

**Kansas Corporation Commission**  
**Commission Meeting**  
**December 27, 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 December 27, 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 27, 2022, containing pages one through four attached to these Minutes. Commissioner Duffy seconded the motion.

The motion was approved.

2. **Noticed Items:**

- A. **Docket No. 23-CONS-3157-CPEN**

*In the matter of the failure of Kodiak Petroleum, Inc. (Operator) to comply with K.A.R. 82-3-120 and K.A.R. 82-3-133 by operating under a suspended license.*

Commissioner French moved for approval of Order #22-2435 – Penalty Order. Commissioner Duffy seconded the motion.

The order was approved.

- B. **Docket No. 23-TRAM-446-PEN**


*In the Matter of the Investigation of American Logistics LLC of Leawood, 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 #22-2443 – Penalty Order. 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 27, 2022 Commission Meeting at 10:07 a.m.**

Respectfully submitted,



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Lynn M. Retz, Executive Director



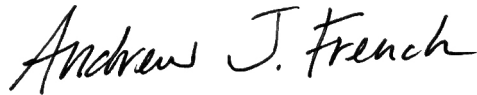
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Susan K. Duffy, Commissioner



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Dwight D. Keen, Chair



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Andrew J. French, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Tuesday, December 27, 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 failure of NEC Operating - Kansas, LLC (Operator) to comply with K.A.R. 82-3-407 at the Beeley (OWWO) #1-22 SWD well in Comanche County, Kansas. <i>Penalty Order - NEC Operating - Kansas, LLC</i>	23-CONS-3158-CPEN	
2	In the matter of the failure of Apollo Energies, Inc. (Operator) to comply with K.A.R. 82 3 111 at the Clark #1-B, Rohr A #1, and Rohr North (Rohr) #1 wells in Gove County, Kansas. <i>Penalty Order - Apollo Energies, Inc.</i>	23-CONS-3159-CPEN	
3	In the matter of the failure of LDH Operating, LLC (Operator) to comply with K.A.R. 82 3 111 at the Gordon #1 well in Cowley County, Kansas. <i>Penalty Order - LDH Operating, LLC</i>	23-CONS-3160-CPEN	
4	In the matter of the failure of Rampike Resources, Ltd (Operator) to comply with K.A.R. 82-3-117 at the Ahna #1 well in Rooks County, Kansas. <i>Penalty Order - Rampike Resources, Ltd</i>	23-CONS-3161-CPEN	

## Consent Agenda

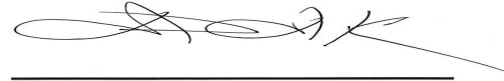
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the matter of the failure of Long and Ware Oil, a General Partnership (Operator) to comply with K.A.R. 82-3-120. <b><i>Penalty Order - Long and Ware Oil, a General Partnership</i></b>	23-CONS-3162-CPEN	
6	In the matter of the failure of Hawkins Oil, LLC (Operator) to comply with K.A.R. 82-3-600 and K.A.R. 82-3-604 at the Marsh lease in Butler County, Kansas. <b><i>Penalty Order - Hawkins Oil, LLC</i></b>	23-CONS-3163-CPEN	
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 AT&amp;T</i></b>	22-GIMT-142-GIT	
8	In the Matter of the Complaint Against Evergy Metro, Inc. d/b/a Evergy Kansas Metro by William J. Flohrs. <b><i>Order Assessing Costs</i></b>	23-EKME-426-COM	
9	In the Matter of the Complaint Against Evergy Kansas Metro, Inc. by Leslie A. Cimino. <b><i>Order Assessing Costs</i></b>	23-EKME-453-COM	
10	In the Matter of Kansas Gas Service, a Division of ONE Gas, Inc.'s Ad Valorem Filing in Compliance with the Commission's July 14, 2004 Order in Docket No. 04-KGSG-1099-TAR <b><i>Order Approving Ad Valorem Tax Surcharge Rider</i></b>	23-KGSG-490-TAR	
11	In the Matter of the Application of Atmos Energy for Approval of Energy Ad Valorem Tax Surcharge; Calculation of 2023 Adjustment. <b><i>Order Assessing Costs</i></b>	23-ATMG-533-TAR	
12	In the Matter of the Application of Atmos Energy for Approval of Energy Ad Valorem Tax Surcharge; Calculation of 2023 Adjustment. <b><i>Order Granting CURB's Petition to Intervene; Protective and Discovery Order</i></b>	23-ATMG-533-TAR	
13	In the Matter of Black Hills/Kansas Gas Utility Company, LLC d/b/a Black Hills Energy's 2023 Ad Valorem Filing. <b><i>Order Assessing Costs</i></b>	23-BHCG-537-TAR	
14	In the Matter of the Investigation of Christopher Gates d/b/a Heartland Towing 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>Penalty Order</i></b>	23-TRAM-412-PEN	
15	In the Matter of the Investigation of 643 FOR 2 LLC, of MARYSVILLE, 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>Penalty Order</i></b>	23-TRAM-492-PEN	

