

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Dwight D. Keen

In the Matter of the Application of Jayhawk)
Pipeline, L.L.C. for Permission to Cease)
Operating as a Liquids Pipeline Carrier in the) Docket No. 19-JYHP-213-CCS
State of Kansas)

SUSPENSION ORDER: JULY 29, 2019

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed its files and records and being duly advised in the premises, the Commission makes the following findings:

1. On November 30, 2018, Jayhawk Pipeline, L.L.C. (Jayhawk) filed a letter with the Commission requesting cessation of selected routes to and from Valley Center, Sedgwick County, Kansas, from its Certificate of Convenience and Necessity.¹ The 65.8-mile Chase to Valley Center pipeline system was assessed with an In-line inspection tool for integrity.² The estimated cost of repair and risks to the environment was determined too great to justify repairing the system.³ Jayhawk has served notification of cessation of these routes on or before the issuance date to all shippers that Jayhawk serves in Kansas.⁴

2. K.S.A. 66-117(c) states in part:

“The commission shall not delay the effective date of the proposed change in rate, joint rate, toll, charge or classification or schedule of charges, or in any rule or regulation or practice pertaining to the service or rates of any such public utility or common carrier, more than 240 days beyond the date the public utility or common carrier filed its application requesting the proposed change. If the commission does

¹ Application of Jayhawk Pipeline, L.L.C. (Nov. 30, 2018) (Application).

² Supplemental Affidavit of Gregory L. Brown (signed Nov. 29, 2018) (attached to Application).

³ *Id.*

⁴ See Application, p. 1.

not suspend the proposed schedule within 30 days of the date the same is filed by the public utility or common carrier, such proposed schedule shall be deemed approved by the commission and shall take effect on the proposed effective date.”

3. A full investigation of the proposed cessation, which may result in a hearing, is deemed necessary and proper. Absent suspension of this docket, Commission Staff is without sufficient time to fully review, consider, and analyze whether the requested cessation should be approved.

4. The Commission finds and concludes that suspension of any potential effectiveness of the cessation requested by Jayhawk is required to allow sufficient time for full investigation of this matter. The effective date of the rates and/or terms proposed shall be suspended for a period not to exceed 240 days from the date the application was made.⁵ This application was made November 30, 2018. Because the 240 day clock here ends on a Sunday, the suspension period will run until the end of the next day that is not a weekend or holiday.⁶ Therefore, the effective date of the terms proposed shall be suspended until July 29, 2019. A Commission decision may be issued before such date.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Any decision regarding Jayhawk’s cessation Application shall be deferred until July 29, 2019. The Commission may issue a decision before such date.

B. The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of issuing such further order, or orders, as it may deem necessary.

⁵ K.S.A. 66-117(c).

⁶ K.A.R. 82-1-217.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 12/18/2018

A handwritten signature in dark ink, appearing to read "Lynn M. Retz", is written above a horizontal line.

Lynn M. Retz
Secretary to the Commission

CRM

CERTIFICATE OF SERVICE

19-JYHP-213-CCS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of
first class mail and electronic service on 12/18/2018.

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/S/ DeeAnn Shupe
DeeAnn Shupe