

Kansas Corporation Commission
Commission Meeting
December 29, 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 29, 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 29, 2022, containing pages one through three attached to these Minutes. Commissioner Duffy seconded the motion.

The motion was approved.

2. **Noticed Items:**

- A. Docket No. 23-COST-538-COM**

In the Matter of the Complaint Against Columbus Communications Services, LLC by GSI Engine Management Group, Inc.

Commissioner French moved for approval of Order #22-2464 – Order Making Prima Facie Determination. Commissioner Duffy seconded the motion.

The order was approved.

- B. Docket No. 22-COST-546-KSF**

In the Matter of the Application for Columbus Communications Services, LLC for Additional Kansas Universal Service Fund Support Pursuant to K.S.A. 66-2008.

Commissioner Duffy moved for approval of Order #22-2463 – Order on Joint Motion to Approve Settlement Agreement. Commissioner French seconded the motion.

The order was approved.

C. Docket No. 23-CONS-3169-CPEN

In the matter of the failure of Patrick Development Corporation (Operator) to comply with K.A.R. 82-3-120 and K.A.R. 82-3-133 by operating under a suspended license.

Chair Keen recused from the order. Commissioner French moved for approval of Order #22-2481 – Shut-In Order, noting Chair Keen’s recusal. Commissioner Duffy seconded the motion.

The order was approved.

3. Other Matters:

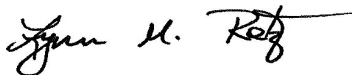
Chair Keen moved to meet in Executive Session for a period of 45 minutes to discuss personnel matters of non-elected personnel, pursuant to K.S.A. 75-4319(b)(1), to protect the privacy of the individuals involved regarding hiring. Executive Director Lynn Retz and General Counsel Brian Fedotin were included in the session. Commissioner French seconded the motion. The motion was approved. It was stated the Commission would reconvene online at 10:54 a.m. and the Commissioners moved into a secure break-out room.

The Commission moved into Executive Session at 10:09 a.m. and reconvened online in public session at 10:54 a.m.

The Commission took no action following the Executive Session.

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 29, 2022 Commission Meeting at 10:55 a.m.

Respectfully submitted,



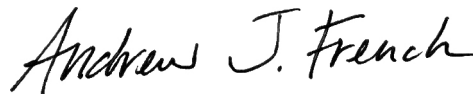
Lynn M. Retz, Executive Director



Dwight D. Keen, Chair



Susan K. Duffy, Commissioner



Andrew J. French, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, December 29, 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 Merit Energy Company, LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Israel A #08 well in the Northeast Quarter of the Southeast Quarter of Section 4, Township 32 South, Range 39 West Morton County, Kansas. <i>Order Granting Application</i>	23-CONS-3125-CEXC	
2	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 Murphy Trust #3 well in the Northwest Quarter of Section 33, Township 29 South, Range 32 West, Haskell County, Kansas. <i>Order Granting Application</i>	23-CONS-3129-CEXC	
3	In the Matter of the Complaint of SWKI-Seward West Central, Inc. and SWKI-Stevens Southeast, Inc. Against Anadarko Natural Gas Company. <i>Order Setting Procedural Schedule</i>	14-ANGG-119-COM	

Consent Agenda

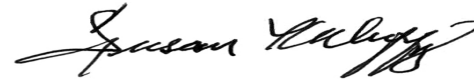
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Windstream NuVox Kansas, LLC Order Approving Interconnection Agreement Amendment	21-SWBT-274-IAT	
5	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Windstream Norlight, LLC Order Approving Interconnection Agreement	21-SWBT-275-IAT	
6	In the Matter of Black Hills/Kansas Gas Utility Company, LLC d/b/a Black Hills Energy's 2023 Ad Valorem Filing. Order Granting CURB's Petition to Intervene; Protective and Discovery Order	23-BHCG-537-TAR	
7	In the Matter of the Complaint Against Columbus Communications Services, LLC by GSI Engine Management Group, Inc. Order Assessing Costs	23-COST-538-COM	
8	In the Matter of Bluestem Electric for a Certificate of Convenience and Authority to Transact the Business of a(n) Electric Public Utility in the State of Kansas. Portion Sec. 33 T 6 R 11 East in Pottawatomie Co. Order Assessing Costs	23-BECE-541-COC	
9	In the Matter of the Application of Bluestem Electric Cooperative, Inc. for a Certificate of Convenience and Authority to Transact the Business of a Public Utility in the State of Kansas. A Portion of Section 28, Township 06 South, Range 11 East, in Pottawatomie County, Kansas. Order Assessing Costs	23-BECE-542-COC	
10	In the Matter of the Investigation of ESCARR TRUCKING LLC, of SALINA, 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-240-PEN	
11	In the Matter of the Investigation of Braun Farm and Ranch LLC, of Miltonvale, 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-540-PEN	
12	In the Matter of the Investigation of Commercial Tire Centers Inc, of Salina, 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 Suspending Intrastate Motor Carrier Authority	23-TRAM-543-OOS	
13	Transportation orders to be approved by the Commission on the Consent Agenda. Transportation Economic Orders	23-TRAM-5044-TRA	

The above-captioned matter(s) were approved by the Commission, unless noted as removed.

