

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the Matter of Staff's Recommendation for)
Kansas Gas Service, a Division of ONE Gas,)
Inc., to Show Cause Why the Commission) Docket No. 21-KGSG-398-SHO
should not Impose Penalties for Violation of)
Natural Gas Pipeline Safety Regulations.)

**ORDER ADOPTING STAFF'S RECOMMENDATION TO APPROVE DISTRIBUTION
OF PENALTY PAYMENT TO THREE KANSAS TECHNICAL COLLEGES FOR
EXCAVATOR AWARENESS TRAINING**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. The Commission finds the following:

1. The Kansas Underground Utility Damage Prevention Act (KUUDPA), K.S.A. 66-1801 *et. seq.*, places requirements on excavators and operators when conducting excavation activities, including providing notice before excavating,¹ and marking underground facilities once they receive notice from an excavator.²

2. On April 22, 2021, the Commission ordered Kansas Gas Service (KGS) to show cause why it should not be assessed a civil penalty in the amount of \$90,000 for failure to follow its Operations and Maintenance (O&M) procedures related to 54 instances of not providing timely and accurate locates of natural gas pipelines in calendar year 2020.³

3. On April 18, 2022, Commission Staff (Staff) filed a Report and Recommendation (R&R), identifying 57 additional violations of pipeline safety regulations discovered in calendar

¹ K.S.A. 66-1804.

² K.S.A. 66-1806.

³ Order to Show Cause, Apr. 22, 2021, ¶ 8.

year 2021.⁴ Staff recommended assessing KGS an additional \$57,000 in civil penalties for a total penalty of \$147,000.⁵

4. On August 8, 2023, Staff filed an updated R&R, identifying 47 incidents of damage to natural gas infrastructure in calendar year 2022, resulting from inaccurate locates by KGS.⁶ Staff recommended a penalty of \$1,000 per incident, bringing the recommended proposed civil penalty to \$158,000.⁷ Staff also recommended that the \$158,000 civil penalty be paid to Kansas technical colleges for the benefit of heavy equipment operation programs.⁸

5. KGS accepted Staff's recommendations, and agreed to fund \$158,000 in grants to educational institutions located inside KGS' territory, offering heavy equipment operator training programs that include training on KUUDPA.⁹

6. On September 14, 2023, the Commission approved Staff's agreement with KGS to satisfy the \$158,000 civil penalty levied against KGS by funding heavy equipment operation programs at Kansas Technical colleges.¹⁰

7. On February 20, 2024, Staff filed another R&R, identifying Fort Scott Community College, North Central Kansas Technical College, and Barton County Community College as schools that included training programs related to excavation activity over and around existing underground facilities.¹¹ All three schools completed applications for funding.¹² Staff recommends allocating the \$158,000 equally among North Central Kansas Technical College, Fort Scott and

⁴ Staff Report and Recommendation, Apr. 15, 2022, p. 1.

⁵ *Id.*, pp. 5, 7.

⁶ Staff Report and Recommendation, Aug. 8, 2023, p. 2.

⁷ *Id.*

⁸ *Id.*, p. 6.

⁹ *Id.*

¹⁰ Order Approving Alternative to Civil Penalty, Sept. 14, 2021, ¶ 10.

¹¹ Staff Report and Recommendation, Feb. 20, 2024, p. 1.

¹² *Id.*

Barton County Community College to provide or expand their excavation awareness curriculum as part of their Heavy Equipment Operations programs.¹³

8. Staff's recommendation to allocate the \$158,000 equally among North Central Kansas Technical College, Fort Scott, and Barton County Community College is unopposed.

9. The Commission believes allocating \$158,000 equally among North Central Kansas Technical College, Fort Scott and Barton County Community College is in the public interest as it should advance educational opportunities and promote safety through better excavation awareness curriculum in Kansas. Thus, the Commission approves Staff's recommendation to allocate the \$158,000 equally among North Central Kansas Technical College, Fort Scott, and Barton County Community College.

THEREFORE, THE COMMISSION ORDERS:

A. Staff's recommendation to approve distribution of \$158,000 equally among North Central Kansas Technical College, Fort Scott, and Barton County Community College for excavator awareness training is adopted.

B. Any party may file for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹⁴

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 03/07/2024



Lynn M. Retz
Executive Director

BGF

¹³ *Id.*, p. 2.

¹⁴ K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

21-KGSG-398-SHO

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 03/07/2024.

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/S/ KCC Docket Room
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