

Kansas Corporation Commission
Commission Meeting
June 7, 2022
10:00 a.m. 1st Floor Hearing Room
KCC Offices, 1500 SW Arrowhead Rd., Topeka, Kansas

MINUTES

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on June 7, 2022, in the 1st Floor Hearing Room of the Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas.

Present: Chair Keen, Commissioner Duffy 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 June 7, 2022, containing pages one through three attached to these Minutes. Commissioner Duffy seconded the motion.

The motion was approved.

2. **Noticed Item:**

Docket No. 22-TRAM-529-PEN

In the Matter of the Investigation of Josh Hartness Logging LLC, of Saint Paul, 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.

Commissioner French moved for approval of Order # 22-1014 – Penalty Order. Commissioner Duffy seconded the motion.

The order was approved.

3. **Discussion Item:** Carly Masenthin, Litigation Counsel, discussed the filing of comments on behalf of the Commission with the Federal Energy Regulatory Commission (FERC) in Docket No. ER22-1846. Commissioner French moved for the Commission to authorize KCC Litigation Counsel to file comments in Docket No. 22-1846, and to take such action therein as necessary to protect the interests of Kansas ratepayers. Commissioner Duffy seconded the motion.

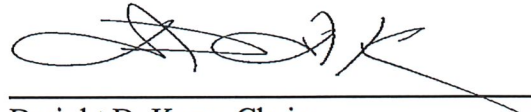
The motion was approved.

There being no further matters before the Commission, Commissioner French moved for adjournment of the Commission meeting. Commissioner Duffy seconded the motion. The Commission adjourned the June 7, 2022 Commission Meeting at 10:16 a.m.

Respectfully submitted,



Lynn M. Retz, Executive Director



Dwight D. Keen, Chair



Susan K. Duffy, Commissioner



Andrew J. French, Commissioner

Motion to File Comments to Protect Interests of Kansas Ratepayers
FERC Docket No. ER22-1846

Date: June 7, 2022

Docket No: ER22-1846

Background:

On May 10, 2022, Southwest Power Pool (“SPP”) submitted revisions to the Open Access Transmission Tariff (“OATT”) in Docket No. ER22-1846. These revisions are intended to establish an alternative process that would allow an entity to apply for an exception to the current cost allocation process. This exception would allow the remaining costs for one or more specific upgrades between 100 and 300 kilovolts (this range of kV is known as “Byway Facilities,” the costs of which are allocated primarily to the local zone in which the facility is located) to be fully allocated prospectively on a region-wide basis, consistent with larger kV projects or upgrades, known as “Highway Facilities.”

Commission Staff believes it would be a benefit to Kansas to file comments in this docket. Motions to intervene and comments were due on May 31, 2022. Due to staffing constraints and pressing state-side dockets, Staff was unable to make that deadline for comments, however did file for intervention on that date. Staff has requested additional time to file comments and to date that request has not been rejected by FERC. Filing comments further preserves this Commission’s ability to protect the interest of Kansas ratepayers

I recommend the Commission authorize KCC Staff’s Litigation Counsel to file comments in FERC Docket No. ER22-1846.

Respectfully,

Carly Masenthin

Motion:

I move the Commission authorize KCC Litigation Counsel to file comments in Docket No. 22-1846, to take such action therein as necessary to protect the interests of Kansas ratepayers.



