**Kansas Corporation Commission**
**Commission Meeting**
**April 27, 2021**
10:00 a.m. 1st 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 April 27, 2021, in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

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

1. **Consent Agenda**: Commissioner Keen noted that he has recused from the order listed as #17, Docket No. 21-CONS-3243-CPEN. Commissioner Keen moved for approval of the Items on the Consent Agenda dated April 27, 2021, containing pages one through four and are attached to these Minutes. Commissioner Duffy seconded the motion.

   The motion was approved.

2. **Noticed Items:**

**A. Docket No. 19-GIME-504-GIE**
*In the Matter of a General Investigation Regarding the Possible Implementation of a Separate Schools-Only Tariff in Kansas City Power & Light's Service Territory.*

Chairperson French noted that he is recused from this order. Commissioner Duffy moved for approval of Order #21-0674 - Order. Commissioner Keen seconded the motion.

The order was approved.

**B. Docket No. 21-EKME-361-TAR**
*In the Matter of Evergy Metro, Inc. d/b/a Evergy Kansas Metro Seeking Commission Approval to Implement Changes in their Transmission Delivery Charges Rate Schedules.*

Commissioner Keen moved for approval of Order #21-0730 – Order Acknowledging Effective Date of Transmission Delivery Charge Subject-to-Refund Pursuant to K.S.A. 66-1237. Commissioner Duffy seconded the motion.

The order was approved.

**C. Docket No. 21-CONS-3201-CPEN**
*In the matter of the failure of Haas Petroleum, LLC (Operator) to comply with K.A.R. 82-3-407 at 18 wells in Woodson County, Kansas.*

Commissioner Duffy moved for approval of Order #21-0731 – Penalty Order – Haas Petroleum, LLC. Commissioner Keen seconded the motion.

The order was approved.

3. **Discussion/Presentation Items:**

**A.** *Federal Energy Regulatory Commission (FERC) Matter, Docket No. ER21-1676*

Chairperson French moved the Commission authorize D.C. counsel to file a doc-less Motion to Intervene in FERC Docket No. ER21-1676, to file comments, and to take such action therein as necessary to protect the interests of Kansas ratepayers. Commissioner Keen seconded the motion.

The motion was approved.

**B.** *Update to the Commission on UIC – GWPC Meeting*

Ryan Hoffman, Director, KCC Conservation Division, informed the Commission on the Class II UIC Program Peer Review Update. Presentation materials are attached to these Minutes.

**There being no further matters before the Commission, Commissioner Keen moved for adjournment of the Commission meeting. Commissioner Duffy seconded the motion. The motion was approved. The Commission adjourned the April 27, 2021, Commission Meeting at 10:43 a.m.**

Respectfully submitted,

Lynn M. Retz, Executive Director

Andrew J. French, Chairperson

Susan K. Duffy, Commissioner

Dwight D. Keen, Commissioner

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

Laura Kelly, Governor

Motion to File Doc-Less Intervention & Comments to Protect Interests of Kansas Ratepayers
**FERC Docket No. ER21-1676**

**Date:** April 27, 2021
**Docket No:** ER21-1676
**Background:**

On April 14, 2021, Southwest Power Pool, Inc. ("SPP") submitted revisions to its Open Access Transmission Tariff to establish a cost allocation waiver process through which remaining costs for one or more specific projects between 100 kV and 300 kV can be fully allocated prospectively on a region-wide basis.

Motions to intervene, as well as comments or protests, are due Wednesday, May 5, 2021. Commission Staff has been involved in creating and drafting this waiver at SPP and believe it would be a benefit to Kansas. Filing a Doc-less Motion to Intervene and comments ensures this Commission remains informed of the docket's developments, and further preserves this Commission's ability to protect the interest of Kansas ratepayers

I recommend the Commission authorize our D.C. counsel to file a Doc-less Motion to Intervene and file comments in FERC Docket No. ER21-1676.

Respectfully,

Cole Bailey

**Motion:**

I move the Commission authorize our D.C. counsel to file a Doc-less Motion to Intervene in FERC Docket No. ER21-1676, to file comments, and to take such action therein as necessary to protect the interests of Kansas ratepayers.

