

**Kansas Corporation Commission**  
**Commission Meeting**  
**December 13, 2022**  
8:30 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 8:30 a.m. on December 13, 2022, in the 1<sup>st</sup> Floor Hearing Room of 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 13, 2022, containing pages one through three attached to these Minutes. Commissioner Duffy seconded the motion.

The motion was approved.

2. **Noticed Item:**

**Docket No. 23-SUBW-038-COM**

*In the Matter of the Complaint Against Suburban Water Company by Chris Burkhart.*

Commissioner French moved for approval of Order # 22-2377 – Order on Complaint. 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 Commission adjourned the December 13, 2022 Commission Meeting at 8:33 a.m.**

Respectfully submitted,




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Lynn M. Retz, Executive Director



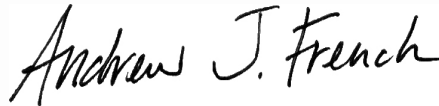
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Dwight D. Keen, Chair



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Susan K. Duffy, Commissioner



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Andrew J. French, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Tuesday, December 13, 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 order authorizing the Unitization and Unit Operation of the Many Creeks Morrow Unit to be located in Grant County, Kansas. <i>Order Designating Presiding Officer and Setting Prehearing Conference</i>	23-CONS-3107-CUNI	
2	In the matter of the failure of Victor J. Leis (Operator) to comply with K.A.R. 82-3-400 at the E. Eggers #N-4 well in Woodson County, Kansas. <i>Penalty Order - Victor J. Leis</i>	23-CONS-3150-CPEN	
3	In the matter of the failure of Atlas Operating, LLC (Operator) to comply with K.A.R. 82-3-126 at the Jefferson Long lease and Jefferson Long B lease tank batteries in Barber County, Kansas. <i>Penalty Order - Atlas Operating, LLC</i>	23-CONS-3151-CPEN	
4	In the matter of the failure of ELK Energy Holdings, LLC (Operator) to comply with K.A.R. 82-3-602 at the Hobbisiefken #2-7 and Hudson #4-2 wells in Sumner County, Kansas. <i>Penalty Order - ELK Energy Holdings, LLC</i>	23-CONS-3152-CPEN	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the matter of the failure of Wynn-Crosby Operating, Ltd. (Operator) to comply with K.A.R. 82 3 111 at the Clawson B #1, Guttridge B #2, Guttridge-C #2, Morlan A #4, Shuck A #1, and Shuck B #2 wells in Haskell and Seward Counties, Kansas. <b><i>Penalty Order - Wynn-Crosby Operating, Ltd.</i></b>	23-CONS-3153-CPEN	
6	In the Matter of Arbitration Between Level 3 Communications, LLC and SBC Communications, Inc. Pursuant to Section 252(b) of the Communications Act of 19934, as Amended by the Telecommunications Act of 1996, for Rates, Terms, and Conditions of Interconnection. <b><i>Order Approving Interconnection Agreement Amendment</i></b>	04-L3CT-1046-ARB	
7	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. <b><i>Order Approving Traffic Factors for Midco</i></b>	22-GIMT-142-GIT	
8	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. <b><i>Order Granting Transmission Rights Only Certificate</i></b>	23-SEPE-437-COC	
9	In the Matter of the Investigation of Metzger Contracting of Leavenworth, Kansas, Regarding the Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) the Commission's Authority to Impose Penalties and/or Sanctions. <b><i>Penalty Order</i></b>	23-DPAX-475-PEN	
10	In the Matter of the Investigation of Doctors Lawn and Landscape, Inc., of Overland Park, Kansas, Regarding the Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) the Commission's Authority to Impose Penalties and/or Sanctions. <b><i>Penalty Order</i></b>	23-DPAX-476-PEN	
11	In the Matter of the Investigation of Schlagle Trucking & Excavating of Peculiar, Missouri, Regarding the Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) the Commission's Authority to Impose Penalties and/or Sanctions. <b><i>Penalty Order</i></b>	23-DPAX-477-PEN	
12	In the Matter of the Investigation of Scott McDonald, d/b/a Corner Express, of Satanta, 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-429-PEN	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
13	In the Matter of the Investigation of Mark Bolen of Olpe, 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-460-PEN	
14	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Order</i>	23-TRAM-5040-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



