

**Kansas Corporation Commission**  
**Commission Meeting**  
**September 15, 2022**  
10:02 a.m. 1<sup>st</sup> Floor Hearing Room  
KCC Offices, 1500 Arrowhead, Topeka, Kansas

**MINUTES**

The Commission convened the regularly scheduled open meeting of the Commission at 10:02 a.m. on September 15, 2022, in the 1<sup>st</sup> 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 September 15, 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. 19-KCPE-096-CPL**

*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.*

Commissioner French moved to approve order #22-1719 – Order on Capital Investment Plan. Commissioner Duffy seconded the motion.

The order was approved.

- B. **Docket No. 22-GIMT-455-GIT**

*In the Matter of the Certification of Compliance with Section 254(e) of the Federal Telecommunications Act of 1996 and Certification of Appropriate Use of Kansas Universal Service Fund Support.*

Commissioner Duffy moved to approve order #22-1678 – Order Directing Staff to Submit Letters to the FCC and the USAC; Penalties for Late Filings. Commissioner French seconded the motion.

The order 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 September 15, 2022 Commission Meeting at 10:17 a.m.

Respectfully submitted,

  
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Lynn M. Retz, Executive Director

  
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Dwight D. Keen, Chair

  
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Susan K. Duffy, Commissioner

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



# ITEMS OF Consent Agenda

Approval Date: Thursday, September 15, 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 failure of Marion T. and/or Fran A. Sheddan dba Sheddan Enterprises, Inc. (Operator) to comply with K.A.R. 82-3-120. <i>Order Rescinding Penalty Order</i>	23-CONS-3049-CPEN	
2	In the matter of the failure of MB Holdings LLC (Operator) to comply with K.A.R. 82 3-608 at the City of Coffeyville #20 well in Montgomery County, Kansas. <i>Penalty Order - MB Holdings LLC</i>	23-CONS-3081-CPEN	
3	In the matter of the failure of US Oil Resources, LLC (Operator) to comply with K.A.R. 82-3-117 at the Beougher #6D-36-1329 well in Gove County, Kansas. <i>Penalty Order - US Oil Resources, LLC</i>	23-CONS-3082-CPEN	
4	In the matter of the failure of Brett A. Manifold (Operator) to comply with K.A.R. 82-3-120. <i>Penalty Order - Brett A. Manifold</i>	23-CONS-3083-CPEN	

