

**Kansas Corporation Commission**

**Commission Meeting**

**September 26, 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 11:00 a.m. on September 26, 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 for September 26, 2013 on the 2 page document attached hereto as "Attachment B," which is included by reference herein. Chair Sievers concurred
  - b. Commissioner Albrecht moved, and Commissioner Wright seconded, the approval of the Consent Agenda: All listed matters for September 26, 2013 on the 2 page document attached hereto as "Attachment A," which is included by reference herein. Chair Sievers concurred
  - c. Motions to Intervene:
    - i. **Docket 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 Albrecht moved, and Commissioner Wright seconded, approval of the Petition to Intervene of Donald L. Miller and Jana L. Reed, pro se to intervene in the above-captioned docket, with the same expectations and limitations as set forth by the Commission on September 24, 2013. Chair Sievers concurred
    - ii. **Docket 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.*

**Review/Approval of the Intervention Letter as directed from the September 24, 2013 Open Meeting.**

Commissioner Wright moved, and Commissioner Albrecht seconded, approval of the letter to be sent to the following persons or entities to intervene in the above-captioned docket. The 3 page letter is attached hereto as "Attachment D". Chair Sievers concurred

- A. Motion to Intervene of Cynthia A. Dettke Thoreson
- B. Motion to Intervene of Nemaha-Marshall Electric Cooperative, Inc.
- C. Motion to Intervene of The Board of Marshall County Commissioners
- D. Motion to Intervene of Matthew T. Stallbaumer, Thomas H. and Deborah M. Stallbaumer
- E. Motion to Intervene of CLEANR
- F. Motion to Intervene of Nancy Vogelsberg-Busch

d. Noticed Items: attached hereto as "Attachment E

- i. **Docket 13-ATMG-741-COM:** *In the Matter of the Complaint of Atmos Energy Against 4 County Energy, LLC.*
- i. **Docket 14-4CEG-003-COC:** *In the Matter of the Application of 4 County Energy NPU, LLC, a Kansas Not for Profit Limited Liability Company, for a Certificate of Convenience and Necessity to Provide Natural Gas Service in Certain Locations Within Stanton, Grant, Morton and Stevens Counties, Kansas as a Nonprofit Public Utility.*

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order. Chair Sievers concurred

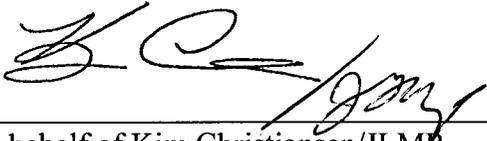
- ii. **Docket No. 13-MKEE-452-MIS**  
*In the Matter of the Application of Mid-Kansas Electric Company, LLC for Approval of a Debt Service Coverage Formula Based Ratemaking Pilot Plan for the Geographic Territory Served by Its Member-Owner Southern Pioneer Electric Company.*

Chair Sievers also requested his Statement related to this order be incorporated into the record.

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve the order and incorporate Chair Sievers Statement into the record. Chair Sievers concurred

**There being no further matters before the Commission, the Commission adjourned at 11:35 a.m.**

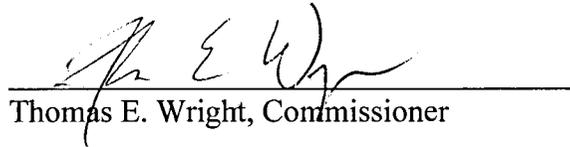
Respectfully submitted,



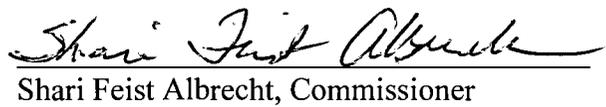
On behalf of Kim Christiansen/JLMP  
Secretary of the Commission



Mark Sievers, Chair



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner



## ITEMS OF Consent Agenda

Post Date: Thursday, September 19, 2013

Approval Date: Thursday, September 26, 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.

