

**Kansas Corporation Commission**  
**Commission Meeting**  
**Thursday, August 1, 2013**  
11:00 a.m. 3<sup>rd</sup> floor hearing room  
KCC Offices, 1500 Arrowhead, Topeka, Kansas

**MINUTES**

1. The Commission convened the regular scheduled open meeting of the Commission at 11:01 am on August 1, 2013 in the 3rd floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.
2. Present: Chairman Mark Sievers, Commissioner Thomas Wright, and Commissioner Shari Albrecht.
3. The following were approved by the Commission:
  - a. Commissioner Wright moved, and Commissioner Albrecht seconded the approval of the Routine Matters listed on pages 1 through 2 of the document attached hereto as "Attachment A," included by reference herein. Chair Sievers concurred.
  - b. Commissioner Wright moved, and Commissioner Albrecht seconded the approval of the Consent Agenda: All listed matters for August 1, 2013 of the 6 page document attached hereto as "Attachment B," included by reference herein. Chair Sievers concurred.
  - c. Noticed Items:
    - i. Docket 13 CONS 402 CWLE: In the matter of the application of Primal Energy O&G, LLC, for a location exception for the Skiles #28 1 well in Section 28, Township 18 South, Range 9 West in Rice County, Kansas.  
  
Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order #13-2546. Chair Sievers concurred.
    - ii. Docket 08 GIMX 1142 GIV: In the Matter of a General Investigation into Depreciation Issues.  
  
Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order #13-2460. Chair Sievers concurred.

**There being no further matters before the Commission, the Commission adjourned at 11:06 am.**

Respectfully submitted,



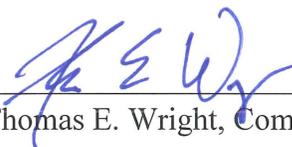
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Kim Christiansen  
Secretary of the Commission



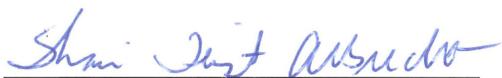
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Mark Sievers, Chair



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Thomas E. Wright, Commissioner



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Shari Feist Albrecht, Commissioner



ITEMS OF  
Open Meeting  
Thursday, 1 August, 2013, 11:00 am

**Routine Items**

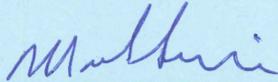
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of the Application of TNCI Operating Company LLC for a Certificate of Authority to Provide Resold and Facilities-Based Interexchange Telecommunications Services in the State of Kansas <i>Order on COC IXC Application</i>	13-TNCT-660-COC	
2	In the Matter of the Application of TNCI Operating Company LLC for a Certificate of Authority to Provide Resold and Facilities-Based Local Exchange and Exchange Access Telecommunications Services in the State of Kansas <i>Order on COC CLEC Application</i>	13-TNCT-661-COC	
3	In the Matter of the Complaint of Atmos Energy Against 4 County Energy, LLC. <i>Order</i>	13-ATMG-741-COM	
4	In the Matter of the Application of Mid-Kansas Electric Company, LLC for Approval to Make Certain Changes to its Charges for Electric Services in the Geographic Service Territory Served by Southern Pioneer Electric Company. <i>Order on WKIEC Intervention</i>	13-MKEE-699-RTS	
5	In the Matter of the Application of Socket Telecom, LLC for a Certificate of Convenience and Authority to Provide Local Exchange and Exchange Access Services Within the State of Kansas <i>Order on CLEC COC Application</i>	13-SOCT-759-COC	
6	In the Matter of the Application of Socket Telecom, LLC for a Certificate of Convenience and Authority to Provide Interexchange Services Within the State of Kansas <i>Order on IXC COC Application</i>	13-SOCT-760-COC	
7	In the Matter of the Application of Wheat State Telephone Company, Inc. Filing for Kansas Video Service Authorization. <i>Order on Video Service Authorization</i>	14-WHST-017-VSA	
8	In the Matter of Westar Energy, Inc. and Kansas Gas and Electric Company Seeking Commission Approval for Tariff Revisions to the Energy Efficiency Rider. <i>Protective / Discovery Order</i>	14-WSEE-030-TAR	

**Routine Items**

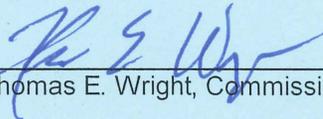
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
9	In the Matter of the Assessment of a Fee for the Inspection and Supervision of Standards of Safety Against Public Utilities Engaged in the Operation of Gas Pipeline Systems which are Subject to the Jurisdiction and Control of the State Corporation Commission of the State of Kansas. <i>Assessment Order</i>	14-GPMG-035-ASM	
10	In the Matter of the Application of Southwestern Bell Telephone Company Filing Individual Customer Pricing Agreement Report, Report Period - Second Quarter, 2013 <i>Order on Enlargement of Time</i>	14-SWBT-039-CON	
11	In the Matter of the Application of AT&T Corp. Filing Individual Customer Pricing Agreement Report, Report Period - Second Quarter, 2013 <i>Order on Enlargement of Time</i>	14-SBAT-040-CON	
12	In the Matter of the Application of Kansas City Power & Light Company for Approval to Extend Its Demand-Side Management Programs. <i>Order</i>	14-KCPE-042-TAR	

The above-captioned matter(s) were approved by the Commission, unless noted as removed.

