

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

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.)

**NOTICE OF FILING OF STAFF'S
REPORT AND RECOMMENDATION**

COMES NOW, the Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission," respectively), and files its Report and Recommendation regarding its recommendation to approve the distribution of penalty payments to three Kansas technical colleges for Excavator Awareness Training.

On September 14, 2023, the Commission issued an Order in which it approved a Compromise and Alternative to Civil Penalty ("Compromise") between Kansas Gas Service, a Division of ONE Gas, Inc. ("KGS") and Staff. Under the Compromise, KGS is to fund \$158,000 in grants to educational institutions which offer heavy equipment operator training programs that included training on KUUDPA and are located inside KGS' territory.

Staff is recommending that the Commission allocate the \$158,000 equally amongst North Central Kansas Technical College, Fort Scott and Barton County Community College for the purpose of providing or expanding excavation awareness curriculum as part of their Heavy Equipment Operations programs.

WHEREFORE, Staff submits its Report and Recommendation for Commission review and consideration and for such other relief as the Commission deems just and reasonable.

Respectfully submitted,

/s/ Carly R. Masenthin

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**REPORT AND RECOMMENDATION
UTILITIES DIVISION**

TO: Chairperson Andrew J. French
Commissioner Dwight D. Keen
Commissioner Annie Kuether

FROM: Suzanne Balandran, Assistant Supervisor of Pipeline Safety
Leo Haynos, Chief of Pipeline Safety
Jeff McClanahan, Director of Utilities

DATE: February 7, 2024

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

Recommendation to Approve Distribution of Penalty Payment to Three Kansas Technical Colleges for Excavator Awareness Training

EXECUTIVE SUMMARY:

In its Order approving an alternative to a civil penalty in the subject Docket, the Commission required Kansas Gas Service (KGS) to direct its civil penalty payment to Kansas Technical colleges for the benefit of Heavy Equipment Operation programs that include excavation awareness as part of their curriculum. Fort Scott Community College, North Central Kansas Technical College and Barton County Community College were identified as schools that included training programs related to excavation activity over and around existing underground facilities. Completed applications were received from each program.

BACKGROUND:

On April 22, 2021, Staff opened the above captioned Show Cause docket as a result of field investigations of pipeline damages in CY2020 through CY2022. Staff recommended the Commission find that KGS should receive a civil penalty in the amount of \$158,000 to address 158 violations of 49 CFR Part 192.614 as adopted by K.A.R. 82-11-4. Staff recommended that if

the Commission agrees to impose a civil penalty on KGS for violation of KUUDPA, that it approve the Compromise and Alternative to Civil Penalty. KGS agreed with Staff's recommendation. This Agreement would require KGS to direct the \$158,000 civil penalty payment to Kansas Technical colleges for the benefit of Heavy Equipment Operation programs, if the colleges agree to include a section on excavation awareness as part of their curricula. The Commission approved the Agreement on September 14, 2023.¹

ANALYSIS:

Applications were sent to the three identified training programs in Kansas. Those programs are Fort Scott Community College (FSCC), North Central Kansas Technical College (NEKTC), and Barton County Community College (BCCC).

FSCC offers Heavy Equipment Operator programs at its Pleasanton and Pittsburg campuses and plans to expand the program to its Fort Scott campus in the fall of 2024. Fort Scott utilizes the National Center for Construction Education & Research curriculum for teaching the heavy equipment operations component and includes modules related to utility safety. Students are taught the requirements of KUUDPA, the principles of excavation awareness, and safety related to underground facilities. Funds awarded would be utilized to further educate students in excavation and construction science programs.

NEKTC has campuses in Beloit and Hays with a total enrollment capacity of 45 students in their heavy equipment program in Beloit. Their programs incorporate instruction on KUUDPA in their directional drill operations and locator operations courses. Funds from this grant opportunity would be used to upgrade excavation equipment used for hands-on experience.

BCCC campus is located in Great Bend. The school offers a Natural Gas program with a maximum semester enrollment of 16. The program coursework includes instruction on locating underground utilities and on natural gas safety. With grant funding, enhancements to their curriculum could be made to incorporate KUUDPA topics such as the DigSafe program and new GPS locating capabilities. Funds awarded would be directed toward the purchase of equipment such as a heavy equipment simulator, line locators and probes, and GPS line locating software.

RECOMMENDATION:

Staff is recommending that the Commission allocate the \$158,000 equally amongst North Central Kansas Technical College, Fort Scott and Barton County Community College for the purpose of providing or expanding excavation awareness curriculum as part of their Heavy Equipment Operations programs.

¹ See Order Approving Alternative to Civil Penalty (Sep. 14, 2023).

CERTIFICATE OF SERVICE

21-KGSG-398-SHO

I, the undersigned, certify that a true and correct copy of the above and foregoing Notice of Filing of Staff's Report and Recommendation was served via electronic service this 20th day of February, 2024, to the following:

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/s/ Ann Murphy

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