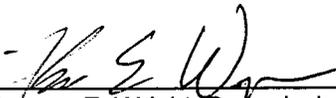
### Consent Agenda

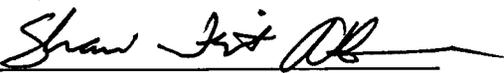
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the matter of the failure of Ward Craig dba Craig Oil Company ("Operator") to comply with K.A.R. 82-3-111 at the Brown #1 in Russell County, Kansas. <i>Penalty Order - Ward Craig dba Craig Oil Company</i>	14-CONS-140-CPEN	

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

For the Commission :

  
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Mark Sievers, Chairman

  
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Thomas E. Wright, Commissioner

  
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Shari Feist Albrecht, Commissioner



Attest:

\_\_\_\_\_  
Kim Christiansen  
Executive Director



ITEMS OF  
Open Meeting

Thursday, 26 September, 2013, 11:00 am

**Routine Items**

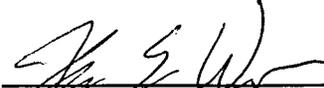
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of the Complaint Against AT&T by Gary Ferguson. <i>Order Dismissing Complaint; Closing Docket</i>	12-SWBT-746-COM	

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

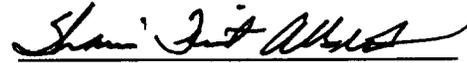
For the Commission :



Mark Sievers, Chairman



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner



Attest:

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Kim Christiansen  
Executive Director



# KANSAS

Corporation Commission

## MINUTES OF Interventions

Date of Discussion: Thursday, September 29, 2013

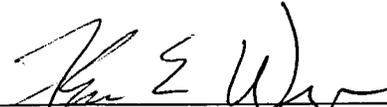
### Motions to Intervene

ITEM NO.	DESCRIPTION	DOCKET NUMBER	Approved	Limited	Denied
1	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 Donald L. Miller and Jana L. Reed</i>	13-GBEE-803-MIS	MPF		

For the Commission:



Mark Sievers, Chairman



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner

**Attachment C**

Attest:

A handwritten signature in black ink, appearing to be 'KC' followed by a stylized flourish.

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Kim Christiansen  
Executive Director

September 26, 2013

Re: Interventions in Docket No. 13-GBEE-803-MIS

To: Cynthia A. Dettke Thoreson, Nemaha-Marshall Electric Cooperative, Inc., The Board of Marshall County Commissioners, Matthew T. Stallbaumer, Thomas H. and Deborah M. Stallbaumer, CLEANR, and Nancy Vogelsberg-Busch.

During the Open Meeting on September 24, 2013, the Kansas Corporation Commission approved your Petitions to Intervene. You will be allowed to participate in this proceeding and will be required to comply with the procedural schedule previously determined for this docket. The Order Setting Procedural Schedule can be found on the KCC's website by searching docket filings under Docket No. 13-GBEE-803-MIS.

The Commission wishes to remind the parties of the decorum expected toward the Commission at all stages of this proceeding, including the prehearing conference and the evidentiary hearing. 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, which can be found on our website, for general hearing conduct and decorum. The efficiency of Commission proceedings is greatly impacted by the conduct and decorum of the parties. As such, all parties shall conduct themselves in a manner consistent with the decorum and dignity of the Commission and abide by the Commission's rules and practices.<sup>1</sup>

At any time during this proceeding, the Commission may require the intervening parties to specify the particular relief sought by intervention. Furthermore, intervening parties who do not own land affected by Gran Belt Express' proposed route for their high voltage direct current transmission line may be required to further explain their authority, interest, and/or standing to intervene, and the Commission may place limitations on their participation.

Pursuant to K.S.A. 77-521(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;

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<sup>1</sup> K.A.R. 82-1-225; K.A.R. 82-1-228; K.A.R. 82-1-229; K.A.R. 82-1-230.

- (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.

As interveners, you are responsible for informing yourself of the legal standards the Commission must apply in reviewing the application in this proceeding (in particular, please review K.S.A. 66-1,180 and Kansas transmission line siting statutes)<sup>2</sup> and the limitations on the Commission's authority and jurisdiction as those will be the focus of the evidentiary hearing. Matters beyond the statutory standards or the authority of the Commission may be considered irrelevant and the Commission may restrict or prohibit the admission of exhibits, testimony or cross-examination that are not relevant to the statutory standards or the actions it may take.

