Kansas Corporation Commission
Commission Meeting
January 17, 2023
10:00 a.m. 1st 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 January 17, 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 17, 2023, containing pages one through six attached to these Minutes. Commissioner Duffy seconded the motion.

   The motion was approved.

2. The Commission conducted the annual organizational meeting, which included:

   A. Review and approval of the Commission Business Meeting Schedule for 2023. Commissioner French moved for approval of the schedule; Commissioner Duffy seconded the motion. The 2023 Business Meeting Schedule was approved.

   B. Review of Bylaws. Commissioner French moved to ratify the bylaws and Commissioner Duffy seconded the motion. The motion was approved.

   C. Review and approval of the Commission organizational chart. Commissioner French moved for approval of the Commission organizational chart. Commissioner Duffy seconded the motion. The motion was approved.

   D. Review of the mid-year budget report for Fiscal Year 23.

   E. Review of Human Resources activities in 2022.

   F. Commissioner French nominated Susan K. Duffy to serve as Chair for the Commission. Chair Keen seconded the motion. The motion was approved and Commissioner Duffy was elected to serve as the KCC Chair.

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 January 17, 2023 Commission Meeting at 10:16 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: Tuesday, January 17, 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 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 Approving Settlement Agreement***	23-CONS-3137-CPEN	
2	In the matter of the application of Shakespeare Oil Company, Inc. for a well location exception for the Tractor #3-13 well in Section 13, Township 18 South, Range 32 West, Scott County, Kansas. ***Order Granting Application***	23-CONS-3144-CWLE	
3	In the matter of an order to show cause issued to Great Plains Petroleum, Inc. (Operator) for a plugging order at the Stumps #4 well in Barton County, Kansas. ***Order Designating Presiding Officer and Setting Prehearing Conference***	23-CONS-3176-CSHO	
4	In the matter of the failure of Kent A. Deutsch dba Deutsch Oil Company (Operator) to comply with K.A.R. 82 3 111, K.A.R. 82-3-126, and K.A.R. 82-3-602 at the VRP lease in Rawlins County, Kansas. ***Penalty Order - Kent A. Deutsch dba Deutsch Oil Company***	23-CONS-3180-CPEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With EarthLink Business, LLC ***Order Approving Amended Interconnection Agreement***	21-SWBT-272-IAT	
6	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. ***Order Approving Traffic Factors for Consumer Cellular***	22-GIMT-142-GIT	
7	In the Matter of an Investigation to Determine the Affordable Local Service Rates for Rate-of-Return Regulated Carriers and the Annual Assessment Rate for the Twenty-Seventh Year of the Kansas Universal Service Fund, Effective March 1, 2023. ***Order Adopting KUSF Year 27 Assessment Rate and Affordable Rates***	23-GIMT-261-GIT	
8	In the Matter of the Application of Atmos Energy for Approval of Energy Ad Valorem Tax Surcharge; Calculation of 2023 Adjustment. ***Order Nunc Pro Tunc***	23-ATMG-533-TAR	
9	In the Matter of the Investigation of Deshun English dba English Enterprise, of Pittsburg, 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 Intratstate Motor Carrier Operations***	23-TRAM-061-PEN	
10	In the Matter of the Investigation of Mark Dill dba Mark Dill Harvesting, of Neosho Rapids, 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 Intratstate Motor Carrier Operations***	23-TRAM-079-PEN	
11	In the Matter of the Investigation of KEITH OETTING dba OETTING HARVESTING, of SYLVAN GROVE, 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-080-PEN	
12	In the Matter of the Investigation of B & B TRUCKING & HARVESTING LLC, of CUBA, 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-082-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
13	In the Matter of the Investigation of FEELY'S SERVICE LLC, of MEDICINE LODGE, 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-111-PEN	
14	In the Matter of the Emergency Suspension of Operating Authority of KJB Holdings d/b/a Moonlight Lawn & Landscape, of Wichita, Kansas, for Failure to Maintain an Adequate Safety Fitness Standard as Required by the Motor Carrier Safety Statutes, Rules and Regulations. ***Order Lifting Suspension of Motor Carrier Operations***	23-TRAM-146-OOS	
15	In the Matter of the Investigation of Freight Express Inc of Fort Scott, 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-471-PEN	
16	In the Matter of the Investigation of MG Trucking LLC of Emporia, 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-484-PEN	
17	In the Matter of the Investigation of MERCURY WIRELESS 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-502-PEN	
18	In the Matter of the Investigation of A&A Express LLC 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-503-PEN	
