

**Kansas Corporation Commission**  
**Commission Meeting**  
**October 4, 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 October 4, 2022, in the 1<sup>st</sup> Floor Hearing Room of the Kansas Corporation Commission, 1500 SW Arrowhead Rd., 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 October 4, 2022, containing pages one through five 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 # 22-1820 – Order Scheduling a Public Workshop for Evergy to Explain the Necessity of Increased Capital Expenditures. Commissioner Duffy seconded the motion.


The order was approved.

- B. Ahsan Latif, KCC Litigation Counsel, appeared before the Commission for a roll call vote on the temporary adoption of K.A.R. 82-4-30a. The roll call vote was as follows: Commissioner French voted yes; Commissioner Duffy voted yes, and Chair Keen voted yes. Adoption of the temporary regulation 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 October 4, 2022 Commission Meeting at 10:16 a.m.

Respectfully submitted,

  
Lynn M. Retz, Executive Director

  
Dwight D. Keen, Chair

  
Susan K. Duffy, Commissioner

  
Andrew J. French, Commissioner

**KANSAS CORPORATION COMMISSION**

**CERTIFICATE OF ADOPTION**

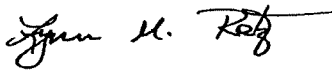
I hereby certify that the Kansas Corporation Commission, by roll call vote of the required majority of Commissioners, adopted the following regulation as a temporary regulation on the 4<sup>th</sup> day of October, 2022.

**K.A.R. 82-4-30a**

This regulation is hereby filed for adoption, and the Economic Impact Statement is enclosed.

Roll Call Vote:

<u>Person</u>	<u>KCC Position</u>	<u>Vote</u>
Dwight D. Keen	Chair	<u>Aye</u>
Susan K. Duffy	Commissioner	<u>Aye</u>
Andrew J. French	Commissioner	<u>Aye</u>



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Lynn M. Retz  
Executive Director

October 4, 2022  
Date

**82-4-30a. Applications for interstate registration.** (a)(1) For the purposes of this regulation, “base state” shall have one of the following meanings:

(A) The meaning assigned to “base-state” in 49 U.S.C. 14504a(a)(2), as adopted in paragraph (a)(2) of this regulation; or

(B) if an entity does not have a principal place of business, office, or operating facility in any participating state, the participating state chosen by the entity that is nearest to the location of the entity’s principal place of business or any participating state within the entity’s FMCSA region.

(2) 49 U.S.C. 14504a, as in effect on January 14, 2019, is hereby adopted by reference, except for the following portions:

(A) In 49 U.S.C. 14504a(a), the following:

(i) The phrase “and section 14506 (except as provided in paragraph (5))”;

(ii) 49 U.S.C. 14504a(a)(3);

(iii) 49 U.S.C. 14504a(a)(5)(B); and

(iv) 49 U.S.C. 14504a(a)(~~6~~) through (7);

(B) 49 U.S.C. 14504a(c) through ~~(e)~~ and (d);

(C) in 49 U.S.C. 14504a(f), 49 U.S.C. 14504a(f)(1)(B) through (E); and

(D) 49 U.S.C. 14504a(g) through (j).

(3) Each interstate motor carrier designating Kansas as the carrier’s base state and operating in interstate commerce over the highways of ~~this state~~ Kansas under authority issued by the relevant federal agency shall file the uniform application for registration issued by the relevant federal agency. The carrier shall file this application for registration with the transportation division of the state corporation commission.

(b) Each interstate motor carrier designating Kansas as the carrier's base state shall pay a fee to the state corporation commission through the national registration system. This fee shall be in accordance with the fee schedule in 49 C.F.R. 367.60, as in effect on October 1, 2019 and as amended by 85 fed. reg. 8198 (2020) 49 C.F.R. Part 367, as in effect on October 1, 2021 and as amended by 87 fed. reg. 53694-53695 (2022), which is hereby adopted by reference. except for all sections marked "reserved."