# Kansas Class II UIC Peer Review Update

Commission Business Meeting April 27, 2021

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 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: Tuesday, April 27, 2021

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 Haas Petroleum, LLC (Operator) to comply with K.A.R. 82-3-407 at its Bahr #6 A, Burke A #WI 16, Luthi Dale #2 and Phillips #K 13 wells.<br>***Order Designating Presiding Officer and Setting Prehearing Conference*** | 21-CONS-3193-CPEN | |
| 2 | In the matter of the failure of Victor J. Leis (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Victor J. Leis*** | 21-CONS-3226-CPEN | |
| 3 | In the matter of the failure of Joe V. Greer dba Little Joe's Oil Company (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Joe V. Greer dba Little Joe's Oil Company*** | 21-CONS-3227-CPEN | |
| 4 | In the matter of the failure of Kanalta Resources, Ltd. (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Kanalta Resources, Ltd.*** | 21-CONS-3228-CPEN | |

## Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|---|---|---|---|
| 5 | In the matter of the failure of Calvin Gene Carter (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Calvin Gene Carter*** | 21-CONS-3229-CPEN | |
| 6 | In the matter of the failure of Poor Boy Corporation (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Poor Boy Corporation*** | 21-CONS-3230-CPEN | |
| 7 | In the matter of the failure of SAAW Operating LLC (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - SAAW Operating LLC*** | 21-CONS-3231-CPEN | |
| 8 | In the matter of the failure of La Vern Steinle dba Steinle Oil (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - La Vern Steinle dba Steinle Oil*** | 21-CONS-3232-CPEN | |
| 9 | In the matter of the failure of Advantage Resources, Inc. (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***'Penalty Order - Advantage Resources, Inc.*** | 21-CONS-3233-CPEN | |
| 10 | In the matter of the failure of Kizzar Well Servicing, Inc. (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Kizzar Well Servicing, Inc.*** | 21-CONS-3234-CPEN | |
| 11 | In the matter of the failure of Allan J. Helsel (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Allan J. Helsel*** | 21-CONS-3235-CPEN | |
| 12 | In the matter of the failure of Double "D" Oil Company, Inc. (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Double "D" Oil Company, Inc.*** | 21-CONS-3236-CPEN | |
| 13 | In the matter of the failure of MKJ Oil Co LLC (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - MKJ Oil Co LLC*** | 21-CONS-3238-CPEN | |
| 14 | In the matter of the failure of Raydon Exploration, Inc. (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Raydon Exploration, Inc.*** | 21-CONS-3239-CPEN | |

## Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|---|---|---|---|
| 15 | In the matter of the failure of Clyde E. Calvert dba C & C Oil & Gas (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***'Penalty Order - Clyde E. Calvert dba C & C Oil & Gas*** | 21-CONS-3241-CPEN | |
| 16 | In the matter of the failure of Stephen C. Jones (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Stephen C. Jones*** | 21-CONS-3242-CPEN | |
| 17 | In the matter of the failure of Clark Energy, LLC (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Clark Energy, LLC*** | 21-CONS-3243-CPEN | Keen Recused |
| 18 | In the matter of the failure of BDW Oil Company LLC (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - BDW Oil Company LLC*** | 21-CONS-3244-CPEN | |
| 19 | In the matter of the failure of Jason Oil Company, LLC (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Jason Oil Company, LLC*** | 21-CONS-3245-CPEN | |
| 20 | In the matter of the failure of Black Gold Well Service, Inc. (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409.<br>***Penalty Order - Black Gold Well Service, Inc.*** | 21-CONS-3246-CPEN | |
| 21 | In the matter of the failure of Apollo Energies, Inc. (Operator) to comply with K.A.R. 82-3-407 at the Wallace G P #1 and WH Horton #A 1 in Harper and Kingman County, Kansas.<br>***Penalty Order - Apollo Energies, Inc.*** | 21-CONS-3269-CPEN | |
| 22 | In the matter of the failure of CMX, Inc. (Operator) to comply with K.A.R. 82-3-407 at the Scrooge SWD #1 in Barber County, Kansas.<br>***Penalty Order - CMX, Inc.*** | 21-CONS-3270-CPEN | |
| 23 | In the Matter of the Application WTC Communications Inc. Filing for Kansas Video Service Authorization.<br>***Order Approving Video Service Authorization*** | 08-WCMC-963-VSA | |
| 24 | In the Matter of the Audit of Nex-Tech Wireless LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 66-2010(b) for KUSF Operating Year 23, Fiscal Year March 2019-February 2020.<br>***Order Adopting Audit Report*** | 21-NTWZ-061-KSF | |

