Kansas Corporation Commission
Commission Meeting
November 1, 2022 @ 10:00 am
KCC Offices, 1500 Arrowhead Rd., Topeka, Kansas

MINUTES

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on November 1, 2022, at the Kansas Corporation Commission, 1500 Arrowhead Rd., Topeka, Kansas.

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

1. **Consent Agenda**: Chair Keen noted that he has recused from orders on the Consent Agenda Items #4, #5, and #6. Commissioner French moved for approval of the Items on the Consent Agenda dated November 1, 2022, noting Chair Keen's recusal on the three Consent Agenda orders listed above, containing pages one through six attached to these Minutes. Commissioner Duffy seconded the motion.

   The motion was approved.

2. **Noticed Items:**

   A. Docket No. 23-EKCE-035-TAR
   In the Matter of Evergy Kansas Central, Inc. and Evergy Kansas South, Inc. Seeking Approval from the Commission for the Energy Efficiency Rider.

   Commissioner French moved to approve order #22-2107 – Order Adopting Staff's Report and Recommendation and Approving Energy Efficiency Rider. Commissioner Duffy seconded the motion.

   The order was approved.

   B. Docket No. 23-ATMG-387-PGA
   In the Matter of the Application of Atmos Energy Corporation for Approval of a Change to Its Purchased Gas Adjustment Tariff.
   Docket No. 23-ATMG-394-ACA
   In the Matter of the Application of Atmos Energy Corporation for Approval to Defer Recovery of a Portion of Its Under-Recovered Purchased Gas Costs Under Its Annual Cost Adjustment Clause in the Utility's Purchased Gas Adjustment Tariff.

   Commissioner Duffy moved for approval of Order #22-2138 – Order Adopting Staff's Report and Recommendation. Commissioner French seconded the motion.

   The order was approved.

C. Docket No. 23-TRAM-251-PEN
In the Matter of the Investigation of Valley View Company LLC d/b/a Pete Woods Excavating, of Ulysses, 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 #22-2074 – Penalty Order. Commissioner Duffy seconded the motion.

The order was approved.

D. Docket No. 23-TRAM-383-PEN
In the Matter of the Investigation of Silverspryte 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.

Commissioner French moved for approval of Order #22-2132 – Penalty Order. Commissioner Duffy seconded the motion.

The order was approved.

E. Docket No. 23-CONS-3114-CPEN
In the matter of the failure of GEMJ Enterprises, LLC (Operator) to comply with K.A.R. 82-3-120 and K.A.R. 82-3-133 by operating under a suspended license, and to comply with K.A.R. 82-3-604 at the Long lease in Decatur County, Kansas.

Commissioner Duffy moved for approval of Order #22-2088 – Shut-In and Penalty Order – GEMJ Enterprises, LLC. Commissioner French seconded the motion.

The order was approved.

F. Docket No. 23-CONS-3122-CPEN
In the matter of the failure of BPG Capital, LLC (Operator) to comply with K.A.R. 82-3-120 and K.A.R. 82-3-133 by operating under a suspended and expired license.

Commissioner French moved for approval of Order #22-2122 – Shut-In Order –BPG Capital, LLC. Commissioner Duffy 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 November 1, 2022 Commission Meeting at 10:20 a.m.

Respectfully submitted,

Lynn M. Retz, Executive Director

Dwight D. Keen, Chair

Susan K. Duffy, Commissioner

Andrew J. French, Commissioner

Kansas
Corporation Commission

ITEMS OF
Consent Agenda

Approval Date: Tuesday, November 1, 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 seperately 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 Northstar Investments, Inc. (Operator) to comply with K.A.R. 82-3-603 at the Roth #4 well in Sedgwick County, Kansas. ***Penalty Order - Northstar Investments, Inc.***	23-CONS-3115-CPEN	
2	In the matter of the failure of Novy Oil & Gas, Inc. (Operator) to comply with K.A.R. 82 3 111 at the Colle OWWO #1 well in Reno County, Kansas. ***Penalty Order - Novy Oil & Gas, Inc.***	23-CONS-3116-CPEN	
3	In the matter of the failure of Hoffman Resources LLC (Operator) to comply with K.A.R. 82 3 111 at the Reece A3 #3 well in Reno County, Kansas. ***Penalty Order - Hoffman Resources LLC***	23-CONS-3117-CPEN	
4	In the matter of the failure of Berexco, LLC (Operator) to comply with K.A.R. 82-3-400 and/or K.A.R. 82-3-409 at the Transue #1 well in Sheridan County, Kansas. ***Penalty Order - Berexco, LLC***	23-CONS-3118-CPEN	Keen Recused

