

Kansas Corporation Commission
Commission Meeting
September 24, 2013
11:00 a.m. 1st 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 a.m. on September 24, 2013 in the 1st 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 for September 24, 2013 on the 2 page document attached hereto as "Attachment A," which is 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 September 24, 2013 on the 2 page document attached hereto as "Attachment B," which is included by reference herein. Chair Sievers concurred
 - c. Motions to Intervene attached hereto as "Attachment C," which is included by reference herein.

i. Docket No. 13-ATMG-741-COM

In the Matter of the Complaint of Atmos Energy Against 4 County Energy, LLC.

Commissioner Albrecht moved, and Commissioner Wright seconded, approval of the Amended Application for Leave to Intervene motion of Linn Operating Inc. to intervene in the above captioned docket. Chair Sievers concurred.

ii. Docket No. 13-GBEE-803-MIS: *In the Matter of the Application of Grain Belt Express Clean Line LLC for a Siting Permit for the Construction of a High Voltage Direct Current Transmission Line in Ford, Hodgeman, Edwards, Pawnee, Barton, Russell, Osborne, Mitchell, Cloud, Washington, Marshall, Nemaha, Brown, and Doniphan Counties Pursuant to K.S.A. 66-1,177, et seq.*

Commissioner Wright moved, and Commissioner Albrecht seconded, approval of the petition(s), application(s), or motion(s) from the following persons or entities to intervene in the above captioned case, each is subject to a letter from the Commission, to be considered at the September 26, 2013 regularly scheduled meeting of the Commission, to outline any limitations and the expectations of the

Commission. The Commission letter may ask any Petitioner to clarify any questions by or from the Commission and may note that the Petitioner may need to make a further case for the Petitioner's intervention at or on the date of the hearing scheduled in the above captioned docket.

- A. Petition to Intervene by Cynthia A. Dettke Thoreson
- B. Petition to Intervene of Nemaha-Marshall Electric Cooperative, Inc.
- C. Petition to Intervene filed on behalf of The Board of Marshall County Commissioners
- D. Petition to Intervene by Matthew T. Stallbaumer
- E. Petition to Intervene by Coalition for Landowners
- F. Petition to Intervene by Nancy Vogelsberg-Busch
- G. Petition to Intervene by Thomas H. and Deborah M. Stallbaumer

- iii. **Docket No. 14-KCPE-074-GIE** *In the Matter of a Proceeding for Evaluation, Measurement, and Verification of Kansas City Power & Light Company's Energy Efficiency Programs.*

Commissioner Wright moved, and Commissioner Albrecht seconded, approval of the petition(s), application(s), or motion(s) of the following persons or entities to intervene in the above captioned docket. Chair Sievers concurred.

Petition of Climate and Energy Project to Intervene
Petition of CURB to Intervene

- iv. **Docket No. 14-KGSG-100-MIS** *In the Matter of the Application of ONEOK, Inc. for an Order Authorizing its Plan for Reorganization*

Commissioner Albrecht moved, and Commissioner Wright seconded, approval of the petition, application, or motion of CURB. to intervene in the above captioned docket. Chair Sievers concurred.

- d. Noticed Items attached hereto as "Attachment D" which is included by reference herein.

- i. *Docket No. 13-MKEE-699-RTS: 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*

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order #13-3099, an order on a proposed Settlement Agreement. Chair Sievers concurred

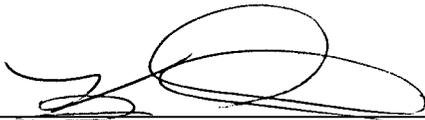
- ii. *Docket No. 14-ALGT-061-KSF: In the Matter of the Audit of Allegiance Communications, LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2012 Supp. 66-2010(b) for KUSF Operating Year 16, Fiscal Year March 2012- February 2013.*

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order #13-3096, Order on Petition for Reconsideration and Adopting Staff's Report and Recommendation. Chair Sievers concurred

4. Other matters: Commissioner Wright moved, Commissioner Albrecht seconded, the approval of the contents of Attachment "E," a two page documents presented by Chair Sievers entitled *Procedural Order Additions*, subject to review by Advisory Legal staff to insure the proposed procedural orders would comport with Kansas law, precedents and any applicable regulations. Chair Sievers concurred.

