

**Kansas Corporation Commission**  
**Commission Meeting**  
**October 25, 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 25, 2022, in the 1<sup>st</sup> Floor Hearing Room of the Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas.

Present: Chair Keen and Commissioner Duffy. Commissioner French was absent. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Duffy moved for approval of the Items on the Consent Agenda dated October 25, 2022, containing pages one through five attached to these Minutes. Chair Keen seconded the motion.

The motion was approved.

2. **Noticed Item:**

- A. **Docket No. 22-TRAM-247-PEN**

*In the Matter of the Investigation of Mast Trucking Inc., of Copeland, Kansas, Regarding the Violation(s) of the Kansas 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 #22-2040 – Order Approving Unanimous Settlement Agreement. Chair Keen seconded the motion.

The order was approved.

- B. **Docket No. 22-EPDE-567-TAR**

*In the Matter of the Empire District Electric Company for Transmission Delivery Charge (TDC), 2022 Annual True Up.*

Chair Keen passed over this order and requested it to be placed on the October 27, 2022 business meeting agenda.

**There being no further matters before the Commission, Commissioner Duffy moved for adjournment of the Commission meeting. Chair Keen seconded the motion. The Commission adjourned the October 25, 2022 Commission Meeting at 10:04 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

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



# ITEMS OF Consent Agenda

Approval Date: Tuesday, October 25, 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 Pantera Energy Company for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Perry B #1 well located in the SE/4 of Section 4, Township 33 South, Range 38 West, Stevens County, Kansas. <i>Order Granting Withdrawal of Application and Closing Docket</i>	22-CONS-3405-CEXC	
2	In the matter of the application of F. G. Holl Company L.L.C., for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Kirkman-Trust #1-4 well located in the NW/4 of Section 4, Township 21 South, Range 14 West, Stafford County, Kansas. <i>Order Granting Application</i>	22-CONS-3463-CEXC	
3	In the matter of the application of Jesus Antonio Lozoya for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Platt 1-29 well located in the NE/4 of Section 29, Township 33 South, Range 15 West, Barber County, Kansas. <i>Order Granting Application</i>	22-CONS-3466-CEXC	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the matter of the application of Jesus Antonio Lozoya for an exception to the 10 year time limitation of K.A.R. 82-3-111 for its Elizabeth #1-6 well located in the SE/4 of Section 6, Township 34 South, Range 15 West, Barber County, Kansas. <b>Order Granting Application</b>	22-CONS-3467-CEXC	
5	In the matter of the application of Merit Energy Company, LLC to recomplete its Government #2-9 well located in the NW/4 of Section 9-T34S-R42W, Morton County, Kansas, as an Increased Density Well in the Greenwood Field, and for a well location exception and assignment of a full allowable. <b>Order Granting Application</b>	22-CONS-3479-CIDW	
6	In the matter of the failure of Ace Energy, LLC (Operator) to comply with K.A.R. 82-3-120 and K.A.R. 82-3-133 by operating under a suspended license. <b>Order Consolidating Dockets, Designating Presiding Officer, and Setting Prehearing Conference</b>	23-CONS-3017-CPEN	
6	In the matter of the failure of Ace Energy, LLC (Operator) to comply with K.A.R. 82-3-407 at the E C Larson #2 and E Larsen #6 wells in Allen County, Kansas. <b>Order Consolidating Dockets, Designating Presiding Officer, and Setting Prehearing Conference</b>	23-CONS-3029-CPEN	
6	In the matter of the failure of Ace Energy, LLC (Operator) to comply with K.A.R. 82-3-400 at the Gale Mullen #C43, Gale Mullen #E43, Gale Mullen #I43, Mullen #I-22A, and Underwood 6 #R90 wells in Crawford County, Kansas. <b>Order Consolidating Dockets, Designating Presiding Officer, and Setting Prehearing Conference</b>	23-CONS-3087-CPEN	
7	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 SWLVLU 21 well in the Southeast Quarter of the Southeast Quarter of the Northwest Quarter of the Northwest Quarter of Section 30, Township 30 South, Range 33 West, Haskell County, Kansas. <b>Order Granting Application</b>	23-CONS-3044-CEXC	
8	In the matter of the failure of Richardson and Son, Inc. (Operator) to comply with K.A.R. 82-3-111 at the Dunn (WECU) #4 well in Cowley County, Kansas. <b>Order Designating Presiding Officer and Setting Prehearing Conference</b>	23-CONS-3079-CPEN	
9	In the matter of the failure of Bayonet Petroleum, LLC (Operator) to comply with K.A.R. 82-3-117 at the Scott #I 1 well in Allen County, Kansas. <b>Penalty Order - Bayonet Petroleum, LLC</b>	23-CONS-3108-CPEN	
10	In the matter of the failure of DB Energy, LLC (Operator) to comply with K.A.R. 82-3-407 at the Dale Cox #TC-3 well in Neosho County, Kansas. <b>Penalty Order - DB Energy, LLC</b>	23-CONS-3109-CPEN	
11	In the matter of the failure of R & B Oil & Gas, Inc. (Operator) to comply with K.A.R. 82 3 111 at the Bock C #1 well in Reno County, Kansas. <b>Penalty Order - R &amp; B Oil &amp; Gas, Inc.</b>	23-CONS-3110-CPEN	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
12	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 Matrix Telecom LLC</i>	22-GIMT-142-GIT	
13	In the Matter of the Application of Atmos Energy Corporation for the Recovery of Qualified Extraordinary Costs and Issuance of a Financing Order. <i>Financing Order</i>	22-ATMG-538-TAR	
14	In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy for Approval to Implement a Voluntary Renewable Natural Gas and Carbon Offset Program. <i>Order Approving Black Hills' Application as Modified by Staff and CURB</i>	23-BHCG-037-TAR	
15	In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC d/b/a Black Hills Energy's to Update Transportation Tariff Balancing and Aggregation Requirements and Eliminate Optional Aggregation Service. <i>Order Approving Application</i>	23-BHCG-106-TAR	
16	In the Matter of Freedom Pipeline LLC to Show Cause Why it has Not Filed its Maximum Tariff Rate as an Open Access Pipeline. <i>Order</i>	23-FRPG-371-SHO	
17	In the Matter of the Application of Ninescah Rural Electric Cooperative Assn., Inc. for Permission to Cease Operating as a(n) Electric Public Utility in the State of Kansas. <i>Order Assessing Costs</i>	23-NNHE-402-CCS	
18	In the Matter of the Application of Midwest Energy Inc. for a Certificate of Convenience and Authority to Transact the Business of a(n) Electric Utility Public Utility. <i>Order Assessing Costs</i>	23-MDWE-403-COC	
19	In the Matter of the Application for the Approval of the Consolidation of Radiant Electric Cooperative, Inc. and Lyon-Coffey Cooperative, Inc., Forming a New Cooperative, 4 Rivers Electric Cooperative, Inc. <i>Order Assessing Costs</i>	23-4REE-404-COC	
20	In the Matter of the Investigation of Kang Xpress Inc., of Olathe, Kansas, Regarding the Violation(s) of the Kansas 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-441-PEN	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
21	In the Matter of the Investigation of B&M FARMS OF FONTANA LLC dba B&M FARMS, of FONTANA, 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-221-PEN	
22	In the Matter of the Investigation of GORCO TRUCKING INC, of CLEARWATER, 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-270-PEN	
23	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Order</i>	23-TRAM-5028-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