For the Commission :



Mark Sievers, Chairman

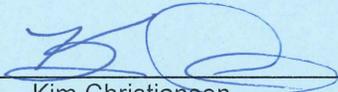


Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner

Attest:



Kim Christiansen  
Executive Director



## ITEMS OF Consent Agenda

Post Date: Thursday, July 18, 2013

Approval Date: Thursday, August 1, 2013

NOTICE TO THE PUBLIC: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Kansas Corporation Commission. The items are posted on the Commission's website for five business days. Unless removed from the website's Consent Agenda, the orders appearing on the Consent Agenda will become the Order of the full Commission at the Commission's regularly scheduled Open Meeting. If Commission staff or a Commissioner requests an item be removed from the Consent Agenda, the affected item may be placed on the earliest possible Commission Open Meeting agenda for discussion.

### Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the matter of the failure of Bruce Oil Company, LLC to comply with K.A.R. 82-3-603 at the Hrabe #1 in Rooks County, Kansas. <i>Penalty Order - Bruce Oil Company, LLC</i>	14-CONS-052-CPEN	
2	In the matter of the failure of American Warrior, Inc. to comply with K.A.R. 82-3-408 at the Westhusin #3D in Rooks County, Kansas. <i>Penalty Order - American Warrior, Inc.</i>	14-CONS-051-CPEN	
3	In the matter of the failure of MEM Partnership LP, a General Partnership, to comply with K.A.R. 82-3-600 at the Cooley #3 in Graham County, Kansas. <i>Penalty Order - MEM Partnership LP, a General Partnership</i>	14-CONS-050-CPEN	
4	In the matter of the failure of CMX, Inc., to comply with K.A.R. 82-3-602 at the Socrates #1-H in Rice County, Kansas. <i>Penalty Order - CMX, Inc.</i>	14-CONS-049-CPEN	
5	In the matter of the failure of Reusch Well Service, Inc., to comply with K.A.R. 82-3-400 at the Slavin #WI-3 in Franklin County, Kansas. <i>Penalty Order - Reusch Well Service, Inc.</i>	14-CONS-048-CPEN	
6	In the matter of the failure of Churchill Operating ("Operator") to comply with K.A.R. 82-3-111 at the Wilson #1-16 in Rice County, Kansas. <i>Penalty Order - Churchill Operating</i>	14-CONS-046-CPEN	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
7	In the matter of the failure of American Warrior, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Courtner #32-1 in Seward County, Kansas. <i>Penalty Order - American Warrior, Inc.</i>	14-CONS-045-CPEN	
8	In the matter of the failure of Cisco Operating LLC ("Operator") to comply with K.A.R. 82-3-111 at the Beatty Trust B #1 in Seward County, Kansas. <i>Penalty Order - Cisco Operating, LLC</i>	14-CONS-044-CPEN	
9	In the matter of the failure of Cisco Operating LLC ("Operator") to comply with K.A.R. 82-3-111 at the Santa Fe Trail #A-1-3 and the HJV Hayward A #1 wells in Morton County, Kansas. <i>Penalty Order - Cisco Operating, LLC</i>	14-CONS-043-CPEN	
10	In the matter of the failure of The Trees Oil Company ("Operator") to comply with K.A.R. 82-3-111 at the Daniels #1-D in Haskell County, Kansas. <i>Penalty Order - The Trees Oil Company</i>	14-CONS-042-CPEN	
11	In the matter of the failure of P & M Energy, a General Partnership ("Operator") to comply with K.A.R. 82-3-111 at the Premier #1 in Stanton County, Kansas. <i>Penalty Order - P &amp; M Energy, a General Partnership</i>	14-CONS-041-CPEN	
12	In the matter of the failure of Cleary Petroleum Corporation ("Operator") to comply with K.A.R. 82-3-111 at the Froetschner #1-22 in Pawnee County, Kansas. <i>Penalty Order - Cleary Petroleum Corporation</i>	14-CONS-040-CPEN	
13	In the matter of the failure of Chaparral Energy, L.L.C. ("Operator") to comply with K.A.R. 82-3-111 at the CSMU #105 in Stevens County, Kansas. <i>Penalty Order - Chaparral Energy, LLC</i>	14-CONS-039-CPEN	
14	In the matter of the failure of Star Blue LLC ("Operator") to comply with K.A.R. 82-3-111 at the Condit #2A-8 in Seward County, Kansas. <i>Penalty Order - Star Blue LLC</i>	14-CONS-038-CPEN	
15	In the matter of the failure of ELM III Operating Company LLC ("Operator") to comply with K.A.R. 82-3-111 at the Leathers Land A #4A in Haskell County, Kansas. <i>Penalty Order - ELM III Operating Company LLC</i>	14-CONS-037-CPEN	
16	In the matter of the application of SandRidge Exploration and Production, LLC for permission to flare natural gas from the Stairrett 2123 #1-18H well in Hodgeman County, Kansas, pursuant to K.A.R. 82-3-314 and 82-3-209 <i>Order Granting Application</i>	13-CONS-506-CFLA	
17	In the matter of the application of Petroflow Energy Corporation, for the horizontal drilling of its Neustrom 1-4H well to be located in Section 4, Township 17 South, Range 4 West, McPherson County, Kansas. <i>Order</i>	13-CONS-502-CHOR	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
18	In the matter of the application of Samuel Gary Jr. & Associates, Inc., for the Horizontal Drilling of its 12-22-4-H4 well to be located in Sections 4, Township 12 South, Range 22 West, and Section 33, Township 11 South, Range 22 West, Trego County, Kansas. <i>Order</i>	13-CONS-501-CHOR	
19	In the matter of the application of Samuel Gary Jr. & Associates, Inc., for the Horizontal Drilling of its 12-22-8-H3 well to be located in Sections 5 and 8, Township 12 South, Range 22 West, Trego County, Kansas. <i>Order</i>	13-CONS-500-CHOR	
20	In the Matter of the Application of Linn Operating, Inc. for an Order Providing for the Unitization and Unit Operation of a Part of the Hugoton and Panama Council Grove Gas Fields in the Alternate Tract Unit Described as Section 03-28S-39W (NW/4), Section 04-28S-39W (NE/4), Section 33-27S-39W (SE/4), Section 34-27S-39W (SW/4) in Stanton County, Kansas. (ATU 72) <i>Order</i>	13-CONS-493-CUNI	