There being no further matters before the Commission, the Commission adjourned at 11:36 a.m.

Respectfully submitted,



Kim Christiansen
Secretary of the Commission



Mark Sievers, Chair



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner



ITEMS OF
Open Meeting

Tuesday, 24 September, 2013, 11:00 am

Routine Items

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|---|-----------------|---------|
| 1 | In the Matter of the Application of BCI Allegiance, LLC Filing for Kansas Video Service Authorization. <i>Order on Request for VSA</i> | 13-BCAT-666-VSA | |

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

Attachment B



ITEMS OF Consent Agenda

Post Date: Tuesday, September 17, 2013

Approval Date: Tuesday, September 24, 2013

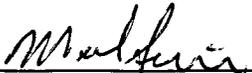
NOTICE TO THE PUBLIC: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Kansas Corporation Commission. The items are posted on the Commission's website for five business days. Unless removed from the website's Consent Agenda, the orders appearing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

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-----------------|---------|
| 1 | In the Matter of the Application of The Empire District Electric Company Seeking Approval for an Energy Efficiency Rider Pursuant to the Commission's Order in Docket No. 10-EPDE-497-TAR. <i>Suspension Order</i> | 14-EPDE-132-TAR | |
| 2 | In the Matter of a General Investigation of Covista, Inc. to Show Cause Why This commission Should Not Initiate Sanctions and Fines and Cancel, Suspend and Revoke Any Authority the Carrier Currently Holds <i>Order on Authority</i> | 14-CVTT-086-SHO | |
| 3 | In the Matter of the Emergency Suspension of Operating Authority of JOC Construction, LLC of Wellsville, 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-134-OOS | |

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

KANSAS

Corporation Commission

Attachment C

MINUTES OF Interventions

Date of Discussion: September 24, 2013

Motions to Intervene

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | Approved | Limited | Denied |
|----------|---|-----------------|---------------------------|---------|--------|
| 1 | In the Matter of the Complaint of Atmos Energy Against 4 County Energy, LLC. <i>Amended Application for Leave to Intervene by Linn Operating, Inc.</i> | 13-ATMG-741-COM | MPS <i>[Signature]</i> | | |
| 2 | In the Matter of the Application of Grain Belt Express Clean Line LLC for a Siting Permit for the Construction of a High Voltage Direct Current Transmission Line in Ford, Hodgeman, Edwards, Pawnee, Barton, Russell, Osborne, Mitchell, Cloud, Washington, Marshall, Nemaha, Brown, and Doniphan Counties Pursuant to K.S.A. 66-1,177, et seq. <i>Petition to Intervene by Cynthia A. Dettke Thoreson</i> | 13-GBEE-803-MIS | MPS <i>[Signature]</i> | | |
| 3 | In the Matter of the Application of Grain Belt Express Clean Line LLC for a Siting Permit for the Construction of a High Voltage Direct Current Transmission Line in Ford, Hodgeman, Edwards, Pawnee, Barton, Russell, Osborne, Mitchell, Cloud, Washington, Marshall, Nemaha, Brown, and Doniphan Counties Pursuant to K.S.A. 66-1,177, et seq <i>Petition to Intervene of Nemaha-Marshall Electric Cooperative, Inc.</i> | 13-GBEE-803-MIS | MPS <i>[Signature]</i> | | |
| 4 | In the Matter of the Application of Grain Belt Express Clean Line LLC for a Siting Permit for the Construction of a High Voltage Direct Current Transmission Line in Ford, | 13-GBEE-803-MIS | MPS <i>[Signature]</i> | | |