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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-5040-TRA

Order Number	Description	Removed
20221206112257	<i>In the Matter of the Application of HERNANDEZ LLC of GARDEN CITY KS for Authority for a Certificate of Public Service.</i> USDOT #2147106 HERNANDEZ LLC of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
20221206153002	<i>In the Matter of the Emergency Suspension of Authority of KANSAS PROTEIN FOODS LLC of HUTCHINSON KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3183438 KANSAS PROTEIN FOODS LLC of HUTCHINSON KS - Emergency Order Suspending Authority	
20221206153002	<i>In the Matter of the Emergency Suspension of Authority of DIAMOND D ENTERPRISES LLC of for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2381831 DIAMOND D ENTERPRISES LLC of - Emergency Order Suspending Authority	
20221206153002	<i>In the Matter of the Emergency Suspension of Authority of ACES TRANSPORT LLC of HUGOTON KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3659457 ACES TRANSPORT LLC of HUGOTON KS - Emergency Order Suspending Authority	
20221206153002	<i>In the Matter of the Emergency Suspension of Authority of DTP 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 #3521041 DTP TRANSPORT LLC of GARDEN CITY KS - Emergency Order Suspending Authority	
20221206153002	<i>In the Matter of the Emergency Suspension of Authority of RUVALCABA TRUCKING LLC of GARDEN CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #1082882 RUVALCABA TRUCKING LLC of GARDEN CITY KS - Emergency Order Suspending Authority	
20221206153002	<i>In the Matter of the Emergency Suspension of Authority of HODGES TRUCKING LLC of LIBERAL KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3448811 HODGES TRUCKING LLC of LIBERAL KS - Emergency Order Suspending Authority	

**Transportation Orders By Docket Number  
23-TRAM-5040-TRA**

Order Number	Description	Removed
20221206153002	<i>In the Matter of the Emergency Suspension of Authority of REYMUNDO SIMON ESTRADA GARCIA of GARDEN CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2926259 REYMUNDO SIMON ESTRADA GARCIA of GARDEN CITY KS - Emergency Order Suspending Authority	
20221206153002	<i>In the Matter of the Emergency Suspension of Authority of ASSET PROTECTION LLC of WICHITA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2483009 ASSET PROTECTION LLC of WICHITA KS - Emergency Order Suspending Authority	
20221208135315	<i>In the Matter of the Application of G&amp;S TRUCKING LLC of GARDEN CITY KS for Authority for a Certificate of Public Service.</i> USDOT #3986831 G&S TRUCKING LLC of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
20221208135356	<i>In the Matter of the Application of CHRIS ROBERT VARELA of GARDEN CITY KS for Authority for a Certificate of Public Service.</i> USDOT #2313142 CHRIS ROBERT VARELA of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
20221208153001	<i>In the Matter of the Application of BLACK DOG CONSTRUCTION INC of BUNKER HILL KS Seeking Authority for a Certificate of Public Service.</i> USDOT #2333803 BLACK DOG CONSTRUCTION INC of BUNKER HILL KS - Order Dismissing Application for Certificate of Public Service	
20221208153002	<i>In the Matter of the Application of GOLDEN RULE RELOCATION LLC of NORTH KANSAS CITY MO Seeking Authority for a Certificate of Convenience and Necessity.</i> USDOT #3420954 GOLDEN RULE RELOCATION LLC of NORTH KANSAS CITY MO - Order Dismissing Application for Certificate of Convenience and Necessity	
20221208153002	<i>In the Matter of the Application of GOLDEN RULE RELOCATION LLC of NORTH KANSAS CITY MO Seeking Authority for a Certificate of Public Service.</i> USDOT #3420954 GOLDEN RULE RELOCATION LLC of NORTH KANSAS CITY MO - Order Dismissing Application for Certificate of Public Service	
20221208153002	<i>In the Matter of the Emergency Suspension of Authority of MID-COUNTRY LLC of GARDEN CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3240793 MID-COUNTRY LLC of GARDEN CITY KS - Emergency Order Suspending Authority	

Total # of Orders: 15

End of Report