ITEMS OF Consent Agenda

Approval Date: Tuesday, June 7, 2022

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 Royal Energy, Inc. (Operator) for an Operator's License Renewal. <i>Order Approving Settlement Agreement</i>	22-CONS-3287-CMSC	
2	In the matter of the failure of ELK Energy Holdings, LLC (Operator) to comply with K.A.R. 82-3-407 at the Hobbisiefken #2-7 well in Sumner County, Kansas. <i>Order Denying Motion to Stay</i>	22-CONS-3337-CPEN	
3	In the Matter of the Application of Nacogdoches Oil & Gas, LLC (Operator) for an Operator's License Renewal. <i>Order Designating Presiding Officer and Setting Prehearing Conference</i>	22-CONS-3407-CMSC	
4	In the Matter of the Application of Southwind Petroleum Corp. (Operator) for an Operator's License Renewal. <i>Order Approving Settlement Agreement</i>	22-CONS-3417-CMSC	
5	In the Matter of an Investigation to Determine the Annual Assessment Rate for the Twenty-Sixth Year of the Kansas Universal Service Fund, Effective March 1, 2022. <i>Order Approving Traffic Factors for MIDCO</i>	22-GIMT-142-GIT	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
6	In the Matter of the Application of The Victory Electric Cooperative Association, Inc. Seeking Commission Approval to Update its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Rate Plan Approved in Docket No. 21-SEPE-049-TAR. <i>Order Designating Presiding Officer</i>	22-VICE-498-TAR	
7	In the Matter of Mid-America Pipeline Company, LLC Company Filing for Approval of K.C.C. Tariff 18.14.0, Canceling K.C.C. Tariff 18.13.0 <i>Suspension Order: January 19, 2023</i>	22-MDAP-527-TAR	
8	In the Matter of Mid-America Pipeline Company, LLC Company Filing for Approval of K.C.C. Tariff 19.18.0, Canceling K.C.C. Tariff 19.17.0, to Implement Increased Rates based on FERC Indexing Methodology. <i>Suspension Order: January 19, 2023</i>	22-MDAP-528-TAR	
9	In the Matter of ONEOK North System, L.L.C. Filing K.C.C. No. 4.14, Containing Rate Increases <i>Order Assessing Costs</i>	22-ONSP-540-TAR	
10	In the Matter of the Investigation of Reliance Logistics LLC, of Olathe, 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. <i>Penalty Order</i>	22-TRAM-534-PEN	
11	In the Matter of the Investigation of Unique Royal Carriers LLC, of Junction City, 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. <i>Penalty Order</i>	22-TRAM-535-PEN	
12	In the Matter of the Investigation of Pompa Transportation LLC, of Wichita, 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. <i>Penalty Order</i>	22-TRAM-536-PEN	
13	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i>	22-TRAM-5085-TRA	
14	In the Matter of the Emergency Suspension of Operating Authority of You're The Boss LLC of Kansas City, Kansas, for Failure to Comply with New Entrant Safety Requirements as Required by the Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	22-TRAM-543-OOS	

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

For the Commission :



Dwight D. Keen, Chair

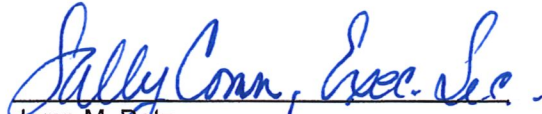


Susan K. Duffy, Commissioner



Andrew J. French, Commissioner

Attest:



Lynn M. Retz
Executive Director

Transportation Division
 1500 SW Arrowhead Road
 Topeka, KS 66604-4027



Phone: 785-271-3145
 Fax: 785-271-3124
<http://kcc.ks.gov/>

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

Laura Kelly, Governor

Transportation Orders By Docket Number 22-TRAM-5085-TRA

Order Number	Description	Removed
20220531123934	<i>In the Matter of the Application of BFS ASSET HOLDINGS LLC of RALEIGH NC for Authority for a Certificate of Public Service.</i> USDOT #325981 BFS ASSET HOLDINGS LLC of RALEIGH NC - Order Granting Application for Certificate of Public Service	
20220531140121	<i>In the Matter of the Application of AJ RANCH SERVICES LLC of CLAYTON KS for Authority for a Certificate of Public Service.</i> USDOT #3880244 AJ RANCH SERVICES LLC of CLAYTON KS - Order Granting Application for Certificate of Public Service	
20220531143258	<i>In the Matter of the Application of J7 DAIRY of TRIBUNE KS for a Private Carrier Permit.</i> USDOT #3799501 J7 DAIRY of TRIBUNE KS - Order Granting Application for a Private Carrier Permit	
20220531151832	<i>In the Matter of the Application of TORNERO TRANSPORT LLC of GARDEN CITY KS for Authority for a Certificate of Public Service.</i> USDOT #3852977 TORNERO TRANSPORT LLC of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
20220531153002	<i>In the Matter of the Emergency Suspension of Authority of 3V TRANSPORT LLC of LAKIN KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3055277 3V TRANSPORT LLC of LAKIN KS - Emergency Order Suspending Authority	
20220531153002	<i>In the Matter of the Emergency Suspension of Authority of S & S QUALITY MEATS L L C of EMPORIA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #128427 S & S QUALITY MEATS L L C of EMPORIA KS - Emergency Order Suspending Authority	
20220531153002	<i>In the Matter of the Emergency Suspension of Authority of CHELLS LOGISTICS INC of KANSAS CITY MO for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3816143 CHELLS LOGISTICS INC of KANSAS CITY MO - Emergency Order Suspending Authority	

**Transportation Orders By Docket Number
22-TRAM-5085-TRA**

Order Number	Description	Removed
20220531153002	<i>In the Matter of the Emergency Suspension of Authority of UNRUH SERVICES LLC of BURNS KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3356441 UNRUH SERVICES LLC of BURNS KS - Emergency Order Suspending Authority	
20220601100102	<i>In the Matter of the Application of JEREMY BROWN of CHARLESTON AR for Authority for a Certificate of Public Service.</i> USDOT #3875774 JEREMY BROWN of CHARLESTON AR - Order Granting Application for Certificate of Public Service	
20220601100256	<i>In the Matter of the Application of PETERS TRANSPORT LLC of SATANTA KS for Authority for a Certificate of Public Service.</i> USDOT #3880279 PETERS TRANSPORT LLC of SATANTA KS - Order Granting Application for Certificate of Public Service	
20220601100510	<i>In the Matter of the Application of HINTON HOTSHOTS LLC of LA PINE OR for Authority for a Certificate of Public Service.</i> USDOT #3512610 HINTON HOTSHOTS LLC of LA PINE OR - Order Granting Application for Certificate of Public Service	
20220601122339	<i>In the Matter of the Application of CARMAX AUTO SUPERSTORES INC of RICHMOND VA for a Private Carrier Permit.</i> USDOT #731233 CARMAX AUTO SUPERSTORES INC of RICHMOND VA - Order Granting Application for a Private Carrier Permit	
20220601122342	<i>In the Matter of the Application of CARMAX AUTO SUPERSTORES INC of RICHMOND VA for Authority for a Certificate of Public Service.</i> USDOT #731233 CARMAX AUTO SUPERSTORES INC of RICHMOND VA - Order Granting Application for Certificate of Public Service	
20220602153001	<i>In the Matter of the Application of BIG N EXPRESS LLC of KANSAS CITY MO Seeking Authority for a Certificate of Public Service.</i> USDOT #3659580 BIG N EXPRESS LLC of KANSAS CITY MO - Order Dismissing Application for Certificate of Public Service	
20220602153002	<i>In the Matter of the Emergency Suspension of Authority of ROLLING HILLS COMMODITIES LLC of HESSTON KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2205970 ROLLING HILLS COMMODITIES LLC of HESSTON KS - Emergency Order Suspending Authority	
20220602153002	<i>In the Matter of the Emergency Suspension of Authority of WRIGHTS MOVING INC of TOPEKA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #995326 WRIGHTS MOVING INC of TOPEKA KS - Emergency Order Suspending Authority	
20220602153002	<i>In the Matter of the Emergency Suspension of Authority of LARRY MARSHALL of GREAT BEND KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #1934181 LARRY MARSHALL of GREAT BEND KS - Emergency Order Suspending Authority	

Total # of Orders:

17

**Transportation Orders By Docket Number
22-TRAM-5085-TRA**

End of Report