| | | | | | |
|---|---|-----------------|--|--|--|
| | Hodgeman, Edwards, Pawnee, Barton, Russell, Osborne, Mitchell, Cloud, Washington, Marshall, Nemaha, Brown, and Doniphan Counties Pursuant to K.S.A. 66-1,177, et seq. <i>Petition to Intervene filed on behalf of The Board of Marshall County Commissioners</i> | | | | |
| 5 | In the Matter of the Application of Grain Belt Express Clean Line LLC for a Siting Permit for the Construction of a High Voltage Direct Current Transmission Line in Ford, Hodgeman, Edwards, Pawnee, Barton, Russell, Osborne, Mitchell, Cloud, Washington, Marshall, Nemaha, Brown, and Doniphan Counties Pursuant to K.S.A. 66-1,177, et seq <i>Petition to Intervene by Matthew T. Stallbaumer</i> | 13-GBEE-803-MIS | MPS  | | |
| 6 | In the Matter of the Application of Grain Belt Express Clean Line LLC for a Siting Permit for the Construction of a High Voltage Direct Current Transmission Line in Ford, Hodgeman, Edwards, Pawnee, Barton, Russell, Osborne, Mitchell, Cloud, Washington, Marshall, Nemaha, Brown, and Doniphan Counties Pursuant to K.S.A. 66-1,177, et seq <i>Petition to Intervene by Coalition for Landowners</i> | 13-GBEE-803-MIS | MPS  | | |
| 7 | In the Matter of the Application of Grain Belt Express Clean Line LLC for a Siting Permit for the Construction of a High Voltage Direct Current Transmission Line in Ford, Hodgeman, Edwards, Pawnee, Barton, Russell, Osborne, Mitchell, Cloud, Washington, Marshall, Nemaha, Brown, and Doniphan Counties Pursuant to K.S.A. 66-1,177, et seq <i>Petition to Intervene by Nancy Vogelsberg-Busch</i> | 13-GBEE-803-MIS | MPS  | | |
| 8 | In the Matter of the Application of Grain Belt Express Clean Line LLC for a Siting Permit for the Construction of a High Voltage Direct Current Transmission Line in Ford, Hodgeman, Edwards, Pawnee, Barton, Russell, Osborne, Mitchell, Cloud, Washington, Marshall, Nemaha, Brown, and Doniphan Counties Pursuant to K.S.A. 66-1,177, et seq <i>Petition to Intervene by Thomas H. and Deborah M.</i> | 13-GBEE-803-MIS | MPS  | | |

| | | | | |
|----|--|-----------------|---------------------------|-------------------------------|
| | <i>Stallbaumer</i> | | | |
| 9 | In the Matter of a Proceeding for Evaluation, Measurement, and Verification of Kansas City Power & Light Company's Energy Efficiency Programs. <i>Petition of Climate and Energy Project to Intervene</i> | 14-KCPE-074-GIE | MPS <i>[Signature]</i> | <i>[Signature]</i> |
| 10 | In the Matter of a Proceeding for Evaluation, Measurement, and Verification of Kansas City Power & Light Company's Energy Efficiency Programs. <i>Petition of CURB to Intervene</i> | 14-KCPE-074-GIE | MPS <i>[Signature]</i> | <i>[Signature]</i> |
| 11 | In the Matter of the Application of ONEOK, Inc. for an Order Authorizing Its Plan of Reorganization. <i>Petition of CURB to Intervene</i> | 14-KGSG-100-MIS | MPS <i>[Signature]</i> | <i>[Signature]</i> |
| | | | | |

For the Commission:

[Signature]

Mark Sievers, Chairman

[Signature]

Thomas E. Wright, Commissioner

[Signature]

Shari Feist Albrecht, Commissioner

Attest:

[Signature]

Kim Christiansen
Executive Director



MINUTES OF Open Meeting

Tuesday, 24 September, 2013, 11:00 am

Item Needing Notice

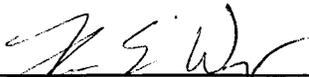
| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|---|-----------------|---------|
| 1 | In the Matter of the Application of Mid-Kansas Electric Company, LLC for Approval to Make Certain Changes to its Charges for Electric Services in the Geographic Service Territory Served by Southern Pioneer Electric Company. <i>Order on Settlement Agreement</i> | 13-MKEE-699-RTS | |
| 2 | In the Matter of the Audit of Allegiance Communications, LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2012 Supp. 66-2010(b) for KUSF Operating Year 16, Fiscal Year March 2012- February 2013. <i>Order on Petition for Reconsideration and Adopting Staff's Report and Recommendation</i> | 14-ALGT-061-KSF | |

