

Kansas Corporation Commission

Commission Meeting

October 10, 2013

11:00 a.m. 3rd 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 October 10, 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 Consent Agenda: All listed matters for October 10, 2013 on the 3 page document attached hereto as "Attachment A," which is included by reference herein. Chair Sievers concurred.

Item 3, In the Matter of the Application of Mid-Kansas Electric Company, LLC to Establish a Financial Covenant Coverage Rider to Meet the Financial Covenants Under Its Financing Agreements. Docket No. 14-MKKEE-136-TAR was removed from the Consent Agenda as listed and considered separately. It was approved with changes.

Item 5, In the Matter of Mid-Kansas Electric Company, LLC's Formula-Based Rate Annual Updates and True-Ups for Recovery of Transmission Costs as Required by Commission Order in Docket No. 12-MKKEE-650-TAR. Docket No. 13-MKKEE-360-TFR was removed from the Consent Agenda as listed and considered separately. It was approved with changes.

Item 7, In the Matter of the Investigation of Larry Powell Trucking, LLC of Olathe, Kansas, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Docket No. 14-GIMM-048-KHP was removed from the Consent Agenda as listed and considered separately. It was approved with Changes.

- b. Noticed Items: See Attachment "B" included by reference.

- i. **Docket 13-GIMT-597-GIT:** *In the Matter of a General Investigation to Review the Kansas Lifeline Service Program (KLSP) to Determine the Impact of the Increase in the Statewide Affordable Residential Rate for*

Rural Local Exchange Carriers to Their Lifeline Subscribers and Whether the \$7.77 Monthly Credit Should Be Modified

Chair Sievers moved, and Commissioner Albrecht seconded, to table order #13-3272, entitled Order Maintaining Current KLSP Discount and Policy. Commissioner Wright concurred.

4. Other matters: Chair Sievers moved, and Commissioner Wright seconded, a motion to move into Executive Session, as provided by K.S.A. 75-4319 (b)(2) “. . . consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship . . .” with Dana Bradbury and Bob Fox, Legal Counsel, to seek legal advice, for a period of 30 minutes. Commissioner Albrecht concurred. The Commission moved into Executive session at 11:05 a.m..
 - a. The Commission re-convened in public session at 11:35 a.m.
 - b. The Commission took no action.

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

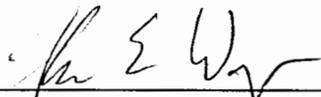
Respectfully submitted,



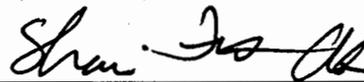
Kim Christiansen
Secretary of the Commission



Mark Sievers, Chair



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, October 10, 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. 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 Commission Meeting. If Commission staff or a Commissioner requests an item be removed from the Consent Agenda, the affected item may be considered separately or placed on the earliest possible Commission Meeting agenda for discussion.

Consent Agenda

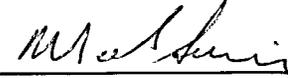
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of the General Investigation Into the Operations of Atmos Energy Corporation, Regarding the Natural Gas Incident That Occurred at West 151st Street and Switzer Road, Overland Park, Kansas <i>Order Opening General Investigation</i>	14-ATMG-156-GIP	
2	In the Matter of the Application of Kansas Gas and Electric Company, Doing Business as Westar Energy, to Cease Transacting the Business of an Electric Public Utility, Specifically in a Portion of Section 15, Township 24 South, Range 4 East, in Butler County, Kansas <i>Order</i>	14-KG&E-139-CCS	
3	In the Matter of the Application of Mid-Kansas Electric Company, LLC to Establish a Financial Covenant Coverage Rider to Meet the Financial Covenants Under Its Financing Agreements. <i>Discovery Order; Protective Order; Order Designating Prehearing Officer</i>	14-MKEE-136-TAR	X

Consent Agenda

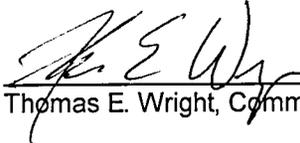
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Application of Butler Rural Electric Cooperative Association, Inc. for a Certificate of Convenience and Authority to Transact the Business of an Electric Utility in the State of Kansas, W/2 of the SW/4 of Section 15, Township 24S, Range 4E in Butler County, Kansas <i>Certificate</i>	14-BTRE-128-COC	
5	In the Matter of Mid-Kansas Electric Company, LLC's Formula-Based Rate Annual Updates and True-Ups for Recovery of Transmission Costs as Required by Commission Order in Docket No. 12-MKEE-650-TAR. <i>Discovery and Protective Order</i>	13-MKEE-360-TFR	X
6	In the Matter of a General Investigation of IBFA Acquisition Company, LLC 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 to Show Cause</i>	14-IBFC-150-SHO	
7	In the Matter of the Investigation of Larry Powell Trucking, LLC of Olathe, Kansas, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas 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 Dismissing Respondent's Request for Hearing</i>	14-GIMM-048-KHP	X
8	In the matter of the application of OXY USA, Inc., for an exception to K.A.R. 82-3-203 and for a special allowable to the Cox Minerals A-1 well in Section 11, Township 28 South, Range 33 West, Haskell County, Kansas. <i>Order</i>	14-CONS-135-CEXC	

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

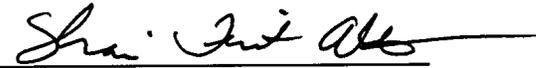
For the Commission :



Mark Sievers, Chairman



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner

Attest:



Kim Christiansen
Executive Director



MINUTES OF
Commission Meeting

Thursday, 10 October, 2013, 11:00 am

Item Needing Notice

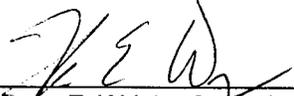
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of a General Investigation to Review the Kansas Lifeline Service Program (KLSP) to Determine the Impact of the Increase in the Statewide Affordable Residential Rate for Rural Local Exchange Carriers to Their Lifeline Subscribers and Whether the \$7.77 Monthly Credit Should Be Modified. <i>Order Maintaining Current KLSP Discount and Policy</i>	13-GIMT-597-GIT	✓ Tabled

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 a Commission 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