## Consent Agenda

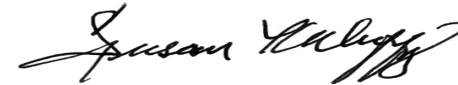
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
16	In the Matter of the Investigation of INFRASOURCE PIPELINE CONSTRUCTION LLC, of LENEXA, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Penalty Order</i>	23-TRAM-493-PEN	
17	In the Matter of the Investigation of JONES TRUCK AND TRAILER REPAIRS LLC, of VALLEY CENTER, 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-494-PEN	
18	In the Matter of the Investigation of FREDERICK AG LLC, of HUMBOLDT, 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-495-PEN	
19	In the Matter of the Investigation of THE 1ST LADY SYNDICATE LLC, of DERBY, 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-496-PEN	
20	In the Matter of the Investigation of AMERICA DAVILA CONSTRUCTION LLC, of KANSAS 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. <i>Penalty Order</i>	23-TRAM-497-PEN	
21	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i>	23-TRAM-5043-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  
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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-5043-TRA

Order Number	Description	Removed
20221215201346	<i>In the Matter of the Application of WING AUTOMOTIVE LLC of SHAWNEE KS for the Abandonment of Certificate of Public Service.</i> USDOT #3716657 WING AUTOMOTIVE LLC of SHAWNEE KS - Order Granting Request for Abandonment for Certificate of Public Service	
20221215201610	<i>In the Matter of the Application of WING AUTOMOTIVE LLC of SHAWNEE KS for the Abandonment of Certificate of Public Service.</i> USDOT #3716657 WING AUTOMOTIVE LLC of SHAWNEE KS - Order Granting Request for Abandonment for Certificate of Public Service	
20221216143103	<i>In the Matter of the Application of ROSAL TRANSPORTATION LLC of NEWTON KS for Authority for a Certificate of Public Service.</i> USDOT #3972347 ROSAL TRANSPORTATION LLC of NEWTON KS - Order Granting Application for Certificate of Public Service	
20221219091333	<i>In the Matter of the Application of SIMPLE LIFE TRUCKING LLC of GARDEN CITY KS for the Abandonment of Certificate of Public Service.</i> USDOT #3391427 SIMPLE LIFE TRUCKING LLC of GARDEN CITY KS - Order Granting Request for Abandonment for Certificate of Public Service	
20221219142437	<i>In the Matter of the Application of NICHOLAS CRAIG BEARLY of LUDELL KS for Authority for a Certificate of Public Service.</i> USDOT #3991138 NICHOLAS CRAIG BEARLY of LUDELL KS - Order Granting Application for Certificate of Public Service	
20221219143314	<i>In the Matter of the Application of 3 FLAT RANCH LLC of PAOLA KS for Authority for a Certificate of Public Service.</i> USDOT #3818052 3 FLAT RANCH LLC of PAOLA KS - Order Granting Application for Certificate of Public Service	

Total # of Orders: 6

End of Report