19	In the Matter of the Investigation of Willmann Trucking LLC of Clay 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. ***Penalty Order***	23-TRAM-506-PEN	
20	In the Matter of the Investigation of SEVEN SONS TRUCK AND TRAILER REPAIR LLC, 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-510-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
21	In the Matter of the Investigation of RUBALCAVA'S TRUCKING LLC dba RUBALCAVA'S TRUCKING, of HAYSVILLE, 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-512-PEN	
22	In the Matter of the Investigation of HAGERTY & MACK LLC, of SHAWNEE, 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-513-PEN	
23	In the Matter of the Investigation of B & P LOGISTICS 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-514-PEN	
24	In the Matter of the Investigation of P&C IT TECH SOLUTIONS 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. ***Penalty Order***	23-TRAM-515-PEN	
25	In the Matter of the Investigation of LIGHTYEAR LOGISTICS LLC, 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-516-PEN	
26	In the Matter of the Investigation of SKREAMINGEAGLES LLC, of JUNCTION 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-517-PEN	
27	In the Matter of the Investigation of CUTTING EDGE LAWN CARE AND SNOW REMOVAL, of EVEREST, 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-518-PEN	
28	In the Matter of the Investigation of SES TRANSPORT LLC, 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-520-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
29	In the Matter of the Investigation of RW TRUCKING, of WHITE CLOUD, 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-521-PEN	
30	In the Matter of the Investigation of PABLO ESTEBAN BEZARES SAKER, 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-522-PEN	
31	In the Matter of the Investigation of SWS Operations LLC, of Sedan, 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-545-PEN	
32	In the Matter of the Investigation of Royal Metal Industries LLC 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-556-PEN	
33	In the Matter of the Investigation of RMJK Enterprises Inc 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. ***Penalty Order***	23-TRAM-557-PEN	
34	In the Matter of the Emergency Suspension of Operating Authority of FNTS Logistics and Asset Recovery LLC, of Rose Hill, Kansas, for Failure to Comply with New Entrant Safety Requirements as Required by the Motor Carrier Safety Statutes, Rules and Regulations. ***Emergency Suspension of Operating Authority Order***	23-TRAM-563-OOS	
35	In the Matter of the Emergency Suspension of Operating Authority of Cesar's Gutters & Construction LLC, of Olathe, Kansas, for Failure to Comply with New Entrant Safety Requirements as Required by the Motor Carrier Safety Statutes, Rules and Regulations. ***Emergency Suspension of Operating Authority Order***	23-TRAM-564-OOS	
36	Transportation orders to be approved by the Commission on the Consent Agenda. ***Transportation Economic Orders***	23-TRAM-5047-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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Kansas
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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-5047-TRA

Order Number	Description	Removed
20230106092406	*In the Matter of the Application of SKYLAR MAE DUMPSTER RENTAL LLC of LINWOOD KS for Authority for a Certificate of Public Service.* USDOT #3795199 SKYLAR MAE DUMPSTER RENTAL LLC of LINWOOD KS - Order Granting Application for Certificate of Public Service	
20230106102648	*In the Matter of the Application of RAIMON IZQUIERDO PUENTES of GARDEN CITY KS for Authority for a Certificate of Public Service.* USDOT #3569856 RAIMON IZQUIERDO PUENTES of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
20230106103542	*In the Matter of the Application of ECLIPSE LOGISTICS LLC of DODGE CITY KS for Authority for a Certificate of Public Service.* USDOT #3982440 ECLIPSE LOGISTICS LLC of DODGE CITY KS - Order Granting Application for Certificate of Public Service	
20230109082348	*In the Matter of the Application of MOUSE EXPRESS LLC of GARDEN CITY KS for Authority for a Certificate of Public Service.* USDOT #2981996 MOUSE EXPRESS LLC of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
20230109144052	*In the Matter of the Application of CENTRAL PLAINS TRUCKING LLC of BUSHTON KS for the Abandonment of Certificate of Public Service.* USDOT #2873112 CENTRAL PLAINS TRUCKING LLC of BUSHTON KS - Order Granting Request for Abandonment for Certificate of Public Service	
20230109204817	*In the Matter of the Application of FLYING H TRANSPORT LLC of ABILENE KS for the Abandonment of Certificate of Public Service.* USDOT #3760620 FLYING H TRANSPORT LLC of ABILENE KS - Order Granting Request for Abandonment for Certificate of Public Service	
20230110101438	*In the Matter of the Application of AP TRIPS CORPORATION of ROSE HILL KS for the Abandonment of Certificate of Public Service.* USDOT #3594791 AP TRIPS CORPORATION of ROSE HILL KS - Order Granting Request for Abandonment for Certificate of Public Service	

