

**Kansas Corporation Commission**  
**Commission Meeting**  
**June 16, 2022**  
10:00 a.m. 1<sup>st</sup> 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 16, 2022, in the 1<sup>st</sup> 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 16, 2022, containing pages one through three attached to these Minutes. Commissioner Duffy seconded the motion.

The motion was approved.

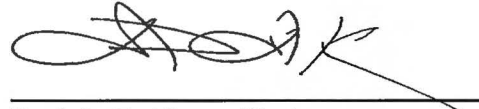
2. **Discussion Item:** Carly Masenthin, Litigation Counsel, discussed the filing of a Doc-less Motion to Intervene on behalf of the Commission with the Federal Energy Regulatory Commission (FERC) in Docket Nos. ER22-1974, ER22-1975, and ER22-1976. Chair Keen moved for the Commission to authorize the D.C. counsel to file a Doc-less Motion to Intervene in FERC Docket Nos. ER22-1974, ER22-1975 and ER22-1976. Commissioner Duffy seconded the motion.

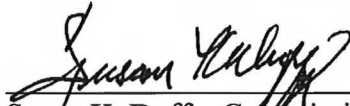
The motion was approved.

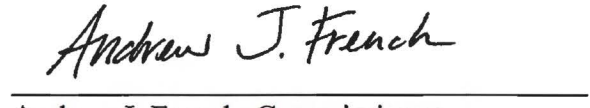
**There being no further matters before the Commission, Commissioner French moved for adjournment of the Commission meeting. Commissioner Duffy seconded the motion. The Commission adjourned the June 16, 2022 Commission Meeting at 10:05 a.m.**

Respectfully submitted,

  
\_\_\_\_\_  
Lynn M. Retz, Executive Director

  
\_\_\_\_\_  
Dwight D. Keen, Chair

  
\_\_\_\_\_  
Susan K. Duffy, Commissioner

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

## MEMORANDUM

### Motion to File Doc-Less Intervention to Protect Interests of Kansas Ratepayers **FERC Docket Nos. ER22-1974, ER22-1975, and ER22-1976**

**Date:** June 16, 2022  
**Docket Nos:** ER22-1974, ER22-1975, and ER22-1976  
**Background:**

As the Commission will recall, on March 22, 2022, Kansas Electric Power Cooperative, Inc. (KEPCo) submitted a formal challenge and complaint to FERC in Docket No. ER22-1205 regarding Evergy Kansas Central's implementation of its transmission formula rate. The principal issue in that challenge was that KEPCo alleged Evergy Kansas Central was incorrectly implementing its Formula Rate by double counting unappropriated undistributed subsidiary earnings (as reported in FERC Account 216.1) in the formula's equity capitalization component. This, allegedly, has led to an inflation of Evergy's common stock.

The Commission approved our D.C. Counsel to file Doc-Less Intervention and Comments in that docket on April 19, 2022.

Now, In relation to the ongoing proceeding in Docket No. ER22-1205, Evergy just initiated three dockets that propose forward-looking revisions, Docket Nos. ER22-1974, ER22-1975, and ER22-1976 for Evergy Kansas Central transmission, Evergy Kansas Central generating, and Evergy Generating. The filings proposed identical revisions to the transmission and generation formula rates, which appear to follow the comments the KCC filed in Docket No. ER22-1205. In particular, Evergy proposes to (i) replace the reference to "Account 216.1" in its formula rates with a reference to "Non-Regulated Subsidiary Retained Earnings Balances," and (ii) include a new note to explain that "Non-Regulated Subsidiary Retained Earnings Balances" are determined by subtracting EKS and Evergy Generating's retained earnings from the Account 216.1 balance.

Motions to intervene, as well as comments are due tomorrow, June 17, 2022. Commission Staff believes it would be a benefit to Kansas to intervene in each of these dockets. Filing a Doc-less Motion to Intervene ensures this Commission remains informed of these dockets' 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 in FERC Docket Nos. ER22-1974, ER22-1975, and ER22-1976.

