Kansas Corporation Commission
Commission Meeting
December 8, 2022 @ 10:00 am
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 December 8, 2022, at 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 December 8, 2022, containing pages one through three attached to these Minutes. Commissioner Duffy seconded the motion.

   The motion was approved.

2. **Discussion Item:** Carly Masenthin, Senior Litigation Counsel, discussed the filing of intervention in FERC Docket Nos. ER23-430, ER23-431 and ER23-433. Chair Keen moved to authorize the Commission's DC counsel to file for intervention in Docket Nos. ER23-430, 431 and 433, and fully participate in the matter by filing comments, testimony, protests, and any other filings as necessary to protect the interests of Kansas ratepayers. Commissioner Duffy seconded the motion.

   The motion 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 December 8, 2022 Commission Meeting at 10:05 a.m.

Respectfully submitted,

Lynn M. Retz, Executive Director

Dwight D. Keen, Chair

Susan K. Duffy, Commissioner

Andrew J. French, Commissioner

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Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

Motion to Intervene and Participate in ER23-430, ER23-431, and ER23-433.

Date: December 8, 2022
Docket Nos: ER23-430, ER23-431, and ER23-433

Background:

On November 15, 2022, Evergy Kansas Central, Inc. (EKC) and Southwest Power Pool (SPP) filed three separate tariff revision requests at FERC pertaining to EKC's Transmission Formula Rate and Generation Formula Rate.

ER23-430 and ER23-431 are the EKC Transmission and Generation formula rate requests, respectively. ER23-433 is the SPP OATT modification request. All three matters are related, but they were not consolidated by FERC.

The issue germane to all three dockets is the calculation of EKC's capital structure under the formulas. In prior dockets[1], FERC determined that EKC had not provided sufficient evidence that undistributed retained earnings of Evergy Kansas South, Inc. and Evergy Generating, Inc. should be included in the equity component of EKC because it had not been proven that distributed subsidiary earnings from these companies were available for EKC to invest in its rate base.

The current filings, according to EKC, provide evidence that the retained earnings of Evergy Kansas South are available for EKC to invest in its rate base, and thus properly included in the equity computation of its capital structure under the TFR and GFR. However, Evergy Generating's retained earnings are not available for this purpose and are thus excluded.

Importantly, EKC is proposing to only to change the rates on a going-forward basis starting in 2023, whereas KCC Staff believe there is no barrier to relief prior to this time frame. While Staff supports the tariff modification, it does not support cutting off relief and will be seeking relief for inappropriate inclusions in prior time frames.

Therefore, Staff is asking the Commission for authority to intervene in the three captioned cases, submit comments, and fully participate to protect the interests of Kansas ratepayers.

Motion:

I move the Commission authorize our D.C. counsel to file for intervention in Docket Nos. ER23-430, 431, and 433, and fully participate in the matter by filing comments, testimony, protests, and any other filings as necessary to protect the interests of Kansas ratepayers.

[1] *See* Order Rejecting Tariff Revisions, 2022 WL 16525102 (Oct. 28, 2022).

Kansas
Corporation Commission

ITEMS OF
Consent Agenda

Approval Date: Thursday, December 8, 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 Investigation of REED LOGISTICS LLC, of TONGANOXIE, 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-478-PEN	
2	In the Matter of the Investigation of BAWA TRUCKING INC, 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. ***Penalty Order***	23-TRAM-479-PEN	
3	In the Matter of the Investigation of NIGHT MOVES EXPRESS 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-480-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Investigation of PART 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-481-PEN	
5	In the Matter of the Investigation of THE MORIAH WILLIAM GROUP LLC, 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. ***Penalty Order***	23-TRAM-482-PEN	
6	In the Matter of the Investigation of CARTER CAPITAL VENTURES INC, 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. ***Penalty Order***	23-TRAM-483-PEN	
7	In the Matter of the Investigation of EWS LOGISTICS LLC, 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. ***Penalty Order***	23-TRAM-485-PEN	
8	In the Matter of the Investigation of ERIC SMITH dba PEARLS LIMO SERVICE, 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-486-PEN	
9	In the Matter of the Investigation of HEARTLAND MASONRY 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. ***Penalty Order***	23-TRAM-487-PEN	
10	Transportation orders to be approved by the Commission on the Consent Agenda. ***Transportation Economic Orders***	23-TRAM-5039-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-5039-TRA

Order Number	Description	Removed
20221202102133	*In the Matter of the Application of HA TRUCKING LLC of SYRACUSE KS for Authority for a Certificate of Public Service.* USDOT #3420310 HA TRUCKING LLC of SYRACUSE KS - Order Granting Application for Certificate of Public Service	
20221202121603	*In the Matter of the Application of TRIVISTA IDEALEASE OF DODGE CITY LLC of DODGE CITY KS for Authority for a Certificate of Public Service.* USDOT #3990532 TRIVISTA IDEALEASE OF DODGE CITY LLC of DODGE CITY KS - Order Granting Application for Certificate of Public Service	
20221202131528	*In the Matter of the Application of AW LOGIC LLC of GARDNER KS for a Private Carrier Permit.* USDOT #3984337 AW LOGIC LLC of GARDNER KS - Order Granting Application for a Private Carrier Permit	
20221202132021	*In the Matter of the Application of D & K LLC of WICHITA KS for Authority for a Certificate of Public Service.* USDOT #3770317 D & K LLC of WICHITA KS - Order Granting Application for Certificate of Public Service	
20221202132420	*In the Matter of the Application of STAG TRUCKING INC of SPRING HILL KS for Authority for a Certificate of Public Service.* USDOT #3986752 STAG TRUCKING INC of SPRING HILL KS - Order Granting Application for Certificate of Public Service	
20221202132631	*In the Matter of the Application of CIRCLE F LLC of WAVERLY KS for Authority for a Certificate of Public Service.* USDOT #3981546 CIRCLE F LLC of WAVERLY KS - Order Granting Application for Certificate of Public Service	
20221202132729	*In the Matter of the Application of BUCK ROOFING INC of SOUTH HUTCHINSON KS for Authority for a Certificate of Public Service.* USDOT #1500995 BUCK ROOFING INC of SOUTH HUTCHINSON KS - Order Granting Application for Certificate of Public Service	

Transportation Orders By Docket Number
23-TRAM-5039-TRA

Order Number	Description	Removed
20221205110305	*In the Matter of the Emergency Suspension of Authority of HOME OIL AND SUPPLY INC of HAYS KS for the Failure to Maintain Insurance Coverage as Required by Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #924052 HOME OIL AND SUPPLY INC of HAYS KS - Order Rescinding Emergency Order Suspending Authority for Failure to Maintain Insurance Coverage	

Total # of Orders: 8

End of Report