

Kansas Corporation Commission
Commission Meeting
August 4, 2022
9:00 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 9:00 a.m. on August 4, 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 August 4, 2022, containing pages one through three attached to these Minutes. Commissioner Duffy seconded the motion.

The motion was approved.

2. **Noticed Item(s):**

A. Docket No. 22-ATMG-039-CCS

In the Matter of the Application of Atmos Energy Corporation for Authority to Cease Transacting the Business of a Natural Gas Public Utility in a Portion of Leavenworth County, Kansas.

Commissioner French moved for approval of Order #22-1385 – Order on Joint Motion to Approve Settlement Agreement. Commissioner Duffy seconded the motion.

The order was approved.

B. Docket No. 22-EKCE-195-SHO

In the Matter of Evergy Kansas Central to Show Cause Why it Should Not Inspect All of its 34.5 kV Double Circuit Lines.

Commissioner Duffy moved for approval of Order # 22-1386 – Order on Staff's Report and Recommendation. Commissioner French seconded the motion.

The order was approved.

C. Docket No. 23-TRAM-071-PEN

In the Matter of the Investigation of Adam R. Garcia d/b/a ARG Carrier, of Goodland, 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 #22-1367 – Penalty Order.
Commissioner Duffy seconded the motion.

The order was approved.

D. Docket No. 23-TRAM-086-PEN

In the Matter of the Investigation of Jose Francisco Mota d/b/a Mota Transport, 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.

Commissioner Duffy moved for approval of Order #22-1378 – Penalty Order.
Commissioner French seconded the motion.

The order was approved.

E. Docket No. 23-TRAM-088-PEN

In the Matter of the Investigation of Mark Transport LLC, of Dodge 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.

Commissioner French moved for approval of Order #22-1380 – Penalty Order.
Commissioner Duffy seconded the motion.

The order was approved.

3. Other Matters:

Chair Keen moved to meet in Executive Session for a period of 30 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, Jeff McClanahan, Shari Feist Albrecht, and Carly Masenthin. Commissioner French seconded the motion. The motion was approved. The Commission will reconvene online at 9:48 a.m. and the Commissioners moved into a secure break-out room.


The Commission moved into Executive Session at 9:18 a.m. and reconvened online in public session at 9:50 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 August 4, 2022 Commission Meeting at 9:50 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, August 4, 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 Kansas Gas Service, a Division of ONEOK, Inc. for Approval of a Hedge Program for Gas Purchased for the Winter Heating Season. <i>Order Approving Budget Increase for KGS Gas Hedge Program</i>	05-KGSG-580-HED	
2	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 Use of Traffic Study Methodology and Traffic Factors for ISG Technology</i>	22-GIMT-142-GIT	
3	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 Use of Traffic Study Methodology and Traffic Factors for SKT Inc.</i>	22-GIMT-142-GIT	
4	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 Twin Valley Communications</i>	22-GIMT-142-GIT	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
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 <i>Order Closing Docket</i>	22-GIMT-454-GIT	
6	In the Matter of the Investigation of EMERSON CONSTRUCTION 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>UCR Penalty Order</i>	23-TRAM-051-PEN	
7	In the Matter of the Investigation of MODZ TOWING & RECOVERY 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>UCR Penalty Order</i>	23-TRAM-052-PEN	
8	In the Matter of the Investigation of LANSING LUMBER INC dba LANSING LUMBER FARM & FEED, of Lansing, 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>UCR Penalty Order</i>	23-TRAM-053-PEN	
9	In the Matter of the Investigation of GARD N WISE DISTRIBUTORS INC, 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>UCR Penalty Order</i>	23-TRAM-054-PEN	
10	In the Matter of the Investigation of ORION TRANSPORT INC, 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. <i>UCR Penalty Order</i>	23-TRAM-056-PEN	
11	In the Matter of the Investigation of URSICIO D LOPEZ dba AZTEC LAWN SERVICE LANDSCAPE, 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>UCR Penalty Order</i>	23-TRAM-057-PEN	
12	In the Matter of the Emergency Suspension of Operating Authority of Central Corridor Transport LLC, of Shawnee, Kansas, for Failure to Maintain an Adequate Safety Fitness Standard as Required by the Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	23-TRAM-104-OOS	

Consent Agenda

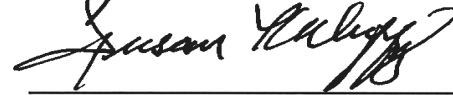
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
13	In the Matter of the Emergency Suspension of Operating Authority of JN Transportation LLC, of Edwardsville, Kansas, for Failure to Maintain an Adequate Safety Fitness Standard as Required by the Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	23-TRAM-105-OOS	
14	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i>	23-TRAM-5007-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 23-TRAM-5007-TRA

Order Number	Description	Removed
20220801094728	<i>In the Matter of the Application of ANOTHER TOWING COMPANY LLC of EL DORADO KS for Authority for a Certificate of Public Service.</i> USDOT #3913201 ANOTHER TOWING COMPANY LLC of EL DORADO KS - Order Granting Application for Certificate of Public Service	
20220801104951	<i>In the Matter of the Application of TRUCK IT TRANSPORT LLC of NICKERSON KS for Authority for a Certificate of Public Service.</i> USDOT #3891679 TRUCK IT TRANSPORT LLC of NICKERSON KS - Order Granting Application for Certificate of Public Service	
20220801150107	<i>In the Matter of the Application of Z&F TRUCKING LLC of TOPEKA KS for Authority for a Certificate of Public Service.</i> USDOT #3900917 Z&F TRUCKING LLC of TOPEKA KS - Order Granting Application for Certificate of Public Service	
20220801150728	<i>In the Matter of the Application of BEN STEGMAN TRUCKING LLC of WRIGHT KS for Authority for a Certificate of Public Service.</i> USDOT #3911710 BEN STEGMAN TRUCKING LLC of WRIGHT KS - Order Granting Application for Certificate of Public Service	

Total # of Orders:

4

End of Report