Respectfully,

Carly Masenthin



# ITEMS OF Consent Agenda

Approval Date: Thursday, June 16, 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 Merit Energy Company, LLC, for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Sullivan D #1 well in the Northeast Quarter of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 8, Township 30 South, Range 38 West, Grant County, Kansas. <i>Order Closing Docket</i>	22-CONS-3266-CEXC	
2	In the matter of the failure of New Age Oil, LLC (Operator) to comply with K.A.R. 82-3-407 at the McNamee #42-5 well in Rush County, Kansas. <i>Penalty Order - New Age Oil, LLC</i>	22-CONS-3461-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 Rose #1 well in Reno County, Kansas. <i>Penalty Order - Novy Oil &amp; Gas, Inc.</i>	22-CONS-3462-CPEN	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the matter of the failure of Siroky Oil Management (Operator) to comply with K.A.R. 82 3 111 at the Rose #1 well in Kiowa County, Kansas. <b>Penalty Order - Siroky Oil Management</b>	22-CONS-3464-CPEN	
5	In the Matter of a General Investigation into the Adjustment of Intrastate 8YY Access Charges Pursuant to the Federal Communications Commission's Reforms, Effective July 1, 2022 <b>Order Approving Revised Intrastate Access Tariffs for Blue Valley, LaHarpe, Columbus and Centurylink</b>	22-GIMT-454-GIT	
6	In the Matter of a General Investigation into the Adjustment of Intrastate Switched Access Charges for Rural Telephone Companies in Compliance with K.S.A. 66-2005(e) and Federal Communications Commission Reforms. <b>Order Opening Docket; Requiring Compliance Filings; Establishing Procedural Schedule</b>	22-GIMT-549-GIT	
7	In the Matter of a General Investigation into the Adjustment of Intrastate Switched Access Charges for Rural Telephone Companies in Compliance with K.S.A. 66-2005(e) and Federal Communications Commission Reforms. <b>Order Assessing Costs</b>	22-GIMT-549-GIT	
8	In the Matter of the Investigation of JEA Transport LLC, of Garden 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. <b>Penalty Order</b>	22-TRAM-541-PEN	
9	In the Matter of the Investigation of Jeff Fenton d/b/a Metro Tree Service, of Lenexa, 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>Penalty Order</b>	22-TRAM-552-PEN	
10	In the Matter of the Emergency Suspension of Operating Authority of BOJ Trucking Group LLC of Olathe, Kansas, for Failure to Comply with New Entrant Safety Requirements as Required by the Motor Carrier Safety Statutes, Rules and Regulations. <b>Emergency Suspension of Operating Authority Order</b>	22-TRAM-553-OOS	
11	Transportation orders to be approved by the Commission on the Consent Agenda. <b>Transportation Economic Orders</b>	22-TRAM-5088-TRA	
12	In the Matter of the Application of Magellan Pipeline Company, L.P. Filing Tariff Revisions for Commission Approval of Tariff K.C.C. No. 44. <b>Suspension Order</b>	22-MGPP-525-TAR	

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-5088-TRA

Order Number	Description	Removed
20220613113127	<i>In the Matter of the Application of MIDDLETON TRUCKING LLC of DOWNS KS for Authority for a Certificate of Public Service.</i> USDOT #3855678 MIDDLETON TRUCKING LLC of DOWNS KS - Order Granting Application for Certificate of Public Service	
20220613114227	<i>In the Matter of the Application of WICKED TRANSPORTATION LLC of ROSALIA KS for Authority for a Certificate of Public Service.</i> USDOT #3885264 WICKED TRANSPORTATION LLC of ROSALIA KS - Order Granting Application for Certificate of Public Service	
20220613134844	<i>In the Matter of the Application of RAPTORS TRANSPORTATION LLC of SHAWNEE KS for the Abandonment of Certificate of Public Service.</i> USDOT #3493784 RAPTORS TRANSPORTATION LLC of SHAWNEE KS - Order Granting Request for Abandonment for Certificate of Public Service	

Total # of Orders: 3

End of Report