**Consent Agenda**

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|---|---|---|---|
| 25 | In the Matter of an Investigation to Determine the Affordable Local Service Rates for Rate-of-Return Regulated Carriers and the Annual Assessment Rate for the Twenty-Fifth Year of the Kansas Universal Service Fund, Effective March 1, 2021.<br>***Order Approving Traffic Factors for Nex-Tech Wireless*** | 21-GIMT-095-GIT | |
| 26 | In the Matter of an Investigation to Determine the Affordable Local Service Rates for Rate-of-Return Regulated Carriers and the Annual Assessment Rate for the Twenty-Fifth Year of the Kansas Universal Service Fund, Effective March 1, 2021.<br>***Order Approving Traffic Factors for Matrix Telecom*** | 21-GIMT-095-GIT | |
| 27 | In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Triton Networks LLC<br>***Order Approving Interconnection Agreement*** | 21-SWBT-321-IAT | |
| 28 | Transportation orders to be approved by the Commission on the Consent Agenda.<br>***Transportation Economic Orders*** | 21-TRAM-5073-TRA | |

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

For the Commission :

Andrew J. French, Chairperson

Dwight D. Keen, Commissioner

Susan K. Duffy, Commissioner

Attest:

Lynn M. Retz
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Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

# Transportation Orders By Docket Number
## 21-TRAM-5073-TRA

| Order Number | Description | Removed |
|---|---|---|
| 20210420080718 | *In the Matter of the Application of TALL OAKS LLC of PRATT KS for the Abandonment of Certificate of Public Service.*<br>USDOT #3140180 TALL OAKS LLC of PRATT KS - Order Granting Request for Abandonment for Certificate of Public Service | |
| 20210420162518 | *In the Matter of the Application of ROMAN TRANSPORT LLC of SALINA KS for Authority for a Certificate of Public Service.*<br>USDOT #3567854 ROMAN TRANSPORT LLC of SALINA KS - Order Granting Application for Certificate of Public Service | |
| 20210421101043 | *In the Matter of the Emergency Suspension of Authority of A V ENERGY LLC of DODGE CITY KS for the Failure to Maintain Insurance Coverage as Required by Motor Carrier Safety Statutes, Rules and Regulations.*<br>USDOT #1299438 A V ENERGY LLC of DODGE CITY KS - Order Rescinding Emergency Order Suspending Authority for Failure to Maintain Insurance Coverage | |
| 20210421104902 | *In the Matter of the Application of DMC SERVICE INC of OLATHE KS for a Private Carrier Permit.*<br>USDOT #2479925 DMC SERVICE INC of OLATHE KS - Order Granting Application for a Private Carrier Permit | |
| 20210421112727 | *In the Matter of the Emergency Suspension of Authority of KRAZY K INC of FREDONIA KS for the Failure to Maintain Insurance Coverage as Required by Motor Carrier Safety Statutes, Rules and Regulations.*<br>USDOT #1241620 KRAZY K INC of FREDONIA KS - Order Rescinding Emergency Order Suspending Authority for Failure to Maintain Insurance Coverage | |
| 20210421164330 | *In the Matter of the Application of THE LITUATION LLC of WICHITA KS for Authority for a Certificate of Convenience and Necessity.*<br>USDOT #3595947 THE LITUATION LLC of WICHITA KS - Order Granting Application for Certificate of Convenience and Necessity | |
| 20210421170823 | *In the Matter of the Application of JOSMART LOGISTICS LLC of OLATHE KS for Authority for a Certificate of Public Service.*<br>USDOT #3576268 JOSMART LOGISTICS LLC of OLATHE KS - Order Granting Application for Certificate of Public Service | |