21	In the Matter of the Application of Linn Operating, Inc. for an Order Providing for the Unitization and Unit Operation of a Part of the Hugoton and Panama Council Grove Gas Fields in the Alternate Tract Unit Described as Section 24-27S-40W (SE/4), Section 19-27S-39W (SW/4), Section 25-27S-40W (NE/4), Section 30-27S-39W (NW/4) in Stanton County, Kansas. (ATU 18) <i>Order</i>	13-CONS-491-CUNI	
22	In the Matter of the Application of Linn Operating, Inc. for an Order Providing for the Unitization and Unit Operation of a Part of the Hugoton and Panama Council Grove Gas Fields in the Alternate Tract Unit Described as Section 23-28S-40W (SE/4), Section 24-28S-40W (SW/4), Section 26-28S-40W (NE/4), Section 25-28S-40W (NW/4) in Stanton County, Kansas. (ATU 153) <i>Order</i>	13-CONS-480-CUNI	
23	In the matter of the failure of Kansas Resource Exploration & Development, LLC to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at 8 wells on the Guetterman lease in Johnson County, Kansas. <i>Order Rescinding in Part</i>	13-CONS-472-CPEN	
24	In the Matter of the Application of Linn Operating, Inc. for an Order Providing for the Unitization and Unit Operation of a Part of the Hugoton and Panama Council Grove Gas Fields in the Alternate Tract Unit Described as Section 02-29S-39W (SE/4), Section 01-29S-39W (SW/4), Section 11-29S-39W (NE/4), Section 12-29S-39W (NW/4) in Stanton County, Kansas. (ATU 142) <i>Order</i>	13-CONS-462-CUNI	
25	In the Matter of the Application of Linn Operating, Inc. for an Order Providing for the Unitization and Unit Operation of a Part of the Hugoton and Panama Council Grove Gas Fields in the Alternate Tract Unit Described as Section 32-29S-39W (SE/4), Section 33-29S-39W (SW/4), Section 5-30S-39W (NE/4), Section 4-30S-39W (NW/4) in Stanton County, Kansas. (ATU 128) <i>Order</i>	13-CONS-458-CUNI	
26	In the Matter of the Application of Linn Operating, Inc. for an Order Providing for the Unitization and Unit Operation of a Part of the Hugoton and Panama Council Grove Gas Fields in the Alternate Tract Unit Described as Section 1-29S-39W (SE/4), Section 12-29S-39W (NE/4) in Stanton County, Kansas, and Section 6-29S-38W (SW/4), Section 7-29S-38W (NW/4) in Grant County, Kansas. (ATU 143) <i>Order</i>	13-CONS-439-CUNI	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
27	In the matter of the application of Argent Energy, Inc., for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Schmidt #3 well located in SW/4 SE/4 SW/4 of Section 4, Township 19 South, Range 28 West, Lane County, Kansas <i>Order Granting Application</i>	13-CONS-437-CEXC	
28	In the matter of an Order to Show Cause issued to The Xenia Corporation regarding responsibility under K.S.A. 55-179 for plugging three wells on the Shaw Lease in Neosho County, Kansas. <i>Order</i>	13-CONS-419-CSHO	
29	In the matter of the application of Berexco LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Staatz-Schroeder #2-4 well located in the NW SW NW of Sec 11, T18S, R9W Rice County, Kansas. <i>Order Granting Application</i>	13-CONS-368-CEXC	
30	In the matter of the application of Berexco Inc. for a second exception to the 10-year time limitation of K.A.R. 82-3-111 for its Wellington Unit #101 well located in the SW NW NW of Sec 4 and #104 well located in the NE SE NE of Sec 5, T32S, R1W Sumner County, Kansas <i>Order Granting Application</i>	13-CONS-359-CEXC	
31	In the matter of an Order to Show Cause issued to AX&P, Inc., and Shawn Gumfory regarding responsibility under K.S.A. 55-179 for plugging 14 wells on the Noble Lease in Neosho County, Kansas. <i>Order</i>	13-CONS-304-CSHO	
32	In the Matter of the Application of Petrosantander (USA) Inc. for an exception to the 10-year time limitation of K.A.R. 82-3-111 for the Haag 1-8 well located in the NW/4 of Section 8, Township 23 South, Range 30 West, Finney County, Kansas. <i>Order Granting Application</i>	13-CONS-106-CEXC	
33	In the matter of an Order to Show Cause issued to Gick Fleming and Tom Greer regarding responsibility under K.S.A. 55-179 for plugging three wells in Butler County, Kansas. <i>Order</i>	13-CONS-086-CSHO	
34	In the Matter of the Emergency Suspension of Operating Authority of Royal Gem Howlett, d/b/a Asphalt Maintenance of Wichita, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	14-TRAM-044-OOS	
35	In the Matter of the Emergency Suspension of Operating Authority of Jesus Berumen, d/b/a Transportes Los Llanos of Wichita, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	14-TRAM-043-OOS	
36	In the Matter of the Emergency Suspension of Operating Authority of Enrique Teichroeb of Garden City, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Order Reinstating Motor Carrier Operating Authority</i>	14-TRAM-013-OOS	
37	In the Matter of the Emergency Suspension of Operating Authority of Midnight Express, LLC of Olathe, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	13-TRAM-749-OOS	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
38	In the Matter of the Investigation of KC Granite & Cabinetry, LLC of Lenexa, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Order on Stipulated Settlement Agreement</i>	13-TRAM-698-PEN	
39	In the Matter of the Investigation of Ekan Crude LLC of Colony, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Order Suspending Motor Carrier Operating Authority</i>	13-TRAM-634-PEN	
40	In the Matter of the Emergency Suspension of Operating Authority of Total Petroleum Services, LLC of Olathe, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Order Reinstating Motor Carrier Operating Authority</i>	13-TRAM-605-OOS	
41	In the Matter of the Investigation of Tool Pro LLC of Burrton, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Order Approving Stipulated Settlement Agreement</i>	13-TRAM-547-PEN	

