Kansas Corporation Commission
Commission Meeting
January 5, 2023 @ 8:30 am
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 January 5, 2023, 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 January 5, 2023, containing pages one through three attached to these Minutes. Commissioner Duffy seconded the motion.

   The motion was approved.

2. **Noticed Items:**

A. Docket No. 22-GIMT-142-GIT
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.

Commissioner French moved for approval of Order #22-2490 – Order on KUSF Pro-Rata Support Reductions. Commissioner Duffy seconded the motion.

The order was approved.

B. Docket No. 22-CONS-3407-CMSC
In the Matter of the Application of Nacogdoches Oil & Gas, LLC (Operator) for an Operator's License Renewal.

Commissioner Duffy moved for approval of Order # 22-2510 – Final Order. Commissioner French seconded the motion.

The order was approved.

C. **Docket No. 21-CONS-3193-CPEN**
In the matter of the failure of Haas Petroleum, LLC (Operator) to comply with K.A.R. 82-3-407 at its Bahr #6 A, Burke A #WI 16, Luthi Dale #2 and Phillips #K 13 wells.
Docket No. 21-CONS-3201-CPEN
In the matter of the failure of Haas Petroleum, LLC (Operator) to comply with K.A.R. 82-3-407 at 18 Wells in Woodson County, Kansas.
Docket No. 22-CONS-3031-CPEN
In the matter of the failure of Haas Petroleum, LLC (Operator) to comply with K.A.R. 82-3-407 at ten wells in Greenwood and Woodson Counties, Kansas.
Docket No. 22-CONS-3034-CPEN
In the matter of the failure of Haas Petroleum, LLC (Operator) to comply with K.A.R. 82-3-111 at seventy-seven wells in Anderson, Coffey, Franklin, Greenwood, and Woodson Counties, Kansas.
Docket No. 22-CONS-3099-CMSC
In the matter of the Application of Haas Petroleum, LLC (Operator) for an Operator's License Renewal.

Commissioner Duffy moved for approval of Order # 22-2480 – Order on Petition for Reconsideration. Commissioner French 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 January 5, 2023 Commission Meeting at 8:36 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: Thursday, January 5, 2023

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 Ace Energy, LLC (Operator) to comply with K.A.R. 82-3-400 and/or K.A.R. 82-3-409 at the Grundy B #5 SWD well in Greenwood County, Kansas. ***Order Designating Presiding Officer***	23-CONS-3135-CPEN	
2	In the matter of the failure of Dunham's Oil, LLC (Operator) to comply with K.A.R. 82-3-400 and/or K.A.R. 82-3-409 at the Tecter #5 well in McPherson County, Kansas. ***Order Designating Presiding Officer and Setting Prehearing Conference***	23-CONS-3137-CPEN	
3	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With McLeodUSA Telecommunications Services, LLC ***Order Approving Amended Interconnection Agreement***	21-SWBT-270-IAT	
4	In the Matter of the Application of Evergy Kansas Central, Inc. for Authority to Cease Transacting the Business of an Electric Public Utility Specifically, in Portions of Section 5, Township 25 South, Range 04 West, Reno County, Kansas. ***Order Nunc Pro Tunc***	23-EKCE-488-CCS	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of Black Hills/Kansas Gas Utility Company, LLC d/b/a Black Hills Energy's 2023 Ad Valorem Filing. ***Order Approving Ad Valorem Tax Surcharge Rider***	23-BHCG-537-TAR	
6	In the Matter of Rural Telephone Service Co., Inc. dba Nex-Tech Filing Tariff Revisions. ***Order Assessing Costs***	23-RRLT-539-TAR	
7	In the Matter of Rural Telephone Service Co., Inc. dba Nex-Tech Filing Tariff Revisions. ***Order Approving Tariff Revisions***	23-RRLT-539-TAR	
8	In the Matter of the Application of The Empire District Electric Company for Approval of its Annual Energy Cost Adjustment ('ACA") Filing. ***Order Assessing Costs***	23-EPDE-547-ACA	
9	In the Matter of the Application of Kaw Pipe Line Company for Permission to Cease Operating as a Liquids Pipeline Common Carrier in the State of Kansas for Specified Destinations in Rice County. ***Order Assessing Costs***	23-KAWP-548-CCS	
10	In the Matter of the Investigation of Vincent Rodriguez d/b/a Rodriguez Underground Construction, 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. ***Order Suspending Intrastate Motor Carrier Operations***	23-TRAM-147-PEN	
11	In the Matter of the Investigation of Randall L Huber, d/b/a Huber Trucking, of Lacrosse, 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 - Huber Trucking***	23-TRAM-449-PEN	
12	In the Matter of the Investigation of Best Trucking 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-462-PEN	
13	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. ***Order Granting Staff's Motion to Vacate Penalty Order***	23-TRAM-483-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	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. ***Order Granting Staff's Motion to Vacate Penalty Order***	23-TRAM-494-PEN	
15	Transportation orders to be approved by the Commission on the Consent Agenda. ***Transportation Economic Orders***	23-TRAM-5045-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-5045-TRA