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the matter of the failure of Knighton Oil Company, Inc. (Operator) to comply with K.A.R. 82-3-400 and/or K.A.R. 82-3-409 at the Hammond #B-2, Kipp E #1, and OConnor Keith #8-4 wells in Stafford County, Kansas. ***Penalty Order - Knighton Oil Company, Inc.***	23-CONS-3119-CPEN	Keen Recused
6	In the matter of the failure of Oil Producers, Inc. of Kansas (Operator) to comply with K.A.R. 82-3-400 and/or K.A.R. 82-3-409 at the A A Wiesner (Walters) #3 well in Ellis County, Kansas. ***Penalty Order - Oil Producers, Inc. of Kansas***	23-CONS-3120-CPEN	Keen Recused
7	In the Matter of the Application of Atmos Energy Corporation for Adjustment of its Natural Gas Rates in the State of Kansas ***Order Approving Unanimous Settlement Agreement***	19-ATMG-525-RTS	
8	In the Matter of the Application of Everfast Fiber Networks LLC for a Certificate of Convenience and Authority to Provide Local Exchange and Exchange Access Service, and Interexchange Service Within the State of Kansas. (CLEC) ***Order Granting CLEC Certificate***	23-EFNT-258-COC	
9	In the Matter of the Application of Everfast Fiber Networks LLC for a Certificate of Convenience and Authority to Provide Local Exchange and Exchange Access Service, and Interexchange Service Within the State of Kansas.(IXC) ***Order Granting IXC Certificate***	23-EFNT-260-COC	
10	In the Matter of the Application of Atmos Energy Corporation for Approval to Defer Recovery of a Portion of Its Under-Recovered Purchased Gas Costs Under Its Annual Cost Adjustment Clause in the Utility's Purchased Gas Adjustment Tariff. ***Order Granting CURB's Petition to Intervene and Motion for Protective and Discovery Order***	23-ATMG-394-ACA	
11	In the Matter of the Application of the City of Garnett, Kansas, for Authority to Begin Transacting the Business of the Electric Public Utility Specifically, in Section 19, Township 20 South, Range 20 East in Garnett, Anderson County, Kansas. ***Order Assessing Costs***	23-GARP-433-COC	
12	In the Matter of the Application of The City of Baldwin City for a Certificate of Convenience and Authority to Transact the Business of a(n) Electric Utility Municipal Utility in the State of Kansas. ***Order Assessing Costs***	23-BALE-436-COC	
13	In the Matter of the Application of Sunflower Electric Power Corporation for a Transmission Rights Only Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas. ***Order Assessing Costs***	23-SEPE-437-COC	
14	In the Matter of the Investigation of Solis Underground Construction LLC, of Kansas City, 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. ***Order Reinstating Intrastate Motor Carrier Operation***	22-TRAM-278-OOS	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
15	In the Matter of the Investigation of TC TRANSPORT LLC, of Ottawa, 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. ***Order Granting Staff's Motion to Vacate Penalty Order***	23-TRAM-117-PEN	
16	In the Matter of the Investigation of KJ TRANSPORT LLC, of GARDNER, 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. ***Order Granting Staff's Motion to Vacate Penalty Order***	23-TRAM-249-PEN	
17	In the Matter of the Investigation of MKMD TRUCKING LLC, of MULVANE, 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. ***Penalty Order***	23-TRAM-312-PEN	
18	In the Matter of the Investigation of PURE AUTO TRANSPORT LLC dba PURE AUTO TRANSPORT, of SHAWNEE, 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. ***Penalty Order***	23-TRAM-313-PEN	
19	In the Matter of the Investigation of SIRIUS TRANSPORTATION 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. ***Penalty Order***	23-TRAM-314-PEN	
20	In the Matter of the Investigation of LBK LOGISTICS 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. ***Penalty Order***	23-TRAM-315-PEN	
21	In the Matter of the Investigation of HIMALAYAS LLC, of ROSE HILL, 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. ***Penalty Order***	23-TRAM-316-PEN	
22	In the Matter of the Investigation of BOBBY HARLAN dba TRUCK INC, of WELLINGTON, 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. ***Penalty Order***	23-TRAM-317-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
23	In the Matter of the Investigation of NELSON FAMILY TRUCKING 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. ***Penalty Order***	23-TRAM-319-PEN	
24	In the Matter of the Investigation of HEARTLAND CONSTRUCTION LLC, of PARTRIDGE, 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. ***Penalty Order***	23-TRAM-321-PEN	
25	In the Matter of the Investigation of SUNJOY TRUCKING 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. ***Penalty Order***	23-TRAM-322-PEN	
26	In the Matter of the Investigation of JONES AG LLC, of LANCASTER, 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. ***Penalty Order***	23-TRAM-323-PEN	
27	In the Matter of the Investigation of ATARAH EMPIRE 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. ***Penalty Order***	23-TRAM-324-PEN	
28	In the Matter of the Investigation of HEARTLAND EXCAVATING LLC dba HEARTLAND EXCAVATING AND CONSTRUCTION LL of PLEASANTON, 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. ***Penalty Order***	23-TRAM-327-PEN	
29	In the Matter of the Investigation of SUMMIT TRUCKING LLC, of BASEHOR, 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. ***Penalty Order***	23-TRAM-329-PEN	
30	In the Matter of the Investigation of ALPHA OMEGA MOWING 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. ***Penalty Order***	23-TRAM-330-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
32	In the Matter of the Investigation of Gragg Trucking LLC, of Moline, 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. ***Penalty Order***	23-TRAM-386-PEN	
33	In the Matter of the Investigation of Jose Pedro Montes d/b/a Montes 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. ***Penalty Order***	23-TRAM-405-PEN	
34	In the Matter of the Investigation of Stonypoint Seed LLC, 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. ***Penalty Order***	23-TRAM-406-PEN	
35	In the Matter of the Emergency Suspension of Operating Authority of Buchanan Express LLC, of Wichita, Kansas, for Failure to Comply with New Entrant Safety Requirements as Required by the Motor Carrier Safety Statutes, Rules and Regulations. ***Emergency Suspension of Operating Authority Order***	23-TRAM-435-OOS	
36	Transportation orders to be approved by the Commission on the Consent Agenda. ***Transportation Economic Order***	23-TRAM-5030-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