# Transportation Orders By Docket Number
## 21-TRAM-5073-TRA

| Order Number | Description | Removed |
|---|---|---|
| 20210421171200 | *In the Matter of the Application of EAGLES WINGS LOGISTICS LLC of OLATHE KS for Authority for a Certificate of Public Service.*<br>USDOT #3496767 EAGLES WINGS LOGISTICS LLC of OLATHE KS - Order Granting Application for Certificate of Public Service | |
| 20210421171350 | *In the Matter of the Application of H & M DELIVERY SERVICES LLC of OVERLAND PARK KS for Authority for a Certificate of Public Service.*<br>USDOT #3578515 H & M DELIVERY SERVICES LLC of OVERLAND PARK KS - Order Granting Application for Certificate of Public Service | |
| 20210421171505 | *In the Matter of the Application of LUXURY & IMPORTS AUTO TRANSPORT LLC of LEAVENWORTH KS for Authority for a Certificate of Public Service.*<br>USDOT #3528197 LUXURY & IMPORTS AUTO TRANSPORT LLC of LEAVENWORTH KS - Order Granting Application for Certificate of Public Service | |
| 20210421172345 | *In the Matter of the Application of L SIX TRUCKING LLC of WINFIELD KS for Authority for a Certificate of Public Service.*<br>USDOT #3604046 L SIX TRUCKING LLC of WINFIELD KS - Order Granting Application for Certificate of Public Service | |
| 20210421172523 | *In the Matter of the Application of RAYMOND TRUCKING LLC of WICHITA KS for Authority for a Certificate of Public Service.*<br>USDOT #3591253 RAYMOND TRUCKING LLC of WICHITA KS - Order Granting Application for Certificate of Public Service | |
| 20210421172639 | *In the Matter of the Application of MC TRANSPORT LLC of LEAVENWORTH KS for Authority for a Certificate of Public Service.*<br>USDOT #3590515 MC TRANSPORT LLC of LEAVENWORTH KS - Order Granting Application for Certificate of Public Service | |
| 20210422150711 | *In the Matter of the Emergency Suspension of Authority of ZHX TRUCKING LLC of LIBERAL KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.*<br>USDOT #3209663 ZHX TRUCKING LLC of LIBERAL KS - Emergency Order Suspending Authority | |
| 20210422150711 | *In the Matter of the Emergency Suspension of Authority of RAGLAND TRUCKING of RED CLOUD NE for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.*<br>USDOT #340949 RAGLAND TRUCKING of RED CLOUD NE - Emergency Order Suspending Authority | |
| 20210422150711 | *In the Matter of the Emergency Suspension of Authority of MARATHON MOVING & DELIVERY LLC of KANSAS CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.*<br>USDOT #1704830 MARATHON MOVING & DELIVERY LLC of KANSAS CITY KS - Emergency Order Suspending Authority | |
| 20210422150711 | *In the Matter of the Emergency Suspension of Authority of DALE PREBYL of OKETO KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.*<br>USDOT #1078549 DALE PREBYL of OKETO KS - Emergency Order Suspending Authority | |

# Transportation Orders By Docket Number
## 21-TRAM-5073-TRA

| Order Number | Description | Removed |
|---|---|---|
| 20210422150711 | *In the Matter of the Emergency Suspension of Authority of MTS INC of LEAWOOD KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.*<br>USDOT #478230 MTS INC of LEAWOOD KS - Emergency Order Suspending Authority | |
| 20210422150711 | *In the Matter of the Emergency Suspension of Authority of OZ MFG LLC of WICHITA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.*<br>USDOT #3471711 OZ MFG LLC of WICHITA KS - Emergency Order Suspending Authority | |

Total # of Orders: 19

**End of Report**