Order Number	Description	Removed
20221227100245	*In the Matter of the Application of AMERICAN AG & AUTO LLC of GLEN ELDER KS for Authority for a Certificate of Public Service.* USDOT #2481114 AMERICAN AG & AUTO LLC of GLEN ELDER KS - Order Granting Application for Certificate of Public Service	
20221227115749	*In the Matter of the Application of J&H TRANSPORT LLC of ULYSSES KS for Authority for a Certificate of Public Service.* USDOT #3985451 J&H TRANSPORT LLC of ULYSSES KS - Order Granting Application for Certificate of Public Service	
20221227122743	*In the Matter of the Application of ROBERT D LIGHTNER of PIERCEVILLE KS for Authority for a Certificate of Public Service.* USDOT #2947713 ROBERT D LIGHTNER of PIERCEVILLE KS - Order Granting Application for Certificate of Public Service	
20221227123853	*In the Matter of the Application of KRAMER OIL CO INC of MARYSVILLE KS for Authority for a Certificate of Public Service.* USDOT #933792 KRAMER OIL CO INC of MARYSVILLE KS - Order Granting Application for Certificate of Public Service	
20221227130211	*In the Matter of the Application of KSHOT LLC of TOPEKA KS for the Abandonment of Certificate of Public Service.* USDOT #3927839 KSHOT LLC of TOPEKA KS - Order Granting Request for Abandonment for Certificate of Public Service	
20221227131428	*In the Matter of the Application of WICHITA TRANSPORTATION & LOGISTIC LLC of PARSONS KS for the Abandonment of Certificate of Public Service.* USDOT #2906299 WICHITA TRANSPORTATION & LOGISTIC LLC of PARSONS KS - Order Granting Request for Abandonment for Certificate of Public Service	
20221227153001	*In the Matter of the Application of LOOM INC of SUBLETTE KS Seeking a Permit of Private Authority.* USDOT #3283058 LOOM INC of SUBLETTE KS - Order Dismissing Application for Permit of Private Authority	

