

Kansas Corporation Commission
Commission Meeting
August 17, 2021
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 August 17, 2021, in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

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

1. **Consent Agenda:** Commissioner Duffy moved for approval of the Items on the Consent Agenda dated August 17, 2021, containing pages one through six and are attached to these Minutes. Commissioner Keen seconded the motion.

The motion was approved.

2. **Noticed Item:**
Docket No. 21-CONS-3126-CUIC
In the matter of the application of Mid-Continent Energy Corp. for a permit to authorize the injection of saltwater into the Pawnee and Fort Scott formations at the Seamster #1A well in Section 9, Township 34 South, Range 8 East, Cowley County, Kansas.

Commissioner Duffy moved for approval of order # 21-1635 – Final Order. Commissioner Keen seconded the motion.

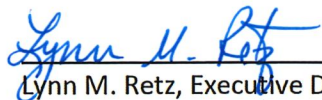
The order was approved.

3. **Discussion Item:** FERC Matter – Chairperson French moved the Commission authorize D.C. counsel to file doc-less intervention out-of-time in FERC Docket No. EL21-90, and make any other filings as necessary to protect the interests of Kansas ratepayers. Commissioner Keen seconded the motion.

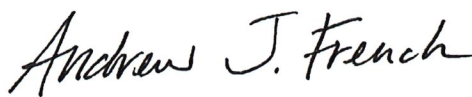
The motion was approved.

There being no further matters before the Commission, Commissioner Keen moved for adjournment of the Commission meeting. Chairperson French seconded the motion. The motion was approved. The Commission adjourned the August 17, 2021, Commission Meeting at 10:07 a.m.

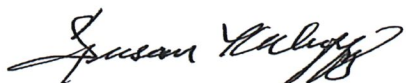
Respectfully submitted,



Lynn M. Retz, Executive Director



Andrew J. French, Chairperson



Susan K. Duffy, Commissioner



Dwight D. Keen, Commissioner

Motion to File Doc-Less Intervention Out-of-Time in FERC Docket No. EL21-90

Date: August 17, 2021
Docket No: EL21-90; Basin Electric Power Cooperative and North Iowa Municipal Electric Cooperative Association v. Southwest Power Pool, Inc.

Background:

On July 16, 2021, Basin Electric Power Cooperative and North Iowa Municipal Electric Cooperative Association filed a formal complaint against SPP. Basin Electric Power Cooperative and North Iowa Municipal Electric Cooperative Association alleged SPP violated the terms of the Open Access Tariff by de-committing several Basin and North Iowa Municipal resources, which were committed through the multi-day reliability assessment process for reasons other than addressing the winter weather emergency.

Many Kansas entities have intervened in the docket, and Sunflower Electric Power Corporation has filed a motion to expand the scope of the docket to include all parties who are in a similar situation as the complainants. SPP's answer is due August 19.

The deadline to intervene was August 9, however, Commission Staff would like to intervene out-of-time in the matter through our D.C. Counsel, Jason Gray. Specifically, we would request authorization to file doc-less intervention, and file any pleadings, comments, and/or testimony as necessary to protect the interests of Kansas ratepayers.

Motion:

I move the Commission authorize our D.C. counsel to file doc-less intervention out-of-time in FERC Docket No. EL21-90, and make any other filings as necessary to protect the interests of Kansas ratepayers.



