

**Kansas Corporation Commission**

**Commission Meeting**

**October 15, 2013**

11:00 a.m. 1<sup>st</sup> floor hearing room

KCC Offices, 1500 Arrowhead, Topeka, Kansas

**MINUTES**

1. The Commission convened the regular scheduled open meeting of the Commission at 11:06 am on October 15, 2013 in the 1<sup>st</sup> floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.
2. Present: Chairman Mark Sievers, Commissioner Thomas Wright, and Commissioner Shari Albrecht. Chair Sievers participated via video link from KCC - Wichita.
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, except for Docket Nos.13-CONS-499-CPEN; 13- CONS-415-CPEN and 13-CONS-334- CPEN, for October 15, 2013 on the 6 page document attached hereto as "Attachment A," which is included by reference herein. Chair Sievers concurred.
  - b. Items removed from the Consent Agenda: Docket Nos.13-CONS-499-CPEN; 13-CONS-415-CPEN and 13-CONS-334- CPEN were removed from the Consent Agenda, letter "A", *supra*.
    - i. Commissioner Albrecht moved, and Commissioner Wright seconded, approval of the order in Docket 13-CONS-415-CPEN with changes provided by Commissioner Albrecht. Chair Sievers concurred.
    - ii. Commissioner Albrecht moved, and Commissioner Wright seconded, approval of the orders in Docket Nos.13-CONS-499-CPEN; and 13-CONS-334- CPEN with additions, deletions or other suggestions made by Commissioner Albrecht. Chair Sievers concurred.
  - c. Noticed Items: See Attachment "B", included by reference.
    - i. **Docket No. 12-GRHT-633-KSF::**In the Matter of Staff's Motion Requesting the Commission Order Gorham Telephone Company to Submit to an Audit for Purposes of Determining Its Cost-Based Kansas Universal Service Fund Support, Pursuant to K.S.A. 66-2008.

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order no. 13-3325 - Order on Joint Motion to Amend KUSF Support. Chair Sievers concurred.

- ii. **Docket No. 13-MKEE-447-MIS:** In the Matter of the Joint Application of Mid-Kansas Electric Company, LLC, Lane-Scott Electric Cooperative, Inc., Prairie Land Electric Cooperative, Inc., Southern Pioneer Electric Company, Victory Electric Cooperative Association, Inc., Western Cooperative Electric Association, Inc., and Wheatland Electric Cooperative, Inc., Joint Applicants, for an Order Approving the Transfer of Certificates of Convenience With Respect to All of Mid-Kansas' Retail Electric Services and for Other Related Relief.

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order no. 13-3323 - Order on Petition for Reconsideration. Chair Sievers concurred.

- iii. **Docket No. 14-WSEE-030-TAR:** In the Matter of Westar Energy, Inc. and Kansas Gas and Electric Company Seeking Commission Approval for Tariff Revisions to the Energy Efficiency Rider.

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order no. 13-3227 - Order on Westar's Energy Efficiency Rider. Chair Sievers concurred.

- iv. **Docket No. 14-ALLX-145-ASM:** In the Matter of the Regulation of Public Utilities and Common Carriers, and Providing Means for Paying Certain Costs and Expenses in Connection With Such Regulation, as Provided in K.S.A. 66-1501 to 66-1510.

Commissioner Albrecht moved, and Commissioner Wright seconded, to approve order No.13-3283 - Order Assessing Commission Costs Pursuant to K.S.A. 66-1503. Chair Sievers concurred.

- v. **Docket No. 14-ALLB-146-ASM:** In the Matter of the Regulation of Public Utilities and Common Carriers, and Providing Means for Paying Certain Costs and Expenses in Connection With Such Regulation, as Provided in K.S.A. 66-1501 to 66-1510.

Commissioner Albrecht moved, and Commissioner Wright seconded, to approve order 13-3284 - Order Assessing CURB Costs Pursuant to K.S.A. 66-1503, provided that: KCC staff open an informal inquiry into such assessments, provide the Commissioner with additional information on such assessments in general and further provided that an attachment with the figures to which this order is subject be attached to this order, much as the attachment to the Commissioner order on the same or substantially related order issued in July 2013... Chair Sievers concurred.

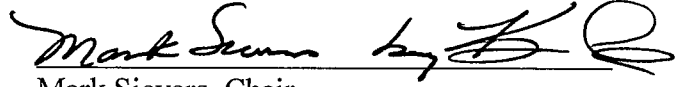
4. Other matters: KCC's Information Technology section presented an update on progress toward E-filing of documents related to various KCC dockets.

There being no further matters before the Commission, the Commission adjourned at 11:59 a.m.

