

Kansas Corporation Commission
Commission Meeting
June 30, 2022
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 June 30, 2022, in the 1st Floor Hearing Room of the Kansas Corporation Commission, 1500 Arrowhead, 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 30, 2022, containing pages one through four attached to these Minutes. Commissioner Duffy seconded the motion.

The motion was approved.

2. **Noticed Items:**

- A. **Docket No. 21-EKME-329-GIE**

In the Matter of the Investigation into Evergy Kansas Metro and Evergy Kansas Central Regarding the February 2021 Winter Weather Events, as Contemplated by Docket No. 21-GIMX-303-MIS.

Commissioner Duffy moved to approve order #22-1151 – Nunc Pro Tunc Order. Commissioner French seconded the motion.

The order was approved.

- B. **Docket No. 22-CONS-3478-CMSC**

In the matter of a Compliance Agreement between American Star Energy Services, LLC (Operator) and Commission Staff regarding bringing 36 wells into compliance with K.A.R. 82-3-111.

Commissioner French moved to approve order #22-1139 – Order Approving Compliance Agreement. Commissioner Duffy seconded the motion.

The order was approved.

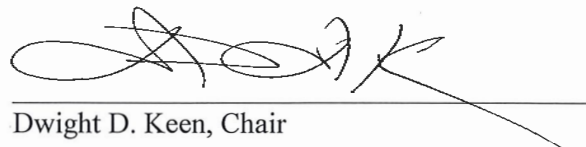
3. **Discussion Item:** Carly Masenthin, Litigation Counsel, discussed the need for the KCC to file a Doc-Less Intervention to Protect Interests of Kansas Ratepayers. Chair Keen moved to authorize the D.C. counsel to file a Doc-less Motion to Intervene in FERC Docket No. ER22-2083. Commissioner French 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 motion was approved. The Commission adjourned the June 30, 2022 Commission Meeting at 10:14 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 No. ER22-2083

Date: June 30, 2022

Docket No: ER22-2083

Background:

This docket is another Evergy filing that stems from the March 22, 2022, formal challenge and complaint submitted by Kansas Electric Power Cooperative, Inc. (KEPCo) 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.

On June 16, 2022, the Commission granted our D.C. Counsel authorization to file Doc-Less Intervention in Docket Nos. ER22-1974, ER22-1975, and ER22-1976, which were dockets initiated by Evergy that propose forward-looking revisions to the transmission formula rate 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 appeared to follow the comments the KCC filed in Docket No. ER22-1205. In particular, Evergy proposed 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.

Now, Evergy has submitted another filing related to Docket No. ER22-1205 to make the same changes but in Evergy Kansas South's open access transmission tariff.

Motions to intervene, as well as comments are due tomorrow, July 1, 2022. Consistent with its actions regarding the previous Docket Nos. ER22-1974-1976, 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 No. ER22-2083.

Respectfully,

Carly Masenthin



ITEMS OF Consent Agenda

Approval Date: Thursday, June 30, 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 Neal LaFon Realty Inc. dba Meridian Energy Inc. for an Order Authorizing the Unitization and Unit Operation of the Simon Says Unit to be located in Rawlins County, Kansas. <i>Order Requesting Additional Information</i>	22-CONS-3422-CUNI	
2	In the matter of the failure of Prospect Oil & Gas Corp. (Operator) to comply with K.A.R. 82-3-407 at the Pawley #1 well in Graham County, Kansas. <i>Order Designating Presiding Officer and Setting Prehearing Conference</i>	22-CONS-3434-CPEN	
3	In the matter of the failure of Haas Petroleum, LLC (Operator) to comply with K.A.R. 82-3-407 at the Lidikay #10 W 3 F and Steinforth #1 wells in Franklin and Woodson Counties, Kansas. <i>Order Designating Presiding Officer and Setting Prehearing Conference</i>	22-CONS-3435-CPEN	
4	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>Order Designating Presiding Officer and Setting Prehearing Conference</i>	22-CONS-3462-CPEN	

Consent Agenda

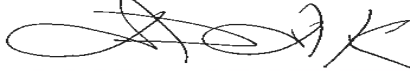
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of KanOK Energy, LLC (Operator) for an Operator's License Renewal. <i>Order Denying Application for License</i>	22-CONS-3473-CMSC	
6	In the matter of the failure of ELK Energy Holdings, LLC (Operator) to comply with K.A.R. 82-3-602 and K.A.R. 82 3-608 at the Albers Trust #1-36 well in Thomas County, Kansas. <i>Penalty Order - ELK Energy Holdings, LLC</i>	22-CONS-3474-CPEN	
7	In the matter of the failure of Douglas A. Coltrane (Operator) to comply with K.A.R. 82 3 120. <i>Penalty Order - Douglas A. Coltrane</i>	22-CONS-3475-CPEN	
8	In the matter of the failure of Michael Drilling, LLC (Operator) to comply with K.A.R. 82-3-120. <i>Penalty Order - Michael Drilling, LLC</i>	22-CONS-3476-CPEN	
9	In the matter of the failure of Somerset Energy Enterprises, LLC (Operator) to comply with K.A.R. 82 3-107 and K.A.R. 82-3-130 at the Kern #17 well in Miami County, Kansas. <i>Penalty Order - Somerset Energy Enterprises, LLC</i>	22-CONS-3477-CPEN	
10	In the Matter of ONEOK North System, L.L.C. Filing K.C.C. No. 4.14, Containing Rate Increases <i>Suspension Order</i>	22-ONSP-540-TAR	
11	In the Matter of Wheat State Technologies' General Exchange Tariff Section 4, 3rd Revised Sheet 10. <i>Order Approving Revised Tariff</i>	22-WHST-555-TAR	
12	In the Matter of the Investigation of Y & J Transport LLC, of Kansas City, Kansas, Regarding the Violation 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>Order Reinstating Intrastate Motor Carrier Operations</i>	22-TRAM-355-OOS	
13	In the Matter of the Investigation of HME Inc, of Topeka, 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-551-PEN	
14	In the Matter of the Investigation of Reece Hauling LLC, of Larned, 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-556-PEN	
15	In the Matter of the Emergency Suspension of Operating Authority of PMM Trucking LLC of Arkansas 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-560-OOS	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
16	In the Matter of the Emergency Suspension of Operating Authority of Korassons Logistics LLC, of Olathe, 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-561-OOS	
17	In the Matter of the Investigation of Protek Towing & Recovery LLC, of Winfield, 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-564-PEN	
18	In the Matter of the Emergency Suspension of Operating Authority of DS Companies LLC d/b/a DS Loads, of Topeka, Kansas, for Failure to Comply with New Entrant Safety Requirements as Required by the Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Sspension of Operating Authority</i>	22-TRAM-565-OOS	
19	In the Matter of the Emergency Suspension of Operating Authority of OBF Trucking LLC, of Mission, 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-566-OOS	
20	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i>	22-TRAM-5091-TRA	

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



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

Laura Kelly, Governor

Transportation Orders By Docket Number 22-TRAM-5091-TRA

Order Number	Description	Removed
20220624152829	<i>In the Matter of the Application of BEBOS TRUCKING LLC of ENSIGN KS for Authority for a Certificate of Public Service.</i> USDOT #3661692 BEBOS TRUCKING LLC of ENSIGN KS - Order Granting Application for Certificate of Public Service	

Total # of Orders: 1

End of Report