ITEMS OF Consent Agenda

Approval Date: Tuesday, August 17, 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 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 Berexco LLC for an Order Authorizing Unitization and Unit Operation of the Walker Unit in Finney County, Kansas. <i>Order Designating Presiding Officer and Setting Prehearing Conference</i> | 22-CONS-3024-CUNI | |
| 2 | In the matter of the failure of C5 Energy LLC (Operator) to comply with K.A.R. 82-3-120. <i>Order Rescinding Penalty Order</i> | 22-CONS-3050-CPEN | |
| 3 | In the Matter of the Application of Pantera Energy Company for an Order Authorizing the Unitization and Unit Operation of the Ryus East Morrow Unit to be located in Grant County, Kansas. <i>Order Designating Presiding Officer and Setting Prehearing Conference</i> | 22-CONS-3069-CUNI | |
| 4 | In the matter of the failure of Elk Oil Enterprises, LLC (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409. <i>Penalty Order - Elk Oil Enterprises, LLC</i> | 22-CONS-3071-CPEN | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|---|-------------------|---------|
| 5 | In the matter of the failure of Rick Housel dba Rick's Well Service (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409. <i>Penalty Order - Rick Housel dba Rick's Well Service</i> | 22-CONS-3072-CPEN | |
| 6 | In the matter of the failure of Robert E. Housel (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409. <i>Penalty Order - Robert E. Housel</i> | 22-CONS-3073-CPEN | |
| 7 | In the matter of the failure of Par, Inc. (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409. <i>Penalty Order - Par, Inc.</i> | 22-CONS-3074-CPEN | |
| 8 | In the matter of the failure of Supernova Energy, Inc. (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409. <i>Penalty Order - Supernova Energy, Inc.</i> | 22-CONS-3075-CPEN | |
| 9 | In the matter of the failure of Taft Oil and Gas, LLC (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409. <i>Penalty Order - Taft Oil and Gas, LLC</i> | 22-CONS-3076-CPEN | |
| 10 | In the matter of the failure of True North Energy, LLC (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409. <i>Penalty Order - True North Energy, LLC</i> | 22-CONS-3077-CPEN | |
| 11 | In the matter of the failure of Wausau Development Corporation (Operator) to report activity that occurred during the 2020 calendar year in compliance with K.A.R. 82 3 409. <i>Penalty Order - Wausau Development Corporation</i> | 22-CONS-3078-CPEN | |
| 12 | In the matter of the failure of Crown Energy Company (Operator) to comply with K.A.R. 82 3-407 at the L. W. Robison S #18- A well in Butler County, Kansas. <i>Penalty Order - Crown Energy Company</i> | 22-CONS-3081-CPEN | |
| 13 | Application of Southwestern Bell Telephone Company L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with USA Mobility Wireless, Inc. <i>Order Approving Modification to Interconnection Agreement</i> | 07-SWBT-695-IAT | |
| 14 | In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Peerless Network of Kansas, LLC <i>Order Approving Amended Interconnection Agreement</i> | 13-SWBT-686-IAT | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-----------------|---------|
| 15 | In the Matter of the Complaint Against Evergy by Scott Worthey. Order Granting Motion to Extend Time to Respond to Staff's Report & Recommendation | 21-EKME-081-COM | |
| 16 | In the Matter of the Investigation into Kansas Gas Service Company, a Division of One Gas Inc. Regarding the February 2021 Winter Weather Events, as Contemplated by Docket No. 21-GIMX-303-MIS. Order Granting Freedom Pipeline, LLC's Petition to Intervene | 21-KGSG-332-GIG | |
| 17 | In the Matter of the Investigation into Kansas Gas Service Company, a Division of One Gas Inc. Regarding the February 2021 Winter Weather Events, as Contemplated by Docket No. 21-GIMX-303-MIS. Order Granting Atmos' Petition to Intervene and Motion for Admission Pro Hac Vice to Bass and Frank | 21-KGSG-332-GIG | |
| 18 | In the Matter of the Investigation into Kansas Gas Service Company, a Division of One Gas Inc. Regarding the February 2021 Winter Weather Events, as Contemplated by Docket No. 21-GIMX-303-MIS. Order Granting Motion for Admission of Richard Howell Pro Hac Vice | 21-KGSG-332-GIG | |
| 19 | In the Matter of the Application Shell Pipeline Company LP for a Waiver Pursuant to K.A.R. 82-11-9 to Authorize the use of FlexSteel Pipeline Technologies, Inc. (FlexSteel) Pipe and Fittings in a Class 1 Regulated Intrastate Transmission Pipeline. Order Granting Motion Modifying Report and Order | 21-SPCP-379-MIS | |
| 20 | In the Matter of Consolidated Communications of Kansas Company Filing Tariff Revision to its General Exchange Tariff , Business Rate Increases. Order Approving Tariff Revisions | 21-SFLT-408-TAR | |
| 21 | In the Matter of the Application of The Empire District Electric Company for Approval of the Commission to Make Certain Changes in its Charges for Electric Service. Order Granting Extension of Time for Empire to File Final Wind Farm Costs | 21-EPDE-444-RTS | |
| 22 | In the matter of the Application of Wheatland Electric Cooperative, Inc., for a Certificate of Convenience and Authority to transact the business of an Electric Public Utility in the State of Kansas. Order and Certificate | 21-WHLE-476-COC | |
| 23 | In the Matter of the Application of Sumner-Cowley Electric Cooperative, Inc., for permission to Cease Operating as an Electric Public Utility in the State of Kansas. Order Granting Application | 21-SMCE-477-CCS | |
| 24 | In the Matter of the Application of Evergy Kansas Central, Inc. for Authority to Cease Transacting the business of an Electric Public Utility specifically, in Section 18, Township 22 South, Range 05 West in Reno County, Kansas. Order Assessing Costs | 22-EKCE-007-CCS | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-----------------|---------|
| 25 | In the Matter of the Application of Evergy Kansas Central, Inc. for Authority to Cease Transacting the business of an Electric Public Utility specifically, in Section 18, Township 22 South, Range 05 West in Reno County, Kansas. Order Granting Application to Cease Transacting the business of an Electric Public Utility | 22-EKCE-007-CCS | |
| 26 | In the Matter of the Application of Ark Valley Electric Coop. Assn. Inc. for a Certificate of Convenience and Authority to Transact the Business of a(n) Electric Public Utility in the State of Kansas. NW 4 NE 4 SEC 18 T 22S R 5W Order and Certificate | 22-AKVE-019-COC | |
| 27 | In the Matter of Wheat State Telephone Company, Inc. dba Wheat State Technologies Filing Tariff Revisions to its Discount Bundles. Order Approving Tariff Revisions | 22-WHST-072-TAR | |
| 28 | In the Matter of United Telephone Companies of Kansas d/b/a CenturyLink Filing Tariff Revisions to Introduce Simply Unlimited Business Order Closing Docket | 22-UTDT-080-TAR | |
| 29 | In the Matter of the Investigation of Champion Shuttle Inc, of Olathe, 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. Penalty Order | 22-TRAM-079-PEN | |
| 30 | In the Matter of the Emergency Suspension of Operating Authority of OZ MFG LLC , of Wichita 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 | 22-TRAM-081-OOS | |
| 31 | In the Matter of the Emergency Suspension of Operating Authority of Carrillo Transportation LLC , of Wichita, 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 | 22-TRAM-082-OOS | |
| 32 | In the Matter of the Emergency Suspension of Operating Authority of Homero Pando , of Rolla, 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 | 22-TRAM-083-OOS | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|---|-------------------|---------|
| 33 | In the Matter of the Investigation of Century Building Solutions of Lawrence, 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. <i>Penalty Order</i> | 22-TRAM-084-PEN | |
| 34 | Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i> | 22-TRAM-5011-TRA | |
| 35 | In the matter of the application of Staab Oil Co., a General Partnership, for an order granting a well location exception and assigning a full allowable for the Brin #1 well located in the North Half of the North West Quarter of the Northeast Quarter of Section 28, Township 8, Range 18 West, Rooks County, Kansas. <i>Order Granting Application</i> | 21-CONS-3303-CWLE | |

