

**Kansas Corporation Commission**  
**Commission Meeting**  
**December 8, 2020**  
10:00 a.m. 1<sup>st</sup> floor hearing room  
KCC Offices, 1500 Arrowhead, Topeka, Kansas

**Due to the COVID-19 Pandemic the Business Meeting was not open to the public.**  
**The Business Meeting was streamed on YouTube and could be accessed on the KCC webpage at**  
**kcc.ks.gov. Public Access to KCC offices is currently by appointment only**  
**to help reduce the spread of COVID-19.**

**MINUTES**

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on December 8, 2020, in the 1<sup>st</sup> floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

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

1. **Consent Agenda:** Commissioner French moved for approval of the Items on the Consent Agenda dated December 8, 2020, containing pages one through four and are attached to these Minutes. Commissioner Keen seconded the motion.

The motion was approved.

2. **Noticed Item:**

- A. **Docket No. 21-CONS-3114-CPEN**

*In the matter of the failure of Arcadian Resources, LLC (Operator) to comply with K.A.R. 82-3-120 on the Becker #1, Liam #1-19 and Liam #2-19 wells in Rooks and Thomas County, Kansas.*

Commissioner Keen moved for approval of order #20-2244 – Shut-In Order. Commissioner French seconded the motion.

The order was approved.

- B. **Docket No. 21-CONS-3115-CMSC**

*In the matter of a Compliance Agreement between Hesse Petroleum Co., LLC (Operator) and Commission Staff regarding bringing 8 wells into compliance with K.A.R. 82-3-111.*

Commissioner French moved for approval of order #20-2245 – Order Approving Compliance Agreement. Commissioner Keen seconded the motion.

The order was approved.

**3. Other Matters:**

Chair Duffy moved to meet in Executive Session for a period of 30 minutes to discuss security matters or measures, pursuant to K.S.A. 75-4319(b)(12). Also called into the Executive Session were Lynn Retz, Executive Director; Todd Reinert, IT Director; and Jon McKenzie, IT Security Analyst. Commissioner French seconded the motion. Chair Duffy stated the Commission would reconvene online at 10:37 a.m. and the Commissioners moved into a secure break-out room. The motion was approved.

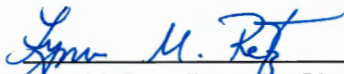
The Commission moved into Executive Session at 10:07 a.m. and reconvened online in Public session at 10:37 a.m. The Commission took the following action following the Executive Session:

Commissioner French moved the Commission to approve the exceptions or variances from the ITEC Policy 7230a as outlined by the IT staff. He further moved the exceptions or variances be treated as confidential and not subject to the Kansas Open Records Act pursuant to K.S.A. 45-221(a)(45). Commissioner Keen seconded the motion.


The motion was approved.


**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 8, 2020, Commission Meeting at 10:39 a.m.**

Respectfully submitted,

  
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Lynn M. Retz, Executive Director

  
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Susan K. Duffy, Chair

  
\_\_\_\_\_  
Andrew J. French, Commissioner

  
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Dwight D. Keen, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Tuesday, December 8, 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 application of Roger M. Wheeler, Jr. d/b/a Wheeler Oil Company for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Simmons #1-10 and Simmons #4-10 wells located in Section 10, Township 35 South, Range 42 West, Morton County, Kansas. <i>Order Closing Docket</i>	21-CONS-3089-CEXC	
2	In the matter of the failure of Stephen C. Jones (Operator) to comply with K.A.R. 82 3 111 at the Beyer #1, Beyer #1A, Beyer #1B, Beyer #2, Beyer #2A, Beyer #3 and Beyer #3A in Coffey County, Kansas. <i>Order Rescinding Penalty Order</i>	21-CONS-3108-CPEN	
3	In the matter of the failure of Novy Oil & Gas, Inc. (Operator) to comply with K.A.R. 82-3-111 at the Carlene #2 in Reno County, Kansas. <i>Penalty Order - Novy Oil &amp; Gas, Inc.</i>	21-CONS-3116-CPEN	