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Andrew J. French, Commissioner

Attest:



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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-5028-TRA

Order Number	Description	Removed
20221018134149	<i>In the Matter of the Application of DAVID BARNES of SALINA KS for Authority for a Certificate of Public Service.</i> USDOT #2088166 DAVID BARNES of SALINA KS - Order Granting Application for Certificate of Public Service	
20221018153002	<i>In the Matter of the Emergency Suspension of Authority of RAUDEL FERNANDEZ REYES of GARDEN CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3514960 RAUDEL FERNANDEZ REYES of GARDEN CITY KS - Emergency Order Suspending Authority	
20221018153002	<i>In the Matter of the Emergency Suspension of Authority of CROW CONSTRUCTION &amp; ROOFING LLC of GOODLAND KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3035375 CROW CONSTRUCTION & ROOFING LLC of GOODLAND KS - Emergency Order Suspending Authority	
20221019100536	<i>In the Matter of the Application of ALPHA ONE COURIER SERVICES LLC of WICHITA KS for Authority for a Certificate of Public Service.</i> USDOT #3954335 ALPHA ONE COURIER SERVICES LLC of WICHITA KS - Order Granting Application for Certificate of Public Service	
20221019101948	<i>In the Matter of the Application of JONES MONUMENT LIBERAL KS INC of LIBERAL KS for a Private Carrier Permit.</i> USDOT #3955513 JONES MONUMENT LIBERAL KS INC of LIBERAL KS - Order Granting Application for a Private Carrier Permit	
20221019105650	<i>In the Matter of the Application of DONN FREIGHT LLC of MAIZE KS for Authority for a Certificate of Public Service.</i> USDOT #3964800 DONN FREIGHT LLC of MAIZE KS - Order Granting Application for Certificate of Public Service	
20221020143633	<i>In the Matter of the Application of JBG TOWING SERVICES LLC of DODGE CITY KS for Authority for a Certificate of Public Service.</i> USDOT #3942546 JBG TOWING SERVICES LLC of DODGE CITY KS - Order Granting Application for Certificate of Public Service	



