

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Investigation of **Corbin**)
Construction, LLC, of Kansas City,)
Missouri, Regarding the Violation of the)
Kansas Underground Utility Damage) Docket No. 20-DPAX-026-PEN
Prevention Act and the Commission's)
Authority to Impose Penalties and Injunctive)
Relief.)

ORDER RESCINDING PENALTY ORDER

The above-captioned matters comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record and being duly advised in the premises, the Commission makes the following findings and conclusions.

I. BACKGROUND

1. The Commission has jurisdiction and authority to administer and enforce the Kansas Underground Utility Damage Prevention Act (KUUDPA), as provided in K.S.A. 66-1801 *et seq.* Likewise, K.S.A. 66-1815 grants the Commission full power and authority to adopt all necessary rules and regulations for carrying out the provisions of K.S.A. 66-1801 through 66-1814.

2. On May 2, 2019, Commission Staff (Staff) performed an onsite inspection at 837 Parker Terrace in Olathe, Kansas. Staff's investigation discovered through the reporting of Atmos Energy that Corbin Construction LLC (Corbin) was excavating at this site without a One-Call ticket. Staff searched on the Kansas One Call database and did not find a ticket for this excavation. No injuries or damage was reported.

3. As a result of Staff's investigation, on July 30, 2019, the Commission issued a Penalty order to the attention of Kirk Travis for violating K.S.A. 66-1804(a) and (e), and assessed a penalty of \$500.¹ The Penalty Order indicated that Staff received a written response from Corbin stating it "...only removed 20' of curb and did not dig footings. We also cut asphalt where footings will go."²

II. DISCUSSION

4. The Penalty Order was addressed to Kirk Travis, Corbin Construction, LLC, 6830 NW Gower Avenue, Kansas City, Missouri. After non-payment of the assessed fine, a collection letter was sent to the stated address on September 11, 2019.

5. On September 16, 2019, Litigation Counsel Carly Masenthin received a voice mail from Kirk Travis that stated he did not work for Corbin, but that he works for the company that Corbin was doing work for.

6. After further investigation by Staff, it was confirmed that Mr. Travis was not the intended recipient.

7. Due to the issuance of the Penalty Order to the improper entity in this docket, the Penalty Order must be rescinded and a new Penalty Order issued to the proper entity.

III. FINDINGS AND CONCLUSIONS

8. Pursuant to K.S.A. 66-1813, the Commission has jurisdiction and authority to administer and enforce the KUUDPA.

9. The Commission finds and concludes that the Penalty Order issued on July 30, 2019, was issued to the incorrect entity. As such, the Commission finds and concludes the Penalty Order issued in this docket must be rescinded.

¹ Penalty Order, pp. 2-4 (Jul. 30, 2019).

² Penalty Order, p. 3 (Jul. 30, 2019).

10. The Commission finds and concludes that a Penalty Order shall be reissued to the proper entity in a manner prescribed by the Commission regulations.

THEREFORE, THE COMMISSION ORDERS:

- A. The Penalty Order issued to Kirk Travis on July 30, 2019, is hereby rescinded.
- B. Within the next 30 days a Penalty Order shall be issued to Corbin Construction LLC in care of Anthony Corbin, PO Box 5, Spring Hill, Kansas 64083.
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further order or orders, as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 09/24/2019 _____



Lynn M. Retz
Executive Director

CRM/vj

CERTIFICATE OF SERVICE

20-DPAX-026-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail/hand delivered on 09/25/2019.

KIRK TRAVIS, MEMBER
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/S/ DeeAnn Shupe
DeeAnn Shupe