## Consent Agenda

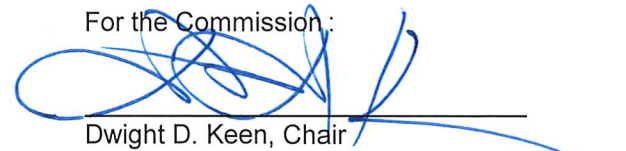
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the matter of the failure of Castelli Exploration, Inc. (Operator) to comply with K.A.R. 82-3-120. <i>Penalty Order - Castelli Exploration, Inc.</i>	23-CONS-3084-CPEN	
6	In the matter of the failure of Doug and Warren Showers (Operator) to comply with K.A.R. 82-3-120. <i>Penalty Order - Doug and Warren Showers</i>	23-CONS-3085-CPEN	
7	In the matter of the failure of Warren Edward Clare (Operator) to comply with K.A.R. 82-3-120. <i>Penalty Order - Warren Edward Clare</i>	23-CONS-3086-CPEN	
8	In the Matter of an Investigation to Determine the Affordable Local Service Rates for Rate-of-Return Regulated Carriers and the Annual Assessment Rate for the Twenty-Seventh Year of the Kansas Universal Service Fund, Effective March 1, 2023. <i>Order Opening Docket; Establishing Procedural Schedule; Requiring Compliance Filings; and Requiring Entries of Appearance to Participate</i>	23-GIMT-261-GIT	
9	In the Matter of an Investigation to Determine the Affordable Local Service Rates for Rate-of-Return Regulated Carriers and the Annual Assessment Rate for the Twenty-Seventh Year of the Kansas Universal Service Fund, Effective March 1, 2023. <i>Order Assessing Costs</i>	23-GIMT-261-GIT	
10	In the Matter of the Application of Sumner Cowley Electric Cooperative, Inc for a Certificate of Convenience and Authroity to Transact the Business of an Electric Public Utility in the State of Kansas. <i>Order Assessing Costs</i>	23-SMCE-356-COC	
11	In the Matter of Craw-Kan Telephone Cooperative, Inc. Filing Tariff Revisions to Remove Duplicate Lifeline Language. <i>Order Assessing Costs</i>	23-CRKT-358-TAR	
12	In the Matter of the Application of Atmos Energy Corporation for Adjustment of its Natural Gas Rates in the State of Kansas. <i>Order Assessing Costs</i>	23-ATMG-359-RTS	
13	In the Matter of the Application of Atmos Energy Corporation for Adjustment of its Natural Gas Rates in the State of Kansas. <i>Suspension Order: May 8, 2023</i>	23-ATMG-359-RTS	
14	In the Matter of the Investigation of WILLIAM J HENDRICKS dba KAN-COL-TEC, 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. <i>Order Granting Staff's Motion to Vacate Penalty Order</i>	23-TRAM-122-PEN	
15	In the Matter of the Investigation of PAGE INTERSTATE TRUCKING 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>UCR - Penalty Order</i>	23-TRAM-156-PEN	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
16	In the Matter of the Investigation of Tinberg Turf Inc. of Bonner Springs, 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-157-PEN	
17	In the Matter of the Investigation of MOD LLC, of Manhattan, 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-159-PEN	
18	In the Matter of the Investigation of ANDREW PESCHEL dba ASH, of AXTELL, 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-160-PEN	
19	In the Matter of the Investigation of B&P SERVICES LLC, of PAOLA, 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-225-PEN	
20	In the Matter of the Investigation of George Goracke d/b/a George Goracke Jr Trucking, of Salina, 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>	23-TRAM-278-PEN	
21	In the Matter of the Investigation of BIG PAPI DELIVERY 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>UCR - Penalty Order</i>	23-TRAM-355-PEN	
22	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i>	23-TRAM-5017-TRA	
23	In the matter of the failure of Hummon Corporation (Operator) to comply with K.A.R. 82-3-120. <i>Order Designating Presiding Officer and Setting Prehearing Conference</i>	23-CONS-3040-CPEN	
24	In the matter of the application of Crypto Colo Center Corp (Operator) to drill its proposed Bower #4B well in Jefferson County, Kansas. <i>Order Designating Presiding Officer and Setting Prehearing Conference</i>	23-CONS-3055-CMSC	

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

For the Commission:



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Dwight D. Keen, Chair



A handwritten signature in blue ink, appearing to be "Susan K. Duffy", written over a horizontal line.

Susan K. Duffy, Commissioner



A handwritten signature in blue ink, appearing to be "Andrew J. French", written over a horizontal line.

Andrew J. French, Commissioner

Attest:



A handwritten signature in blue ink, appearing to be "Lynn M. Retz", written over a horizontal line.

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 23-TRAM-5017-TRA

Order Number	Description	Removed
20220912102613	<i>In the Matter of the Application of 5M AG LLC of SABETHA KS for Authority for a Certificate of Public Service.</i> USDOT #3841088 5M AG LLC of SABETHA KS - Order Granting Application for Certificate of Public Service	
20220912102616	<i>In the Matter of the Application of 5M AG LLC of SABETHA KS for a Private Carrier Permit.</i> USDOT #3841088 5M AG LLC of SABETHA KS - Order Granting Application for a Private Carrier Permit	
20220912110937	<i>In the Matter of the Emergency Suspension of Authority of BARCLAY S ROENNE of WOODSTON KS for the Failure to Maintain Insurance Coverage as Required by Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3467101 BARCLAY S ROENNE of WOODSTON KS - Order Rescinding Emergency Order Suspending Authority for Failure to Maintain Insurance Coverage	

Total # of Orders: 3

End of Report