



15795 S. Mahaffie St. Ste 100  
Olathe, KS 66062

Phone: 913-397-9911  
Fax: 913-397-9988

heartlandmidwest@heartlandmidwest.com

October 10, 2017

Leo Haynos, Chief Engineer  
Utilities Division  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027

RE: Docket No. 15-KCPE-544-COM (15-544 Docket)

Mr. Haynos,


The opinion below is based on my in the field experience. Heartland Midwest, LLC deal with commercial and residential electric service that are not located by the operator or the operators locating sub-contractor.

1. The term "operator" should be interpreted as having control of the utility. The goal should be to reduce the possibility of injury or damage to property. The home owner and or the contractor does not have control of the utility.
2. The utility service provider should be required to provide locate service to the first building or residential home.
  - A. The risk to the customer for not providing proper locates is the loss of service and the expense of repairing the cut utility.
  - B. The risk is low to the utility provider if the utility provider preforms proper locates and the risk/ expense is also low. The utility is already on location locating the primary electric.
3. The commercial customers are the most important. Yes, the utility should be required to locate all the way to the building wall. In many instances the occupant of the building is a renter and has no more control over the utilities than the actual building owner. Typically the commercial building are larger (higher voltage) that increases the risk of injury and expense if the electric line is damaged.
  - A. The risk to the customer of not providing proper locates is very high. The question is who is the customer? The tenant or the building owner? How would the customer get access to the utility to locate it. The building owner/ tenant have no idea how the utility locating service works. How would they be contacted? Who is responsible for the cost to the contractor?

- B. The risk/expense to the utility is low. The utility already is locating the primary electric lines. The utility has control of the electric line. In my opinion this is obvious to reduce risk of injury and damages.
4. If it is required that the customer owner facility be located by the utility, then the utility should be located to the wall of the first building. Many times excavators or utility contractors excavate on private property. Again if the utility owner does not locate the utility who will?
  5. The liability for the operator/ utility is the same as any other utility locate. The utility must give the contractors a location of the utility in which the utility is making money through the rates charged the customer. In many cases the utility requires certain specifications for the home owner or commercial building owner, when building the structure.
  6. If the operator is NOT required to locate up the first wall of residential or commercial buildings. The utility should alert the owner and the person or contractor that called in the locates to reduce risk of injury or property damage. If the utility is not required to locate their facility to the first wall, how would/does a contractor know where the utility is at? If a contractor damages a utility an un-located utility the risk and expense is on the contractor.
  7. The best practices for a contractor. Look for the possibility of no locates to the building, from the right of way. Stop construction, contact the building or home owner. Ask the owner to get access to building or access to the structure (transformer, secondary box) the building owner will call the utility and ask for access to the structure for locating purpose. The utility is not going to allow anyone other than trained employees to access the structure. So the utility will schedule a time to come out and open the structure so the private locator can locate the utility. While all this is going on the construction project has stopped. The building or home owner is going to receive a bill for services. Most will not pay the invoice then the private locators will stop locating for this reason.

This is an obvious risk that can be reduced by this change in laws. Most all of the contractors in Kansas have dealt with this many times. If you have any questions on my opinion please don't hesitate to call.

Sincerely,

  
R. Lee Chapman  
President/ CEO

## **CERTIFICATE OF SERVICE**

17-GIME-565-GIV

I, the undersigned, certify that a true and correct copy of the above and foregoing Comment of Heartland Midwest was served via electronic service this 12th day of October, 2017, to the following:

JAMES G. FLAHERTY, ATTORNEY  
ANDERSON & BYRD, L.L.P.  
216 S HICKORY  
PO BOX 17  
OTTAWA, KS 66067  
Fax: 785-242-1279  
jflaherty@andersonbyrd.com

AARON BISHOP  
ATMOS ENERGY CORPORATION  
25090 W 110TH TERR  
OLATHE, KS 66061  
aaron.bishop@atmosenergy.com

JENNIFER G. RIES, VICE PRESIDENT, RATES AND  
REGULATORY AFFAIRS-COLORADO/KANSAS  
ATMOS ENERGY CORPORATION  
1555 BLAKE ST STE 400  
DENVER, CO 80202  
jennifer.ries@atmosenergy.com