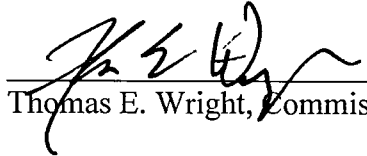
Respectfully submitted,



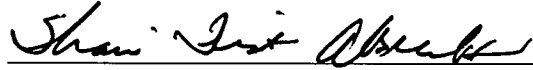
Kim Christiansen  
Secretary of the Commission



Mark Sievers, Chair



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Tuesday, October 15, 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 Emergency Suspension of Operating Authority of Arrow Roofing and Sheet Metal, Inc., of Canton, 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-162-OOS	
2	In the Matter of the Emergency Suspension of Operating Authority of Reyvalmoreno of Shawnee, 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-161-OOS	
3	In the Matter of the Emergency Suspension of Operating Authority of United Moorish Community Trust Organization of Clearwater, 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-159-OOS	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Investigation of Prairie Trucking LLC of Holton, 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>Penalty Order</i>	14-TRAM-158-PEN	
5	In the Matter of the Emergency Suspension of Operating Authority of Brenda Riley, d/b/a T M Roustabout Service of Elkhart, 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-160-OOS	
6	In the Matter of the Emergency Suspension of Operating Authority of Roberto Cervantes-Vasquez, d/b/a Cervantes Trucking of Liberal, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Order for Docket 'In the Matter of the Emergency Suspension of Operating Authority of Roberto Cervantes-Vasquez, d/b/a Cervantes Trucking'</i>	14-TRAM-155-OOS	
7	In the Matter of the Emergency Suspension of Operating Authority of Bud Daley, d/b/a Paveall of Hays, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Order for Docket 'In the Matter of the Emergency Suspension of Operating Authority of Bud Daley, d/b/a Paveall'</i>	14-TRAM-154-OOS	
8	In the Matter of the Emergency Suspension of Operating Authority of Weber Seamless Guttering, LLC of Effingham, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Order for Docket 'In the Matter of the Emergency Suspension of Operating Authority of Weber Seamless Guttering, LLC'</i>	14-TRAM-153-OOS	
9	In the Matter of the Investigation of Clyde E. McDonald, d/b/a McDonald Auto Sales & Salvage of Leonardville, 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>Penalty Order</i>	14-TRAM-152-PEN	
10	In the Matter of the Investigation of Fort Scott Lumber, Inc. of Fort Scott, 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>	14-TRAM-110-PEN	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
11	In the Matter of the Emergency Suspension of Operating Authority of HIFI Roofing & Construction, 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 of HIFI Roofing &amp; Construction, LLC'</i>	14-TRAM-020-OOS	
12	In the Matter of the Emergency Suspension of Operating Authority of Raw Construction, LLC of Topeka, 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-529-OOS	
13	In the matter of the failure of Marco Wind Operations, LLC ("Operator") to comply with K.A.R. 82-3-111 at the A Goering #1 and E. Goering #5 wells in McPherson County, Kansas. <i>Penalty Order - Marco Wind Operations, LLC</i>	14-CONS-178-CPEN	
14	In the Matter of the Application of Lario Oil & Gas Co., to authorize the injection of salt water into the Cedar Hills Formation at the Greg Anderson Lease, Well No. 1-34 RE/SWD, located in the SW/4 SE/4 NW/4 of Section 34, Township 12 South, Range 31 West, Gove County, Kansas. <i>Order</i>	14-CONS-177-CUIC	
15	In the matter of the failure of ADR Operating, Inc. to comply with K.A.R. 82-3-128 regarding the Betts Lease in Montgomery County and the Wilson Lease in Wilson County, Kansas. <i>Penalty Order - ADR Operating, Inc.</i>	14-CONS-175-CPEN	
16	In the matter of the failure of Taos Resources Operating Company LLC ("Operator") to comply with K.A.R. 82-3-111 at the Oborny #3 in Rush County, Kansas. <i>Penalty Order - Taos Resources Operating Company LLC</i>	14-CONS-172-CPEN	
17	In the matter of the failure of Whitetail Crude, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Suiter #1 in Stafford County, Kansas. <i>Penalty Order - Whitetail Crude, Inc.</i>	14-CONS-171-CPEN	
18	In the matter of the failure of Indian Oil Co., Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Dewitt A #1-19 in Barber County, Kansas. <i>Penalty Order - Indian Oil Co., Inc.</i>	14-CONS-170-CPEN	
19	In the matter of the failure of REH Oil and Gas LLC ("Operator") to comply with K.A.R. 82-3-111 at the Whitley HZ #1 in Ness County, Kansas. <i>Penalty Order - REH Oil and Gas LLC</i>	14-CONS-169-CPEN	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
20	In the matter of the application of SandRidge Exploration and Production, LLC for a well location exception for the Mason 3306 #1-35H well in Section 35, Township 33 South, Range 6 West, Harper County, Kansas <i>Order</i>	14-CONS-124-CWLE	
21	In the matter of the application of XTO Energy, Inc. for an order authorizing the unitization and unit operation of the Tate 9-3-27R alternate tract unit in Kearny County, Kansas. <i>Order</i>	14-CONS-130-CUNI	
22	In the matter of the failure of Double 7 Oil and Gas LLC to comply with K.A.R. 82-3-111 at eight wells in Labette County, Kansas. <i>Plugging Order</i>	13-CONS-499-CPEN	X
23	In the matter of the failure of Jason Dinges, dba J&D Investment Co., to comply with K.A.R. 82-3-407 at the Richards Trust #2 well in Pawnee County, Kansas. <i>Order Rescinding Penalty</i>	13-CONS-496-CPEN	
24	In the matter of the failure of Prospect Oil & Gas Corp. to comply with K.A.R. 82-3-407 at the Adams #2 well in Rooks County, Kansas. <i>Order</i>	13-CONS-415-CPEN	X
25	In the matter of the failure of High Plains Production, LLC to comply with K.A.R. 82-3-111 at the Messenger #1-2 and Stebleton #1-33 wells in Finney and Stevens Counties, Kansas. <i>Plugging Order</i>	13-CONS-334-CPEN	X
26	In the matter of the failure of Petroleum Technologies, Inc. to comply with K.A.R. 82-3-111 at the Patzner A #12 and Patzner A #13 wells in Barton County, Kansas. <i>Order</i>	13-CONS-179-CPEN	
27	D-31,720 -		
28	In the Matter of the Application of Wheatland Electric Cooperative, Inc. for Regulatory Order Establishing and Approving Amendment No. 1 to Agreement on Facilities Between Finney County Rural Water District No. 1 and Wheatland Electric Cooperative, Inc. <i>Suspension Order</i>	14-WHLW-157-CON	
29	In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval of Revisions to Their General Terms and Conditions to Implement an Optional Prepay Service Pilot Program <i>Suspension Order</i>	14-WSEE-148-TAR	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
30	In the Matter of Westar Energy, Inc. and Kansas Gas and Electric Company (both doing business as Westar Energy) Filing Tariff Revisions to its Economic Development Rider. <i>Suspension Order</i>	14-WSEE-147-TAR	
31	In the Matter of the Complaint of Atmos Energy Against 4 County Energy, LLC. <i>Order Setting Procedural Schedule and Designating Prehearing Officer</i>	13-ATMG-741-COM	
31	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 Setting Procedural Schedule and Designating Prehearing Officer</i>	14-4CEG-003-COC	
32	In the Matter of the Application of Correct Solutions, LLC for a Certificate of Convenience and Authority to Provide Resold Operator Services and Interexchange Service Within the State of Kansas <i>Order on Certificate of Convenience and Authority to Provide Resold Operator Services and Interexchange Service Within the State of Kansas</i>	14-CORC-109-COC	

