks.gov
(785) 271-3181

December 3, 2020

Kansas Corporation Commission

Kansas
Corporation Commission

ITEMS OF
Consent Agenda

Approval Date: Thursday, December 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 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 Joint Application of GridLiance High Plains LLC, GrdLiance GP, LLC and GridLiance Holdco, LP ("GridLiance") NextEra Energy Transmission, LLC ("NextEra Entities") for Approval of the Acquisition of GridLiance by the NextEra Entities. ***Order Granting Sunflower's Petition to Intervene***	21-GLPE-160-ACQ	
2	In the matter of the application of Terry E. Morris dba G L M Company, to authorize the disposal of saltwater into the Arbuckle Formation at the Steinle #5 well, located in the N/2 NE/4 SW/4 of Section 22, Township 13 South, Range 14 West, Russell County, Kansas. ***Proposed Default Order***	20-CONS-3253-CUIC	
3	In the Matter of the Application of Pantera Energy Company, for an Order Authorizing the Unitization and Unit Operation of the Koenig Waterflood Unit to be located in Haskell County, Kansas. ***Order Granting Motion for Summary Proceedings and Granting Application***	21-CONS-3085-CUNI	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the matter of the failure of Jim Carter dba J Carter Oil (Operator) to comply with K.A.R. 82 3 111 at the Driscoll A #2, Driscoll A #3, Driscoll A #4, Hall #1, Vonfeldt (Von Feldt) #5 and Vonfeldt (Von Feldt) #6 in Russell County, Kansas. ***Penalty Order - Jim Carter dba J Carter Oil***	21-CONS-3112-CPEN	
5	In the Matter of the Emergency Suspension of Operating Authority of Sharon Warner, d/b/a Louie & Son Excavating of Mound City, Kansas, for Failure to Comply With Federal New Entrant Safety Requirements as Required by the Kansas Motor Carrier Safety Statutes, Rules and Regulations. ***Emergency Suspension of Operating Authority Order***	21-TRAM-182-OOS	
6	Transportation orders to be approved by the Commission on the Consent Agenda. ***Transportation Econmic Orders***	21-TRAM-5036-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

Kansas
Corporation Commission

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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-5036-TRA

Order Number	Description	Removed
20201130140415	*In the Matter of the Application of DAVID S SWARTS of PRATT KS for Authority for a Certificate of Public Service.* USDOT #3500636 DAVID S SWARTS of PRATT KS - Order Granting Application for Certificate of Public Service	
20201130140843	*In the Matter of the Application of YGA TRUCKING LLC of WICHITA KS for Authority for a Certificate of Public Service.* USDOT #3516950 YGA TRUCKING LLC of WICHITA KS - Order Granting Application for Certificate of Public Service	
20201130141156	*In the Matter of the Application of HUNTER TRANSPORT LLC of HAYS KS for Authority for a Certificate of Public Service.* USDOT #3515710 HUNTER TRANSPORT LLC of HAYS KS - Order Granting Application for Certificate of Public Service	
20201130142846	*In the Matter of the Application of KENDALL TRUCKING of ERIE KS Seeking a Permit of Private Authority.* USDOT #3475236 KENDALL TRUCKING of ERIE KS - Order Dismissing Application for Permit of Private Authority	
20201130142846	*In the Matter of the Application of KENDALL TRUCKING of ERIE KS Seeking Authority for a Certificate of Public Service.* USDOT #3475236 KENDALL TRUCKING of ERIE KS - Order Dismissing Application for Certificate of Public Service	
20201130143030	*In the Matter of the Emergency Suspension of Authority of TM TRANSPORT LLC of DODGE CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #3204804 TM TRANSPORT LLC of DODGE CITY KS - Emergency Order Suspending Authority	
20201130143030	*In the Matter of the Emergency Suspension of Authority of CHRISTIAN MARTINEZ of GARDEN CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #3070454 CHRISTIAN MARTINEZ of GARDEN CITY KS - Emergency Order Suspending Authority	

Transportation Orders By Docket Number
21-TRAM-5036-TRA

Order Number	Description	Removed
20201130143030	*In the Matter of the Emergency Suspension of Authority of ALC TRUCKING LLC of WHEELING MO for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #2813004 ALC TRUCKING LLC of WHEELING MO - Emergency Order Suspending Authority	
20201130143030	*In the Matter of the Emergency Suspension of Authority of TST LOGISTICS INC of BIG CABIN OK for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #1933117 TST LOGISTICS INC of BIG CABIN OK - Emergency Order Suspending Authority	
20201130143030	*In the Matter of the Emergency Suspension of Authority of PHOENIX RECOVERY OF KANSAS LLC of HUTCHINSON KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #3067693 PHOENIX RECOVERY OF KANSAS LLC of HUTCHINSON KS - Emergency Order Suspending Authority	
20201130143030	*In the Matter of the Emergency Suspension of Authority of SPOTS PARTY BUS LLC of PARK CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #2312170 SPOTS PARTY BUS LLC of PARK CITY KS - Emergency Order Suspending Authority	
20201130143030	*In the Matter of the Emergency Suspension of Authority of CATTLEMANS HAY LLC of BURDETT KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #2491476 CATTLEMANS HAY LLC of BURDETT KS - Emergency Order Suspending Authority	
20201130143030	*In the Matter of the Emergency Suspension of Authority of BIG BROS AND A HALF SERVICES LLC of KANSAS CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #3201991 BIG BROS AND A HALF SERVICES LLC of KANSAS CITY KS - Emergency Order Suspending Authority	
20201130153402	*In the Matter of the Application of JOSE PEDRO MONTES of GARDEN CITY KS for Authority for a Certificate of Public Service.* USDOT #3513284 JOSE PEDRO MONTES of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	

Total # of Orders: 14

End of Report