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

For the Commission :

Andrew J. French

Andrew J. French, Chairperson

Dwight D. Keen

Dwight D. Keen, Commissioner

Susan K. Duffy

Susan K. Duffy, Commissioner

Attest:

Lynn M. Retz

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/>

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

Laura Kelly, Governor

Transportation Orders By Docket Number 22-TRAM-5011-TRA

| Order Number | Description | Removed |
|----------------|--|---------|
| 20210810105608 | <i>In the Matter of the Application of QUALITY SERVICE MALDONADO LLC of TOPEKA KS for a Private Carrier Permit.</i> USDOT #1328614 QUALITY SERVICE MALDONADO LLC of TOPEKA KS - Order Granting Application for a Private Carrier Permit | |
| 20210810165457 | <i>In the Matter of the Application of A&A TOWING AND RECOVERY LLC of SALINA KS for Authority for a Certificate of Public Service.</i> USDOT #3484688 A&A TOWING AND RECOVERY LLC of SALINA KS - Order Granting Application for Certificate of Public Service | |
| 20210810165851 | <i>In the Matter of the Application of SIMON TRANSPORTATION LLC of EMPORIA KS for Authority for a Certificate of Public Service.</i> USDOT #3676788 SIMON TRANSPORTATION LLC of EMPORIA KS - Order Granting Application for Certificate of Public Service | |
| 20210811160719 | <i>In the Matter of the Application of OWENS WELDING AND CUSTOM FABRICATION LLC of HUGOTON KS for a Private Carrier Permit.</i> USDOT #1793836 OWENS WELDING AND CUSTOM FABRICATION LLC of HUGOTON KS - Order Granting Application for a Private Carrier Permit | |
| 20210811164341 | <i>In the Matter of the Application of CRISTOBAL AMEZCUA of SCOTT CITY KS for Authority for a Certificate of Public Service.</i> USDOT #1908873 CRISTOBAL AMEZCUA of SCOTT CITY KS - Order Granting Application for Certificate of Public Service | |
| 20210812094220 | <i>In the Matter of the Application of FLORES TRANSPORT LLC of GARDEN CITY KS for Authority for a Certificate of Public Service.</i> USDOT #3677998 FLORES TRANSPORT LLC of GARDEN CITY KS - Order Granting Application for Certificate of Public Service | |
| 20210812095917 | <i>In the Matter of the Application of 888TOWLLC of OVERLAND PARK KS for Authority for a Certificate of Public Service.</i> USDOT #3681662 888TOWLLC of OVERLAND PARK KS - Order Granting Application for Certificate of Public Service | |

**Transportation Orders By Docket Number
22-TRAM-5011-TRA**

| Order Number | Description | Removed |
|----------------|--|---------|
| 20210812143912 | <i>In the Matter of the Application of HAHN-WESPE LAND & CATTLE LLC of DELPHOS KS for Authority for a Certificate of Public Service.</i> USDOT #3696659 HAHN-WESPE LAND & CATTLE LLC of DELPHOS KS - Order Granting Application for Certificate of Public Service | |
| 20210812143926 | <i>In the Matter of the Application of JORGE G ARREOLA of GARDEN CITY KS for Authority for a Certificate of Public Service.</i> USDOT #1229585 JORGE G ARREOLA of GARDEN CITY KS - Order Granting Application for Certificate of Public Service | |

Total # of Orders: 9

End of Report