Transportation Orders By Docket Number
23-TRAM-5045-TRA

Order Number	Description	Removed
20221227153002	*In the Matter of the Application of NICHOLAS JAY BOND of LIBERAL KS Seeking Authority for a Certificate of Public Service.* USDOT #3605721 NICHOLAS JAY BOND of LIBERAL KS - Order Dismissing Application for Certificate of Public Service	
20221227153002	*In the Matter of the Emergency Suspension of Authority of WOLF FURNITURE GALLERIES LLC of HAYS KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #986710 WOLF FURNITURE GALLERIES LLC of HAYS KS - Emergency Order Suspending Authority	
20221227153002	*In the Matter of the Emergency Suspension of Authority of LOAD POINT TRANSPORT LLC of TOPEKA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #3642590 LOAD POINT TRANSPORT LLC of TOPEKA KS - Emergency Order Suspending Authority	
20221228074245	*In the Matter of the Application of KJCR TRANSPORT LLC of ATTICA KS for the Abandonment of Certificate of Public Service.* USDOT #3676264 KJCR TRANSPORT LLC of ATTICA KS - Order Granting Request for Abandonment for Certificate of Public Service	
20221228110256	*In the Matter of the Application of 5 BAR F TRUCKING LLC of MANKATO KS for Authority for a Certificate of Public Service.* USDOT #2571040 5 BAR F TRUCKING LLC of MANKATO KS - Order Granting Application for Certificate of Public Service	
20221228144930	*In the Matter of the Application of ALL STATES CONSTRUCTION LLC of PARSONS KS for Authority for a Certificate of Public Service.* USDOT #3958360 ALL STATES CONSTRUCTION LLC of PARSONS KS - Order Granting Application for Certificate of Public Service	
20221228150242	*In the Matter of the Emergency Suspension of Authority of TRIPLE 8 TRUCKING LLC of CIMARRON KS for the Failure to Maintain Insurance Coverage as Required by Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #2361893 TRIPLE 8 TRUCKING LLC of CIMARRON KS - Order Rescinding Emergency Order Suspending Authority for Failure to Maintain Insurance Coverage	
20221229141233	*In the Matter of the Emergency Suspension of Authority of DTP TRANSPORT LLC of GARDEN CITY KS for the Failure to Maintain Insurance Coverage as Required by Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #3521041 DTP TRANSPORT LLC of GARDEN CITY KS - Order Rescinding Emergency Order Suspending Authority for Failure to Maintain Insurance Coverage	
20221229153001	*In the Matter of the Application of MARTHA L MCDONALD of LEONARDVILLE KS Seeking Authority for a Certificate of Public Service.* USDOT #182398 MARTHA L MCDONALD of LEONARDVILLE KS - Order Dismissing Application for Certificate of Public Service	
20221229153002	*In the Matter of the Emergency Suspension of Authority of DS BUS LINES INC of SHAWNEE KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #2871169 DS BUS LINES INC of SHAWNEE KS - Emergency Order Suspending Authority	

Transportation Orders By Docket Number
23-TRAM-5045-TRA

Order Number	Description	Removed
20221229153002	*In the Matter of the Emergency Suspension of Authority of RX II TRANSPORTS LLC of MANHATTAN KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #1755973 RX II TRANSPORTS LLC of MANHATTAN KS - Emergency Order Suspending Authority	
20221230084153	*In the Matter of the Application of PRIME SEED & AGRONOMY LLC of MORLAND KS for the Abandonment of Certificate of Public Service.* USDOT #3227938 PRIME SEED & AGRONOMY LLC of MORLAND KS - Order Granting Request for Abandonment for Certificate of Public Service	
20221230095940	*In the Matter of the Application of ROME CORPORATION of HAYS KS for the Abandonment of Certificate of Public Service.* USDOT #474155 ROME CORPORATION of HAYS KS - Order Granting Request for Abandonment for Certificate of Public Service	
20221230121117	*In the Matter of the Application of PABLO H BARRALAGA ESCOBAR of DODGE CITY KS for Authority for a Certificate of Public Service.* USDOT #2963061 PABLO H BARRALAGA ESCOBAR of DODGE CITY KS - Order Granting Application for Certificate of Public Service	
20221230121301	*In the Matter of the Application of DTS TRANSPORTATION LLC of WICHITA KS for Authority for a Certificate of Public Service.* USDOT #3130409 DTS TRANSPORTATION LLC of WICHITA KS - Order Granting Application for Certificate of Public Service	
20221230121524	*In the Matter of the Application of JOSE MANUEL ORTEGA of LIBERAL KS for Authority for a Certificate of Public Service.* USDOT #3988762 JOSE MANUEL ORTEGA of LIBERAL KS - Order Granting Application for Certificate of Public Service	
20221230125358	*In the Matter of the Application of 316 TRANSPORT LLC of WICHITA KS for Authority for a Certificate of Public Service.* USDOT #3915950 316 TRANSPORT LLC of WICHITA KS - Order Granting Application for Certificate of Public Service	
20221231103458	*In the Matter of the Application of BRULL ENTERPRISES INC of WICHITA KS for the Abandonment of Certificate of Public Service.* USDOT #450253 BRULL ENTERPRISES INC of WICHITA KS - Order Granting Request for Abandonment for Certificate of Public Service	

Total # of Orders: 25

End of Report