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

Procedural Order Additions

1. **Decorum Language.** This is designed to remind parties of their obligations to treat the forum with respect and be polite and remind parties that failure to do so can result in sanctions. Here's what I suggest:

CONDUCT DURING ANY PROCEEDING

The conduct of proceedings shall conform to the Commission's rules and regulations and parties are specifically directed to K.A.R. 82-1-228 for general hearing decorum. The confidence of the public in its governance and the Commission depends on the conduct of all parties to Commission proceedings, how they treat other parties and how they communicate to the public about the Commission and its Staff both within the confines of a proceeding and in public communications with others. Parties are reminded of their duties with respect to decorum of the tribunal under the Kansas Rules of Professional Conduct and are specifically referred to rules 3.5(d), 3.6., 4.1, 8.2 and 8.4((c), (d) and (e). All parties shall conduct themselves in a manner consistent with the decorum and dignity of the Commission and conform to the Commission's rules and practices and parties are encouraged to review the procedures set out in K.A.R. 82-1-225, 82-1-228, 82-1-229, and 82-1-230. Failure to do such may result in sanctions as provided in the Commission's rules to include, but not limited to, the remedies specified in K.A.R. 82-1-228(f)(1).

2. **Filed documents shall conform to the requirements of K.A.R. 82-2-219.**
3. **Premarking Evidentiary Exhibits.** Here's what I suggest:

EVIDENTIARY EXHIBITS

The Commission's rules regarding presentation and distribution of evidentiary exhibits are described in K.A.R. 82-1-221. Absent a Commission order to the contrary, all evidentiary exhibits that parties intend to offer as evidence shall be premarked (*e.g.*, Staff's Exhibit #1) and copies provided to the Commissioners, the reporter, the prehearing officer and all the other parties in the proceeding at least 10 days prior to the hearing as required by K.A.R. 82-1-221(3)(b). In the event that parties are represented by multiple attorneys, only one copy need be provided to such parties. Opening statement Powerpoint slide decks or other visual aids used in opening statements shall be marked as an exhibit and entered into the record.

4. **Administrative Notice.** Here's the language I suggest:

ADMINISTRATIVE NOTICE

The Commission takes administrative notice of its orders and Court decisions supporting legal arguments parties make. It is unnecessary to offer such documents into evidence, but parties may simply cite to them with sufficient detail that the Commission can readily locate the decision or order.

82-1-225. **Intervention.** This regulation shall apply to both KAPA and non-KAPA proceedings.

- (a) The presiding officer shall grant a petition for intervention if the following conditions are met:
 - (1) The petition is submitted in writing to the presiding officer, with copies mailed to all parties named in the presiding officer's notice of the hearing, at least three days before the hearing.
 - (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities, or other legal interests may be substantially affected by the proceeding or that the petitioner qualifies as an intervenor under any provision of law.
 - (3) The presiding officer determines that the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.
- (b) The presiding officer may grant a petition for intervention at any time upon determining that the intervention sought is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.
- (c) If a petitioner qualifies for intervention, the presiding officer may impose conditions upon the intervenor's participation in the proceedings, either at the time that intervention is granted or at any subsequent time. The conditions may include the following:
 - (1) Limiting the intervenor's participation to designated issues in which the intervenor has a particular interest demonstrated by the petition;
 - (2) limiting the intervenor's use of discovery, cross-examination, and other procedures so as to promote the orderly and prompt conduct of the proceedings; and
 - (3) requiring two or more intervenors to combine their presentations of evidence and argument, cross-examination, discovery, and other participation in the proceedings.
- (d) The presiding officer, at least 24 hours before the hearing, shall issue an order granting or denying each pending petition for intervention, specifying any conditions, and briefly stating the reasons for the order. The presiding officer may modify the order at any time, stating the reasons for the modification. The presiding officer shall promptly give notice of an order granting, denying, or modifying intervention to the petitioner for intervention and to all parties.