DOUGLAS C. WALTHER, ASSOCIATE GENERAL  
COUNSEL  
ATMOS ENERGY CORPORATION  
5420 LBJ FWY STE 1600 (75240)  
P O BOX 650205  
DALLAS, TX 75265-0205  
douglas.walther@atmosenergy.com

ROBERT J. AMDOR, MANAGER, REGULATORY AFFAIRS  
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC  
D/B/A BLACK HILLS ENERGY  
1102 EAST 1ST ST  
PAPILLION, NE 68046  
robert.amdor@blackhillscorp.com

DOUGLAS LAW, DEPUTY GENERAL COUNSEL  
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC  
D/B/A BLACK HILLS ENERGY  
1102 EAST 1ST ST  
PAPILLION, NE 68046  
Fax: 402-829-2635  
douglas.law@blackhillscorp.com

ANN STICHLER, SR. REGULATORY ANALYST  
BLACK HILLS/KANSAS GAS UTILITY COMPANY, LLC  
D/B/A BLACK HILLS ENERGY  
1102 EAST 1ST ST  
PAPILLION, NE 68046  
ann.stichler@blackhillscorp.com

GLEND A CAFER, ATTORNEY  
CAFER PEMBERTON LLC  
3321 SW 6TH ST  
TOPEKA, KS 66606  
Fax: 785-233-3040  
glenda@caferlaw.com

TERRI PEMBERTON, ATTORNEY  
CAFER PEMBERTON LLC  
3321 SW 6TH ST  
TOPEKA, KS 66606  
Fax: 785-233-3040  
terri@caferlaw.com

SUSAN B. CUNNINGHAM, ATTORNEY  
DENTONS US LLP  
7028 SW 69TH ST  
AUBURN, KS 66402-9421  
Fax: 816-531-7545  
susan.cunningham@dentons.com

## CERTIFICATE OF SERVICE

17-GIME-565-GIV

BRENT BAKER  
EMPIRE DISTRICT ELECTRIC COMPANY  
602 S JOPLIN AVE (64801)  
PO BOX 127  
JOPLIN, MO 64802  
Fax: 417-625-5169  
bbaker@empiredistrict.com

BLAKE MERTENS  
EMPIRE DISTRICT ELECTRIC COMPANY  
602 S JOPLIN AVE (64801)  
PO BOX 127  
JOPLIN, MO 64802  
Fax: 417-625-5169  
bmertens@empiredistrict.com

ROBERT J. HACK, LEAD REGULATORY COUNSEL  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST 31ST FLOOR (64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2787  
rob.hack@kcpl.com

ROGER W. STEINER, CORPORATE COUNSEL  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST 31ST FLOOR (64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2787  
roger.steiner@kcpl.com

ANTHONY WESTENKIRCHNER, SENIOR PARALEGAL  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST 31ST FLOOR (64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2787  
anthony.westenkirchner@kcpl.com

JAKE FISHER, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
j.fisher@kcc.ks.gov

ANGELA CLOVEN  
EMPIRE DISTRICT ELECTRIC COMPANY  
PO BOX 127  
602 S JOPLIN AVENUE  
JOPLIN, MO 64802-0127  
Fax: 417-625-5169  
acloven@empiredistrict.com

JILL SCHWARTZ, SR. MANAGER, RATES AND  
REGULATORY AFFAIRS (CENTRAL REGION)  
EMPIRE DISTRICT ELECTRIC COMPANY  
602 S JOPLIN AVE (64801)  
PO BOX 127  
JOPLIN, MO 64802  
Fax: 417-625-5169  
jill.schwartz@libertyutilities.com

LOIS LIECHTI, DIRECTOR REGULATORY AFFAIRS  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST 31ST FLOOR (64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2110  
lois.liehti@kcpl.com

NICOLE A. WEHRY, SENIOR REGULATORY  
COMMUNICATIONS SPECIALIST  
KANSAS CITY POWER & LIGHT COMPANY  
ONE KANSAS CITY PL, 1200 MAIN ST 31ST FLOOR (64105)  
PO BOX 418679  
KANSAS CITY, MO 64141-9679  
Fax: 816-556-2787  
nicole.wehry@kcpl.com