Transportation Orders By Docket Number
23-TRAM-5047-TRA

Order Number	Description	Removed
20230110103028	*In the Matter of the Application of TRECO INC of ULYSSES KS for the Abandonment of Certificate of Public Service.* USDOT #754416 TRECO INC of ULYSSES KS - Order Granting Request for Abandonment for Certificate of Public Service	
20230110105140	*In the Matter of the Application of S & B TRUCKING LLP of BAILEYVILLE KS for the Abandonment of Certificate of Public Service.* USDOT #445067 S & B TRUCKING LLP of BAILEYVILLE KS - Order Granting Request for Abandonment for Certificate of Public Service	
20230110113551	*In the Matter of the Application of LAYTON CLIFFORD WRIGHT of SCOTT CITY KS for Authority for a Certificate of Public Service.* USDOT #3997100 LAYTON CLIFFORD WRIGHT of SCOTT CITY KS - Order Granting Application for Certificate of Public Service	
20230110115319	*In the Matter of the Application of B-5 TRUCKING LLC of SALINA KS for Authority for a Certificate of Public Service.* USDOT #3807604 B-5 TRUCKING LLC of SALINA KS - Order Granting Application for Certificate of Public Service	
20230110115322	*In the Matter of the Application of B-5 TRUCKING LLC of SALINA KS for a Private Carrier Permit.* USDOT #3807604 B-5 TRUCKING LLC of SALINA KS - Order Granting Application for a Private Carrier Permit	
20230110141329	*In the Matter of the Application of MAJ TRANSPORT LLC of GARDEN CITY KS for Authority for a Certificate of Public Service.* USDOT #3966098 MAJ TRANSPORT LLC of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
20230110153001	*In the Matter of the Emergency Suspension of Authority of KCN TRANSPORT INC of GARDEN CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #2399482 KCN TRANSPORT INC of GARDEN CITY KS - Emergency Order Suspending Authority	
20230110153002	*In the Matter of the Emergency Suspension of Authority of BRUCE WILLIAM MOONEY of TOPEKA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #3840982 BRUCE WILLIAM MOONEY of TOPEKA KS - Emergency Order Suspending Authority	
20230111121016	*In the Matter of the Application of JIMS PARTS CITY LLC of OSKALOOSA KS for the Abandonment of Certificate of Public Service.* USDOT #783671 JIMS PARTS CITY LLC of OSKALOOSA KS - Order Granting Request for Abandonment for Certificate of Public Service	
20230112153001	*In the Matter of the Application of THOMAS J KERN TRUCKING LLC of LIBERTY MO Seeking Authority for a Certificate of Public Service.* USDOT #1004131 THOMAS J KERN TRUCKING LLC of LIBERTY MO - Order Dismissing Application for Certificate of Public Service	

Transportation Orders By Docket Number
23-TRAM-5047-TRA

Order Number	Description	Removed
20230112153001	*In the Matter of the Emergency Suspension of Authority of J&K EXPRESS LLC of GARDEN CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.* USDOT #1827051 J&K EXPRESS LLC of GARDEN CITY KS - Emergency Order Suspending Authority	

Total # of Orders: 18

End of Report