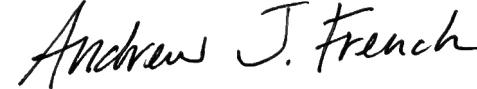
For the Commission :



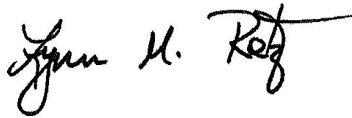
Dwight D. Keen, Chair



Susan K. Duffy, Commissioner



Andrew J. French, Commissioner



Attest:

Lynn M. Retz
Executive Director

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



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-5044-TRA

Order Number	Description	Removed
20221220133356	<i>In the Matter of the Application of ROCKING H LIVESTOCK LLC of GARDEN CITY KS for Authority for a Certificate of Public Service.</i> USDOT #3985453 ROCKING H LIVESTOCK LLC of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
20221220135348	<i>In the Matter of the Application of PATRICK PRESCOTT of ST JOHN KS for the Abandonment of Certificate of Public Service.</i> USDOT #2876043 PATRICK PRESCOTT of ST JOHN KS - Order Granting Request for Abandonment for Certificate of Public Service	
20221220153002	<i>In the Matter of the Emergency Suspension of Authority of WALNUT CREEK LOGISTICS LLC of ELLSWORTH KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3185649 WALNUT CREEK LOGISTICS LLC of ELLSWORTH KS - Emergency Order Suspending Authority	
20221220153002	<i>In the Matter of the Application of OVER THE TOP AG SPRAYING LLC of GOODLAND KS Seeking a Permit of Private Authority.</i> USDOT #3780256 OVER THE TOP AG SPRAYING LLC of GOODLAND KS - Order Dismissing Application for Permit of Private Authority	
20221220153002	<i>In the Matter of the Emergency Suspension of Authority of TEMPERANCE LOGISTICS LLC of LIBERAL KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3215826 TEMPERANCE LOGISTICS LLC of LIBERAL KS - Emergency Order Suspending Authority	
20221220153002	<i>In the Matter of the Emergency Suspension of Authority of ANG TRANSPORT INC of SUMNER TX for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #1192004 ANG TRANSPORT INC of SUMNER TX - Emergency Order Suspending Authority	
20221220153002	<i>In the Matter of the Emergency Suspension of Authority of Z&F TRUCKING LLC of TOPEKA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3900917 Z&F TRUCKING LLC of TOPEKA KS - Emergency Order Suspending Authority	

**Transportation Orders By Docket Number
23-TRAM-5044-TRA**

Order Number	Description	Removed
20221220153002	<i>In the Matter of the Emergency Suspension of Authority of FRALY TRUCKING LLC of DODGE CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3822010 FRALY TRUCKING LLC of DODGE CITY KS - Emergency Order Suspending Authority	
20221221101409	<i>In the Matter of the Application of WICHITA TRANSPORTATION & LOGISTIC LLC of PARSONS KS for the Abandonment of Certificate of Public Service.</i> USDOT #2906299 WICHITA TRANSPORTATION & LOGISTIC LLC of PARSONS KS - Order Granting Request for Abandonment for Certificate of Public Service	
20221221101514	<i>In the Matter of the Application of WICHITA TRANSPORTATION & LOGISTIC LLC of PARSONS KS for the Abandonment of Certificate of Public Service.</i> USDOT #2906299 WICHITA TRANSPORTATION & LOGISTIC LLC of PARSONS KS - Order Granting Request for Abandonment for Certificate of Public Service	
20221221111712	<i>In the Matter of the Application of RENE ALMENDAREZ of DODGE CITY KS for Authority for a Certificate of Public Service.</i> USDOT #2916836 RENE ALMENDAREZ of DODGE CITY KS - Order Granting Application for Certificate of Public Service	
20221222153002	<i>In the Matter of the Emergency Suspension of Authority of MEENS TRUCKING LLC of WAKARUSA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3870673 MEENS TRUCKING LLC of WAKARUSA KS - Emergency Order Suspending Authority	

Total # of Orders:

12

End of Report