(c) An interstate regulated motor carrier shall not operate in interstate commerce over the highways of ~~this state~~ Kansas unless the carrier is registered in the carrier's base state as defined in paragraph (a)(1). (Authorized by K.S.A. 2021 Supp. 66-1,112; implementing K.S.A. 66-1,108b, K.S.A. 2021 Supp. 66-1,116, and K.S.A. 66-1,139; modified, L. 1981, ch. 424, May 1, 1981; amended Oct. 3, 1994; amended Jan. 4, 1999; amended July 14, 2000; amended Jan. 31, 2003; amended, T-82-10-8-07, Oct. 8, 2007; amended, T-82-12-10-07, Dec. 10, 2007; amended July 18, 2008; amended, T-82-5-12-10, May 12, 2010; amended Oct. 8, 2010; amended July 26, 2019; amended, T-82-10-27-20, Oct. 27, 2020; amended Feb. 19, 2021; amended, T-  
\_\_\_\_\_, \_\_\_\_\_.)



# ITEMS OF Consent Agenda

Approval Date: Tuesday, October 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 a Compliance Agreement between Running Foxes Petroleum, Inc. (Operator) and Commission Staff regarding bringing 27 wells into compliance with K.A.R. 82-3-111. <i>Order Approving Addition of Wells and Extension of Final Deadline</i>	21-CONS-3017-CMSC	
2	In the matter of the failure of Ace Energy, LLC (Operator) to comply with K.A.R. 82 3 111 at the Gillman #A-1 well in Montgomery County, Kansas. <i>Order Approving Settlement Agreement</i>	22-CONS-3336-CPEN	
3	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 Granting Motion for Summary Proceedings and Granting Amended Application</i>	22-CONS-3422-CUNI	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of Compliance Filings by Kansas City Power & Light Company, Westar Energy, Inc., Kansas Gas and Electric Company and Evergy, Inc. Regarding Service Quality and Reliability Performance Standards Pursuant to the Commission's Order in Docket No. 18-KCPE-095-MER <b><i>Order Granting Second Penalty Waiver</i></b>	19-KCPE-178-CPL	
5	In the Matter of the Application of Ark Valley Coop. Assn. Inc. for a Certificate of Convenience and Authority to Transact the Business of a(n) Electric Public Utility in the State of Kansas. SE4 NE4 SEC6 T25S R6W. <b><i>Order and Certificate</i></b>	22-AKVE-513-COC	
6	In the Matter of the Application of Evergy Kansas Central, Inc. for Authority to Cease Transacting the Business of an Electric Public Utility Specifically, in Section 06, Township 24 South, Range 07 West in Reno County, Kansas. <b><i>Order Granting Application to Cease Transacting the Business of an Electric Public Utility</i></b>	23-EKCE-235-CCS	
7	In the Matter of the Application of Atmos Energy Corporation for Adjustment of its Natural Gas Rates in the State of Kansas. <b><i>Order Designating Presiding Officer</i></b>	23-ATMG-359-RTS	
8	In the Matter of the Investigation of Wichita Transportation & Logistics LLC, of Parsons, 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. <b><i>Order Reinstating Intrastate Motor Carrier Operations</i></b>	22-TRAM-357-OOS	
9	In the Matter of the Investigation of CAS TRUCKING LLC, of Overland Park, 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><i>Order Suspending Intrastate Motor Carrier Operaitons</i></b>	22-TRAM-517-PEN	
10	In the Matter of the Investigation of Quality Electric of Douglas County Inc., of Lawrence, 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><i>Order Granting Staff's Motion to Vacate Penalty Order</i></b>	23-TRAM-098-PEN	
11	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. <b><i>Order Granting Staff's Motion to Vacate Penalty Order</i></b>	23-TRAM-160-PEN	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
12	In the Matter of the Investigation of KEVIN HARBOLT CONSTRUCTION, 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. <b>Penalty Order</b>	23-TRAM-194-PEN	
13	In the Matter of the Investigation of T&O CONTRACTORS LLC, of LAWRENCE, 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>	23-TRAM-195-PEN	
14	In the Matter of the Investigation of Midwest Irrigation Systems Inc, of Wamego, 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>	23-TRAM-369-PEN	
15	In the Matter of the Emergency Suspension of Operating Authority of The Right Moves & Hauls LLC, of Wichita, 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>	23-TRAM-376-OOS	
16	In the Matter of the Emergency Suspension of Operating Authority of Hill Be On Time Trucking LLC, of Bel Aire, 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>	23-TRAM-377-OOS	
17	In the Matter of the Emergency Suspension of Operating Authority of Givens & Clemons Transportation LLC, of Overland Park, 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 Operation Authority order</b>	23-TRAM-378-OOS	
18	In the Matter of the Emergency Suspension of Operating Authority of F L A United Trucking LLC, of Dodge City, 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>	23-TRAM-379-OOS	
19	In the Matter of the Emergency Suspension of Operating Authority of D & A Transportation, of Wichita, 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>	23-TRAM-380-OOS	