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

Kansas
Corporation Commission

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-5030-TRA

Order Number	Description	Removed
20221025145352	*In the Matter of the Application of PRESTIGE TRUCKING SERVICES LLC of GARDEN CITY KS for Authority for a Certificate of Public Service.* USDOT #3681005 PRESTIGE TRUCKING SERVICES LLC of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
20221025153000	*In the Matter of the Application of SANDRA HOME DELIVERY LLC of WICHITA KS Seeking Authority for a Certificate of Convenience and Necessity.* USDOT #3916646 SANDRA HOME DELIVERY LLC of WICHITA KS - Order Dismissing Application for Certificate of Convenience and Necessity	
20221025153000	*In the Matter of the Application of SANDRA HOME DELIVERY LLC of WICHITA KS Seeking Authority for a Certificate of Public Service.* USDOT #3916646 SANDRA HOME DELIVERY LLC of WICHITA KS - Order Dismissing Application for Certificate of Public Service	
20221025153000	*In the Matter of the Application of SUMMERS TRANSPORT LOGISTIC INC of OVERLAND PARK KS Seeking Authority for a Certificate of Public Service.* USDOT #3680140 SUMMERS TRANSPORT LOGISTIC INC of OVERLAND PARK KS - Order Dismissing Application for Certificate of Public Service	
20221025153000	*In the Matter of the Application of SUMMERS TRANSPORT LOGISTIC INC of OVERLAND PARK KS Seeking Authority for a Certificate of Convenience and Necessity.* USDOT #3680140 SUMMERS TRANSPORT LOGISTIC INC of OVERLAND PARK KS - Order Dismissing Application for Certificate of Convenience and Necessity	
20221025153000	*In the Matter of the Application of CARLOS RAMON-BARZOLA of GARDEN CITY KS Seeking Authority for a Certificate of Public Service.* USDOT #1786746 CARLOS RAMON-BARZOLA of GARDEN CITY KS - Order Dismissing Application for Certificate of Public Service	
20221025153001	*In the Matter of the Emergency Suspension of Authority of TOW JAM LLC of KANSAS CITY MO for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #3906937 TOW JAM LLC of KANSAS CITY MO - Emergency Order Suspending Authority	

Transportation Orders By Docket Number
23-TRAM-5030-TRA

Order Number	Description	Removed
20221025153001	*In the Matter of the Emergency Suspension of Authority of FLORES TRANSPORT LLC of GARDEN CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #3677998 FLORES TRANSPORT LLC of GARDEN CITY KS - Emergency Order Suspending Authority	
20221025153001	*In the Matter of the Emergency Suspension of Authority of DAVID E BURTON of DODGE CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #3423771 DAVID E BURTON of DODGE CITY KS - Emergency Order Suspending Authority	
20221025164921	*In the Matter of the Application of ISSAC PAUDA of ULYSSES KS for Authority for a Certificate of Public Service.* USDOT #2988696 ISSAC PAUDA of ULYSSES KS - Order Granting Application for Certificate of Public Service	
20221026151352	*In the Matter of the Application of FITFO TRANSPORT LLC of WICHITA KS for the Abandonment of Certificate of Public Service.* USDOT #3807226 FITFO TRANSPORT LLC of WICHITA KS - Order Granting Request for Abandonment for Certificate of Public Service	
20221027112504	*In the Matter of the Application of TRIPLE Z TRANSPORT LLC of LIBERAL KS for Authority for a Certificate of Public Service.* USDOT #3955041 TRIPLE Z TRANSPORT LLC of LIBERAL KS - Order Granting Application for Certificate of Public Service	
20221027112622	*In the Matter of the Application of KSHOT LLC of TOPEKA KS for Authority for a Certificate of Public Service.* USDOT #3927839 KSHOT LLC of TOPEKA KS - Order Granting Application for Certificate of Public Service	
20221027114230	*In the Matter of the Application of JORGE PALOMINO of EMPORIA KS for Authority for a Certificate of Public Service.* USDOT #2517325 JORGE PALOMINO of EMPORIA KS - Order Granting Application for Certificate of Public Service	
20221027153002	*In the Matter of the Emergency Suspension of Authority of MOVING PROZ LLC of OLATHE KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #2275038 MOVING PROZ LLC of OLATHE KS - Emergency Order Suspending Authority	

Total # of Orders: 15

End of Report