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
m.duenes@kcc.ks.gov

KIM E. CHRISTIANSEN, ATTORNEY  
KANSAS ELECTRIC COOPERATIVE, INC.  
7332 SW 21ST STREET  
PO BOX 4267  
TOPEKA, KS 66604-0267  
Fax: 785-478-4852  
kchristiansen@kec.org

## **CERTIFICATE OF SERVICE**

17-GIME-565-GIV

BRUCE GRAHAM, CHIEF EXECUTIVE OFFICER  
KANSAS ELECTRIC COOPERATIVE, INC.  
7332 SW 21ST STREET  
PO BOX 4267  
TOPEKA, KS 66604-0267  
Fax: 785-478-4852  
bgraham@kec.org

JANET BUCHANAN, MANAGER OF RATES & ANALYSIS  
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.  
7421 W 129TH ST  
OVERLAND PARK, KS 66213-2713  
Fax: 913-319-8622  
janet.buchanan@onegas.com

JUDY JENKINS, MANAGING ATTORNEY  
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.  
7421 W 129TH ST  
OVERLAND PARK, KS 66213-2713  
Fax: 913-319-8622  
judy.jenkins@onegas.com

PATRICK PARKE, GENERAL MANAGER  
MIDWEST ENERGY, INC.  
1330 Canterbury Rd  
PO Box 898  
Hays, KS 67601-0898  
Fax: 785-625-1494  
patparke@mwenergy.com

RANDY MAGNISON, EXECUTIVE VICE PRESIDENT -  
ASSISTANT CEO  
PIONEER ELECTRIC COOP. ASSN., INC.  
1850 W OKLAHOMA  
PO BOX 368  
ULYSSES, KS 67880-0368  
Fax: 620-356-4306  
rmagnison@pioneerelectric.coop

CATHRYN J. DINGES, SENIOR CORPORATE COUNSEL  
WESTAR ENERGY, INC.  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
Fax: 785-575-8136  
cathy.dinges@westarenergy.com

DOUGLAS SHEPHERD, VP, MANAGEMENT CONSULTING  
SERVICES  
KANSAS ELECTRIC COOPERATIVE, INC.  
7332 SW 21ST STREET  
PO BOX 4267  
TOPEKA, KS 66604-0267  
Fax: 785-478-4852  
dshepherd@kec.org

LORNA EATON, MANAGER OF RATES AND REGULATORY  
AFFAIRS  
KANSAS GAS SERVICE, A DIVISION OF ONE GAS, INC.  
7421 W 129TH ST  
OVERLAND PARK, KS 66213-2713  
Fax: 913-319-8675  
lorna.eaton@onegas.com

ROBERT MUIRHEAD, VICE PRESIDENT CUSTOMER  
SERVICE  
MIDWEST ENERGY, INC.  
1330 CANTERBURY ROAD  
PO BOX 898  
HAYS, KS 67601-0898  
Fax: 785-625-1494  
bmuirhead@mwenergy.com

C. MICHAEL LENNEN, ATTORNEY  
MORRIS LAING EVANS BROCK & KENNEDY CHTD  
800 SW JACKSON STE 1310  
TOPEKA, KS 66612-1216  
Fax: 785-232-9983  
mlennen@morrislaing.com

LINDSAY A. SHEPARD, EXECUTIVE VICE-PRESIDENT -  
GENERAL COUNSEL  
PIONEER ELECTRIC COOP. ASSN., INC.  
1850 W OKLAHOMA  
PO BOX 368  
ULYSSES, KS 67880-0368  
Fax: 620-356-4306  
lshepard@pioneerelectric.coop

PATRICK T. SMITH, CORPORATE COUNSEL  
WESTAR ENERGY, INC.  
818 S KANSAS AVE  
PO BOX 889  
TOPEKA, KS 66601-0889  
Fax: 785-575-8136  
patrick.smith@westarenergy.com

**CERTIFICATE OF SERVICE**

17-GIME-565-GIV

/s/ Vicki Jacobsen

---

Vicki Jacobsen