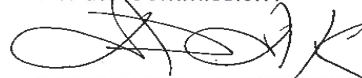


**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
20	In the Matter of the Emergency Suspension of Operating Authority of Asset Transportation Management Inc, of Kansas 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>	23-TRAM-381-OOS	
21	In the Matter of the Emergency Suspension of Operating Authority of Outdoor Concepts and Design LLC, of Nortonville, 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>	23-TRAM-382-OOS	
22	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i>	23-TRAM-5022-TRA	

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

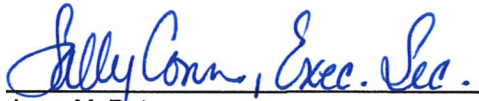
  
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Susan K. Duffy, Commissioner



Andrew J. French, Commissioner

Attest:

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

Transportation Division  
 1500 SW Arrowhead Road  
 Topeka, KS 66604-4027



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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-5022-TRA

Order Number	Description	Removed
20220927144745	<i>In the Matter of the Application of BROKEN O TRUCKING LLC of MCDONALD KS for Authority for a Certificate of Public Service.</i> USDOT #3209799 BROKEN O TRUCKING LLC of MCDONALD KS - Order Granting Application for Certificate of Public Service	
20220927153003	<i>In the Matter of the Emergency Suspension of Authority of AGRI ENTERPRISES LLC of SEDGWICK KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2564368 AGRI ENTERPRISES LLC of SEDGWICK KS - Emergency Order Suspending Authority	
20220927153003	<i>In the Matter of the Emergency Suspension of Authority of FITFO TRANSPORT LLC of WICHITA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3807226 FITFO TRANSPORT LLC of WICHITA KS - Emergency Order Suspending Authority	
20220927153003	<i>In the Matter of the Emergency Suspension of Authority of DUSTEN PRATHER of WICHITA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3883011 DUSTEN PRATHER of WICHITA KS - Emergency Order Suspending Authority	
20220928125059	<i>In the Matter of the Application of KEITH LAMONT ALEXANDER of GARDEN CITY KS for Authority for a Certificate of Public Service.</i> USDOT #3921588 KEITH LAMONT ALEXANDER of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
20220928125223	<i>In the Matter of the Application of VALDEZ TRANSPORT LLC of LIBERAL KS for Authority for a Certificate of Public Service.</i> USDOT #3947305 VALDEZ TRANSPORT LLC of LIBERAL KS - Order Granting Application for Certificate of Public Service	
20220928144209	<i>In the Matter of the Application of GOINS TOWING AND RECOVERY SERVICES LLC of NEODESHA KS for Authority for a Certificate of Public Service.</i> USDOT #3823906 GOINS TOWING AND RECOVERY SERVICES LLC of NEODESHA KS - Order Granting Application for Certificate of Public Service	

**Transportation Orders By Docket Number  
23-TRAM-5022-TRA**

Order Number	Description	Removed
20220928152133	<i>In the Matter of the Application of TIMOTHY LEE MITCHELL of ULYSSES KS for Authority for a Certificate of Public Service.</i> USDOT #1549670 TIMOTHY LEE MITCHELL of ULYSSES KS - Order Granting Application for Certificate of Public Service	
20220929153002	<i>In the Matter of the Emergency Suspension of Authority of HAY GRINDERMAN LLC of ENID OK for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #1439233 HAY GRINDERMAN LLC of ENID OK - Emergency Order Suspending Authority	
20220929153002	<i>In the Matter of the Emergency Suspension of Authority of HAY GRINDERMAN LLC of ENID OK for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #1439233 HAY GRINDERMAN LLC of ENID OK - Emergency Order Suspending Authority	

Total # of Orders: 10

End of Report