Generally, the Commission's focus is on the impact on the public interest at large and not on addressing an individual intervenor's personal interest. The focus of an evidentiary hearing is to present facts that assist the Commission in making a decision that complies with the statutory standards the Commission must apply. An evidentiary hearing also affords an opportunity to cross-examine witnesses to test the veracity of the factual evidence they are sponsoring. Personal opinions from individuals who are not experts are usually not considered facts upon which the Commission can rely. Also, arguments about the wisdom of the statutory standards, motivations about parties, speculation about future events or generalized concerns are usually not facts or matters that the Commission has any authority to affect or change.

The Commission also wishes to inform the intervening parties that if they intend to submit testimony at the evidentiary hearing, they will be subject to cross-examination by the other parties involved, including Grain Belt Express and Commission Staff, as well as questioning from the Commissioners. The Commission asks the intervening parties to inform the prehearing officer during the Prehearing Conference if they intend to file exhibits or present testimony at the evidentiary hearing. If you plan on offering documents or exhibits, you must provide copies to all of the parties in advance of the proceeding and they must be pre-marked as directed by the prehearing officer.

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<sup>2</sup> The standard set out in K.S.A. 66-1,180 is as follows: "The commission *shall* make its decision with respect to the *necessity for* and the *reasonableness of* the location of the proposed electric transmission line, *taking into consideration the benefit to both consumers in Kansas and consumers outside the state and economic development benefits in Kansas.* [Added by the Kansas legislature in 2003]. The commission *shall* issue or withhold the permit applied for and may condition such permit as the commission may deem just and reasonable and as may, in its judgment, best protect the rights of all interested parties and those of the general public." Thus, the mandatory statutory standard to be applied is consideration of the necessity of the line and the reasonableness of the line based on consideration of the "*benefit to both consumers in Kansas and consumers outside the state and economic development benefits in Kansas.*" The Commission may do one of three things: (1) it may issue the permit for the proposed line; (2) it may deny the permit; or (3) it may issue the permit conditional on what the Commission concludes would best protect the rights of interested parties and the general public.

Additionally, the Commission will give the appropriate weight to any comments, testimony, or exhibits presented at the hearing that have already been submitted to the Commission through the public comment process or at a public hearing on this matter. Such prior comments or testimony are already part of the record and will be considered by the Commission when it makes its decision.

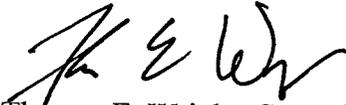
The Prehearing Conference in this case is scheduled for Friday, October 4 at 9:30 a.m. in the Commission's Third Floor Hearing Room. If you wish to appear by telephone, the prehearing officer will email you with call-in directions to facilitate your participation in the Prehearing Conference.

We very much appreciate your interest in this docket, and look forward to your participation.

Sincerely,



Mark Sievers, Chairman



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner

cc: Kim Christiansen, Executive Director  
Dana Bradbury, General Counsel



MINUTES OF  
Open Meeting

Thursday, 26 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 of a Debt Service Coverage Formula Based Ratemaking Pilot Plan for the Geographic Territory Served by Its Member-Owner Southern Pioneer Electric Company. <i>Order re: Settlement Agreement</i>	13-MKEE-452-MIS	
2	In the Matter of the Complaint of Atmos Energy Against 4 County Energy, LLC. In the Matter of the Application of 4 County Energy NPU, LLC, a Kansas Not for Profit Limited Liability Company, for a Certificate of Convenience and Necessity to Provide Natural Gas Service in Certain Locations Within Stanton, Grant, Morton and Stevens Counties, Kansas as a Nonprofit Public Utility. <i>Order</i>	13-ATMG-741-COM 14-4CEG-003-COC	

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:

  
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Mark Sievers, Chairman

  
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Thomas E. Wright, Commissioner

  
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Shari Feist Albrecht, Commissioner



Attest:

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Kim Christiansen  
Executive Director 