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



For the Commission :

Mark Sievers by [Signature]  
Mark Sievers, Chairman (approved in meeting on this date)

[Signature]  
Thomas E. Wright, Commissioner

Shari Feist Albrecht  
Shari Feist Albrecht, Commissioner

Attest:

[Signature]  
Kim Christiansen  
Executive Director



MINUTES OF  
Commission Meeting

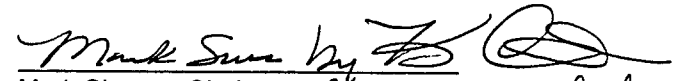
Tuesday, 15 October, 2013, 11:00 am

Item Needing Notice

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
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2	In the Matter of the Joint Application of Mid-Kansas Electric Company, LLC, Lane-Scott Electric Cooperative, Inc., Prairie Land Electric Cooperative, Inc., Southern Pioneer Electric Company, Victory Electric Cooperative Association, Inc., Western Cooperative Electric Association, Inc., and Wheatland Electric Cooperative, Inc., Joint Applicants, for an Order Approving the Transfer of Certificates of Convenience With Respect to All of Mid-Kansas' Retail Electric Services and for Other Related Relief. <i>Order on Petition for Reconsideration</i>	13-MKEE-447-MIS	
3	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>Order on Westar's Energy Efficiency Rider</i>	14-WSEE-030-TAR	
4	In the Matter of the Regulation of Public Utilities and Common Carriers, and Providing Means for Paying Certain Costs and Expenses in Connection With Such Regulation, as Provided in K.S.A. 66-1501 to 66-1510 <i>Order Assessing Commission Costs Pursuant to K.S.A. 66-1503</i>	14-ALLX-145-ASM	
5	In the Matter of the Regulation of Public Utilities and Common Carriers, and Providing Means for Paying Certain Costs and Expenses in Connection With Such Regulation, as Provided in K.S.A. 66-1501 to 66-1510 <i>Order Assessing CURB Costs Pursuant to K.S.A. 66-1503</i>	14-ALLB-146-ASM	

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 *(signature approved if met by on this date)*

  
Thomas E. Wright, Commissioner

  
Shari Feist Albrecht, Commissioner

Attest:

  
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Kim Christiansen  
Executive Director