**Transportation Orders By Docket Number**  
**23-TRAM-5028-TRA**

Order Number	Description	Removed
20221020143730	<i>In the Matter of the Application of STATELINE TRANSPORT LLC of COOLIDGE KS for Authority for a Certificate of Public Service.</i> USDOT #1728250 STATELINE TRANSPORT LLC of COOLIDGE KS - Order Granting Application for Certificate of Public Service	
20221020143959	<i>In the Matter of the Application of JT LOGISTICS LLC of TESCOTT KS for Authority for a Certificate of Public Service.</i> USDOT #3952659 JT LOGISTICS LLC of TESCOTT KS - Order Granting Application for Certificate of Public Service	
20221020144142	<i>In the Matter of the Application of OSCAR TROCHEZ LOPEZ of WICHITA KS for Authority for a Certificate of Public Service.</i> USDOT #3943250 OSCAR TROCHEZ LOPEZ of WICHITA KS - Order Granting Application for Certificate of Public Service	
20221020144232	<i>In the Matter of the Application of HAY GRINDERMAN LLC of BURRTON KS for a Private Carrier Permit.</i> USDOT #3952356 HAY GRINDERMAN LLC of BURRTON KS - Order Granting Application for a Private Carrier Permit	
20221020153001	<i>In the Matter of the Emergency Suspension of Authority of SERVICE JANITORIAL SUPPLY INC of LIBERAL KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #915723 SERVICE JANITORIAL SUPPLY INC of LIBERAL KS - Emergency Order Suspending Authority	
20221020153001	<i>In the Matter of the Emergency Suspension of Authority of JOSE ALVIDREZ BARRAZA of DODGE CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3460055 JOSE ALVIDREZ BARRAZA of DODGE CITY KS - Emergency Order Suspending Authority	
20221020153001	<i>In the Matter of the Emergency Suspension of Authority of HM CATTLE TRANSPORT LLC of GARDEN CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2205154 HM CATTLE TRANSPORT LLC of GARDEN CITY KS - Emergency Order Suspending Authority	
20221020153001	<i>In the Matter of the Application of WILDCAT FENCE COMPANY LLC of LOUISBURG KS Seeking a Permit of Private Authority.</i> USDOT #3919001 WILDCAT FENCE COMPANY LLC of LOUISBURG KS - Order Dismissing Application for Permit of Private Authority	
20221020153001	<i>In the Matter of the Emergency Suspension of Authority of NATHAN NETAHLA of CALDWELL KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3331105 NATHAN NETAHLA of CALDWELL KS - Emergency Order Suspending Authority	
20221020153001	<i>In the Matter of the Emergency Suspension of Authority of HENSHAW TRANSPORT LLC of OLATHE KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2870687 HENSHAW TRANSPORT LLC of OLATHE KS - Emergency Order Suspending Authority	

**Transportation Orders By Docket Number  
23-TRAM-5028-TRA**

Order Number	Description	Removed
20221020153001	<i>In the Matter of the Application of STEVEN TYLER GRASMICK of LAKIN KS Seeking Authority for a Certificate of Public Service.</i> USDOT #3920835 STEVEN TYLER GRASMICK of LAKIN KS - Order Dismissing Application for Certificate of Public Service	
20221020153001	<i>In the Matter of the Application of VANNOCKER LIVESTOCK LLC of CASSODAY KS Seeking Authority for a Certificate of Public Service.</i> USDOT #3916728 VANNOCKER LIVESTOCK LLC of CASSODAY KS - Order Dismissing Application for Certificate of Public Service	
20221020153001	<i>In the Matter of the Emergency Suspension of Authority of COUNTY LINE SALVAGE INC of COFFEYVILLE KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2017976 COUNTY LINE SALVAGE INC of COFFEYVILLE KS - Emergency Order Suspending Authority	
20221020153001	<i>In the Matter of the Emergency Suspension of Authority of COX &amp; SONS TRUCKING LLC of PLAINS KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3578485 COX & SONS TRUCKING LLC of PLAINS KS - Emergency Order Suspending Authority	
20221020155829	<i>In the Matter of the Application of ERICSON REPAIR LLC of CLYDE KS for a Private Carrier Permit.</i> USDOT #3951675 ERICSON REPAIR LLC of CLYDE KS - Order Granting Application for a Private Carrier Permit	

Total # of Orders:

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End of Report