

Kansas Corporation Commission
Commission Meeting
July 7, 2022
10:06 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 10:06 a.m. on July 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:** Chair Keen recused from Consent Agenda #1 – Docket No. 22-CONS-3115-CMSC. Commissioner French noted Chair Keen’s recusal and moved for approval of the Items on the Consent Agenda, dated July 7, 2022, containing pages one through three attached to these Minutes. Commissioner Duffy seconded the motion.

The motion was approved.

2. **Other Matters:**

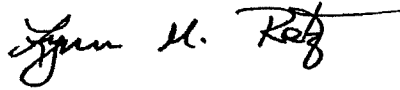
Chair Keen moved to meet in Executive Session for a period of 45 minutes to discuss Attorney/Client privileged matters, pursuant to KSA 75-4319(b)(2), for consultation with an attorney, to obtain legal advice. The following were included in the meeting: Jason Gray, Brian Fedotin, David Cohen, Walker Hendrix, Carly Masenthin, and Jeff McClanahan. Commissioner Duffy seconded the motion. The motion was approved. The Commission will reconvene online at 10:55 a.m. and the Commissioners moved into a secure break-out room.

The Commission moved into Executive Session at 10:55 a.m. and reconvened online in public session at 10:57 a.m.

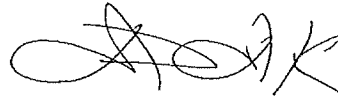
The Commission took no action following the Executive Session.

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 July 7, 2022 Commission Meeting at 10:59 a.m.

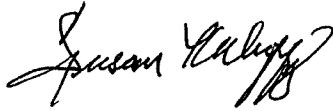
Respectfully submitted,



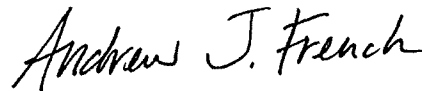
Lynn M. Retz, Executive Director



Dwight D. Keen, Chair



Susan K. Duffy, Commissioner



Andrew J. French, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, July 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 Quito, Inc. (Operator) for an Operator's License Renewal. <i>Order Granting Staff's Petition for Reconsideration</i>	22-CONS-3115-CMSC	Keen Recused
2	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 Ferguson #1-17 well in the West Half of the Southwest Quarter of the Southeast Quarter of Section 17, Township 32 South Range 43 West, Morton County, Kansas. <i>Order Granting Amended Application</i>	22-CONS-3265-CEXC	
3	In the matter of the application of Berexco LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Hinkhouse Lease #5 well located in the NE NE SE NW of Sec 14, T9S, R21W, Graham County, Kansas. <i>Order Granting Amended Application</i>	22-CONS-3351-CEXC	
4	In the Matter of the Audit of QuantumShift Communications Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 66-2010(b) for KUSF Operating Year 24, Fiscal Year March 2020-February 2021. <i>Order Granting Extension of Time</i>	22-QTST-023-KSF	

Consent Agenda

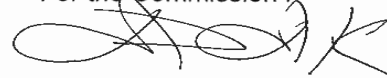
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Audit of Fusion Connect, LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 66-2010(b) for KUSF Operating Year 24, Fiscal Year March 2020-February 2021. <i>Order Granting Extension of Time</i>	22-NBSC-025-KSF	
6	In the Matter of the Audit of EarthLink Business, LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 66-2010(b) for KUSF Operating Year 24, Fiscal Year March 2020-February 2021. <i>Order Adopting Audit Report</i>	22-NENT-027-KSF	
7	In the Matter of the Audit of iWireless LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 66-2010(b) for KUSF Operating Year 24, Fiscal Year March 2020-February 2021. <i>Order Adopting Audit Report and Closing the Docket</i>	22-IWRZ-030-KSF	
8	In the Matter of the Audit of Fonality Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 66-2010(b) for KUSF Operating Year 24, Fiscal Year March 2020-February 2021. <i>Order Granting Extension of Time</i>	22-FNYV-032-KSF	
9	In the Matter of the Audit of inContact, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 66-2010(b) for KUSF Operating Year 24, Fiscal Year March 2020-February 2021. <i>Order Granting Extension of Time</i>	22-BUYC-035-KSF	
10	In the Matter of the Audit of Momentum Telecom by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 66-2010(b) for KUSF Operating Year 24, Fiscal Year March 2020-February 2021. <i>Order Granting Extension of Time</i>	22-MOMT-036-KSF	
11	In the Matter of the Magellan Pipeline Company's Tariff Cancels the Two-Year Volume Incentive Program and Replaces it with a Temporary Volume Incentive Program. <i>Order Approving Tariff Revisions</i>	22-MGPP-465-TAR	
12	In the Matter of the Transfer of Ownership of Emmental, Inc. a Kansas Corporation, and its Wholly Owned Subsidiary Moundridge Telephone Company, Inc. a Telecommunications Public Utility. <i>Order Approving Acquisition</i>	22-MRGT-483-ACQ	
13	In the Matter of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy (Black Hills Energy") Gas Hedge Program <i>Order Granting CURB's Petition to Intervene, Protective Order and Discovery Order</i>	22-BHCG-562-HED	
14	The Empire District Electric Company for Transmission Delivery Charge (TDC), 2022 Annual True Up. <i>Order Assessing Costs</i>	22-EPDE-567-TAR	
15	The Empire District Electric Company for Transmission Delivery Charge (TDC), 2022 Annual True Up. <i>Order Granting CURB's Petition to Intervene, Protective Order and Discovery Order</i>	22-EPDE-567-TAR	