The above-captioned matter(s) were approved by the Commission, unless noted as removed.

For the Commission :



Mark Sievers, Chairman



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner

Attest:



Kim Christiansen  
Executive Director



MINUTES OF  
Open Meeting

Thursday, 1 August, 2013, 11:00 am

Item Needing Notice

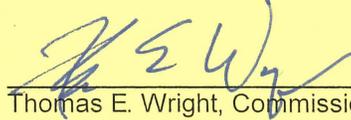
ITEM NO.	DESCRIPTION	DOCKET NUMBER	Mark Sievers		Thomas E. Wright		Shari Feist Albrecht	
			APPROVE	DECLINE	APPROVE	DECLINE	APPROVE	DECLINE
1	In the matter of the application of Primal Energy O&G, LLC, for a location exception for the Skiles #28-1 well in Section 28, Township 18 South, Range 9 West in Rice County, Kansas. <i>Order</i>	13-CONS-402-CWLE	MS		TW		SFA	
2	In the Matter of a General Investigation into Depreciation Issues. <i>Order</i>	08-GIMX-1142-GIV	MS		TW		SFA	

The above-captioned matter(s) came before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having reviewed its files and records and being duly advised in the premises, it is the decision of this Commission by a majority vote during an Open Meeting that the attached Order(s) be entered, subject to further order or orders of the Commission.

For the Commission :



Mark Sievers, Chairman



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner

Attest:



Kim Christiansen  
Executive Director