## Consent Agenda

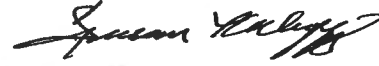
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the matter of the failure of White & Ellis Drilling, Inc. (Operator) to comply with K.A.R. 82-3-111 at the Chain Ranch B #1 in Barber County, Kansas. <b>Penalty Order - White &amp; Ellis Drilling, Inc.</b>	21-CONS-3117-CPEN	
5	In the matter of the failure of Everglow Energy, LLC (Operator) to comply with K.A.R. 82 3 111 at the E I Belt #1 and E I Belt #2 in Morris County, Kansas. <b>Penalty Order - Everglow Energy, LLC</b>	21-CONS-3118-CPEN	
6	In the Matter of the Application of Southwestern Bell Telephone, L.P. for Approval of Resale Agreement Under the Telecommunications Act of 1996 with QuantumShift Communications, Inc. <b>Order Approving Amended Interconnection Agreement</b>	03-SWBT-601-IAT	
7	In the Matter of the Application of Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With ACN Communications Services, Inc. <b>Order Approving Amended Interrconnection Agreement</b>	06-SWBT-371-IAT	
8	In the Matter of the Application of Fusion Cloud Services, LLC for a Certificate of Convenience and Authority to Provide Local Exchange and Exchange Access Service, Inter-exchange and/or Toll and Operator Services Within the State of Kansas. (CLEC) <b>Order Rescinding Order Assessing Costs</b>	21-FCST-185-COC	
9	In the Matter of the Application of Fusion Cloud Services, LLC for a Certificate of Convenience and Authority to Provide Local Exchange and Exchange Access Service, Inter-exchange and/or Toll and Operator Services Within the State of Kansas. (IXC) <b>Order Rescinding Order Assessing Costs</b>	21-FCST-186-COC	
10	In the Matter of the Application of Wamego Telecommunications Company, Inc. Filing Tariff Revisions to Remove Obsolete Services. <b>Order Assessing Costs</b>	21-WTCT-194-TAR	
11	In the Matter of Kansas Gas Service, a Division of ONE Gas, Inc.'s Ad Valorem Filing in Compliance with the Commission's July 14, 2004 Order in Docket No. 04-KGSG-1099-TAR. <b>Order Assessing Costs</b>	21-KGSG-195-TAR	
12	In the Matter of the Application of Everyg Kansas Metro Inc. for Approval of Revisions to its Renewable Rider Tariff. <b>Order Assessing Costs</b>	21-EKME-196-TAR	
13	In the Matter of the Application of SKT, Inc. for an Order Clarifying its Certificate of Convenience and Authority as a Competitive Local Exchange Carrier in the State of Kansas <b>Order Assessing Costs</b>	21-2SKT-197-COC	

**Consent Agenda**

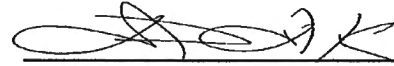
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the Matter of the Application of The Empire District Electric Company for Approval of its Annual Energy Cost Adjustment ("ACA") Filing <b>Order Assessing Costs</b>	21-EPDE-198-ACA	
15	In the Matter of Jayhawk Pipeline, LLC. Filing Tariff Revision to Supplement #20 to KCC No.80 <b>Order Assessing Costs</b>	21-JYHP-199-TAR	
16	In the Matter of Jayhawk Pipeline, LLC. Filing Tariff Revision to Supplement #20 to KCC No.80 <b>Suspension Order</b>	21-JYHP-199-TAR	
17	In the Matter of the Investigation of Crystafs Livestock Express, L.L.C. of Pittsburg, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <b>Order Suspending Intrastate Motor Carrier Operations</b>	19-TRAM-424-PEN	
18	In the Matter of the Investigation of Midwest Transport, LLC of Liberal, 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. <b>Penalty Order</b>	21-TRAM-183-PEN	
19	In the Matter of the Emergency Suspension of Operating Authority of Royal P & M Construction LLP of Kansas City, Kansas, for Failure to Comply With Federal New Entrant Safety Requirements as Required by the Kansas Motor Carrier Safety Statutes, Rules and Regulations. <b>Emergency Suspension of Operating Authority Order</b>	21-TRAM-200-OOS	
20	In the Matter of the Investigation of Southwest Towing, Inc. 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. <b>Penalty Order</b>	21-TRAM-187-PEN	
21	Transportation orders to be approved by the Commission on the Consent Agenda. <b>Transportation Orders</b>	21-TRAM-5037-TRA	

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

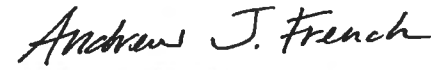
For the Commission :



Susan K. Duffy, Chair

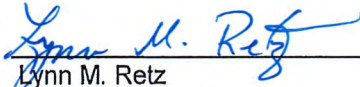


Dwight D. Keen, Commissioner



Andrew J. French, Commissioner

Attest:



Lynn M. Retz  
Executive Director



1500 SW Arrowhead Road  
Topeka, KS 66604-4027

Phone: 785-271-3100  
Fax: 785-271-3354  
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

### Transportation Orders By Docket Number 21-TRAM-5037-TRA

Order Number	Description	Removed
20201201101048	<i>In the Matter of the Application of R5 AG PRODUCTS LLC of PHILLIPSBURG KS for Authority for a Certificate of Public Service.</i> USDOT #3511621 R5 AG PRODUCTS LLC of PHILLIPSBURG KS - Order Granting Application for Certificate of Public Service	
20201201120739	<i>In the Matter of the Application of T J FRINK TRUCKING LLC of ST JOHN KS for Authority for a Certificate of Public Service.</i> USDOT #3429199 T J FRINK TRUCKING LLC of ST JOHN KS - Order Granting Application for Certificate of Public Service	
20201203075130	<i>In the Matter of the Emergency Suspension of Authority of LUIS AVILA of BEL AIRE KS for the Failure to Maintain Insurance Coverage as Required by Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3313050 LUIS AVILA of BEL AIRE KS - Order Rescinding Emergency Order Suspending Authority for Failure to Maintain Insurance Coverage	
20201203141422	<i>In the Matter of the Application of CRAIG &amp; BRIAN BAUMAN of WATHENA KS for a Private Carrier Permit.</i> USDOT #1089503 CRAIG & BRIAN BAUMAN of WATHENA KS - Order Granting Application for a Private Carrier Permit	

Total # of Orders: 4

End of Report