Consent Agenda

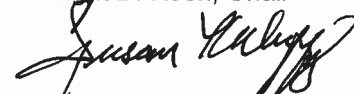
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
16	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i>	22-TRAM-5092-TRA	
17	In the Matter of the Capital Plan Compliance Docket for Kansas City Power & Light Company and Westar Energy, Inc. Pursuant to the Commission's Order in Docket No. 18-KCPE-095-MER. <i>Order Granting Admission to Frank and Howe Pro Hac Vice on Behalf of KEPCo</i>	19-KCPE-096-CPL	

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

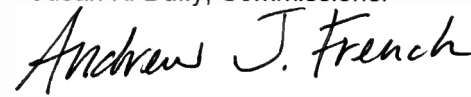
For the Commission :



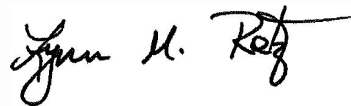
 Dwight D. Keen, Chair



 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-5092-TRA

Order Number	Description	Removed
20220628153001	<i>In the Matter of the Application of ROCKING T TRANSPORT LLC of GARDEN CITY KS Seeking Authority for a Certificate of Public Service.</i> USDOT #3812556 ROCKING T TRANSPORT LLC of GARDEN CITY KS - Order Dismissing Application for Certificate of Public Service	
20220628153001	<i>In the Matter of the Application of CARSON ADAM SELENSKY of PARK KS Seeking Authority for a Certificate of Public Service.</i> USDOT #3849192 CARSON ADAM SELENSKY of PARK KS - Order Dismissing Application for Certificate of Public Service	
20220628153001	<i>In the Matter of the Application of JACOBO DYCK FRIESSEN of PIERCEVILLE KS Seeking Authority for a Certificate of Public Service.</i> USDOT #3847614 JACOBO DYCK FRIESSEN of PIERCEVILLE KS - Order Dismissing Application for Certificate of Public Service	
20220628153002	<i>In the Matter of the Emergency Suspension of Authority of MIDWEST TURF & CONSTRUCTION INC of ANDOVER KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2464824 MIDWEST TURF & CONSTRUCTION INC of ANDOVER KS - Emergency Order Suspending Authority	
20220628153002	<i>In the Matter of the Emergency Suspension of Authority of HENRY INDUSTRIES INC of WICHITA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #721948 HENRY INDUSTRIES INC of WICHITA KS - Emergency Order Suspending Authority	
20220628153002	<i>In the Matter of the Emergency Suspension of Authority of ASSET PROTECTION LLC of WICHITA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2483009 ASSET PROTECTION LLC of WICHITA KS - Emergency Order Suspending Authority	
20220628160152	<i>In the Matter of the Application of BRAZ TRUCKING LLC of HUGOTON KS for Authority for a Certificate of Public Service.</i> USDOT #3274390 BRAZ TRUCKING LLC of HUGOTON KS - Order Granting Application for Certificate of Public Service	

**Transportation Orders By Docket Number
22-TRAM-5092-TRA**

Order Number	Description	Removed
20220628160450	<i>In the Matter of the Application of ONEIL DISTRIBUTING INC of DODGE CITY KS for a Private Carrier Permit.</i> USDOT #3468168 ONEIL DISTRIBUTING INC of DODGE CITY KS - Order Granting Application for a Private Carrier Permit	
20220629152625	<i>In the Matter of the Application of C7 TRUCKING LLC of CLAY CENTER KS for Authority for a Certificate of Public Service.</i> USDOT #3777376 C7 TRUCKING LLC of CLAY CENTER KS - Order Granting Application for Certificate of Public Service	
20220629153643	<i>In the Matter of the Application of GARAY TRANSPORT LLC of HOLCOMB KS for Authority for a Certificate of Public Service.</i> USDOT #3900947 GARAY TRANSPORT LLC of HOLCOMB KS - Order Granting Application for Certificate of Public Service	
20220630153002	<i>In the Matter of the Emergency Suspension of Authority of ZE TRUCKING LLC of BENTON KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3064768 ZE TRUCKING LLC of BENTON KS - Emergency Order Suspending Authority	
20220630153002	<i>In the Matter of the Emergency Suspension of Authority of TRACKER DOOR SYSTEMS LLC of DE SOTO KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #1588452 TRACKER DOOR SYSTEMS LLC of DE SOTO KS - Emergency Order Suspending Authority	
20220701140532	<i>In the Matter of the Application of BALDWIN TRUCKING INC of PLAINVILLE KS for the Abandonment of Certificate of Public Service.</i> USDOT #912146 BALDWIN TRUCKING INC of PLAINVILLE KS - Order Granting Request for Abandonment for Certificate of Public Service	
20220701140707	<i>In the Matter of the Application of SOUTHWEST PUBLISHING & MAILING CORPORATION of TOPEKA KS for a Private Carrier Permit.</i> USDOT #280139 SOUTHWEST PUBLISHING & MAILING CORPORATION of TOPEKA KS - Order Granting Application for a Private Carrier Permit	
20220702124921	<i>In the Matter of the Application of APPLE-A-DAY FOODS INC of SABETHA KS for the Abandonment of Certificate of Public Service.</i> USDOT #3391454 APPLE-A-DAY FOODS INC of SABETHA KS - Order Granting Request for Abandonment for Certificate of Public Service	

Total # of Orders:

15

End of Report