

Kansas Corporation Commission
Commission Meeting
October 31, 2013
2:00 p.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 3:00 pm on October 31, 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 Albrecht moved, and Commissioner Wright seconded, the approval of the Consent Agenda: All listed matters for October 31, 2013 on the 4 page document attached hereto as "Attachment A," which is included by reference herein. Chair Sievers concurred
 - b. Noticed Items: See Attachment "B", included by reference.
 - i. **Docket No. 13-CONS-321-CSHO; In the matter of an Order to Show Cause issued to J-V Oil, LLC and John Galemore regarding responsibility under K.S.A. 55-179 for plugging the Beale #OW3 well on the Beale Lease in Neosho County, Kansas.**

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order #13-3538. Chair Sievers concurred
 - ii. **Docket No. 13-CONS-464-CSHO: In the matter of an Order to Show Cause issued to Genesis Exploration, Inc. and W.H. Foster dba Foster Oil & Gas regarding responsibility under K.S.A. 55-179 for plugging two wells on the Voth Lease in Wilson County, Kansas.:**

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order #13-3519. Chair Sievers concurred
 - iii. **Docket No. 13-SEPE-701-TAR: In the Matter of the Application of Sunflower Electric Power Corporation for Approval to Adopt and Implement a Formula-Based Rate for Recovery of Transmission Costs and to Amend Its Open Access Transmission Tariff.**

Commissioner Albrecht moved, and Commissioner Wright seconded, to approve order #13-3518, Order Approving Unanimous Stipulation and agreement. Chair Sievers concurred

4. Other matters:

- a. 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 . . .”, to seek legal advice in matters or cases pending before the Commission, for a period of 30 minutes. Commissioner Albrecht concurred. The Commission moved into Executive session at 2:11 p.m. .
- b. The Commission re-convened in public session at **2:41 pm**.
- c. 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 . . .”, to seek legal advice in matters or cases pending before the Commission, for a period of 30 minutes. Commissioner Albrecht concurred. The Commission moved into Executive session at 2:42 p.m.
- d. The Commission re-convened in public session at 3:12 p.m.
- e. Commissioner Albrecht moved and Commissioner Wright seconded to authorize KCC staff to engage outside counsel to or in an attempt to resolve issues in or regarding the Howiston Heights related matters before the bankruptcy court having jurisdiction over the same. A docket regarding Howiston Heights is pending before the Commission
- f. **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.**

Advisory Attorney Jay Van Blaricum presented Commissioners Albrecht and Wright with a copy of comments on the above captioned case drafted by Chair Sievers for their review for possible inclusion of some or all of the comments in the order pending in the above captioned case.

There being no further matters before the Commission, the Commission adjourned at 3:18 p.m.

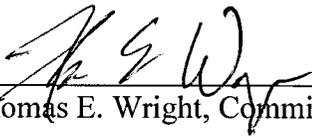
Respectfully submitted,



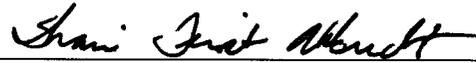
Kim Christiansen
Secretary of the Commission



Mark Sievers, Chair



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, October 31, 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 failure of KanTex Oil & Gas LLC to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Jim Russell #1-32 well in Johnson County, Kansas. <i>Shut-In Order</i>	13-CONS-410-CPEN	
2	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 Panoma Council Grove Gas Fields in the Alternate Tract Unit Described as Section 6-28S-39W (SE/4), Section 5-28S-39W (SW/4), Section 8-28S-39W (NW/4), Section 7-28S-39W (NE/4) in Stanton County, Kansas. (ATU 249) <i>Order</i>	14-CONS-158-CUNI	
3	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 Panoma Council Grove Gas Fields in the Alternate Tract Unit Described as Section 5-28S-39W (SE/4), Section 4-28S-39W (SW/4), Section 9-28S-39W (NW/4), Section 8-28S-39W (NE/4) in Stanton County, Kansas. (ATU 250) <i>Order</i>	14-CONS-159-CUNI	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	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 Panoma Council Grove Gas Fields in the Alternate Tract Unit Described as Section 31-26S-39W (SE/4), Section 32-26S-39W (SW/4) in Hamilton County, Kansas, Section 05-27S-39W (NW/4), Section 06-27S-39W (NE/4) in Stanton County, Kansas. (ATU 164) Order	14-CONS-160-CUNI	
5	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 Panoma Council Grove Gas Fields in the Alternate Tract Unit Described as Section 35-28S-39W (SE/4), Section 36-28S-39W (SW/4), Section 1-29S-39W (NW/4), Section 2-29S-39W (NE/4) in Stanton County, Kansas. (ATU 231) Order	14-CONS-161-CUNI	
6	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 Panoma Council Grove Gas Fields in the Alternate Tract Unit Described as Section 9-25S-38W (SE/4), Section 10-25S-38W (SW/4), Section 15-25S-38W (NW/4), Section 16-25S-38W (NE/4) in Kearny County, Kansas. (ATU 319) Order	14-CONS-162-CUNI	
7	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 Panoma Council Grove Gas Fields in the Alternate Tract Unit Described as Section 7-25S-38W (SE/4), Section 8-25S-38W (SW/4), Section 17-25S-38W (NW/4), Section 18-25S-38W (NE/4) in Kearny County, Kansas. (ATU 342) Order	14-CONS-163-CUNI	
8	In the matter of the failure of Ward Craig, dba Craig Oil Company, to comply with K.A.R. 82-3-128 regarding the Sylvester Axman Lease in Barton County and the Brack AA, Mai, and Schmidt Leases in Russell County, Kansas. Order Rescinding Penalty	14-CONS-191-CPEN	
9	In the matter of the failure of Wilton Petroleum, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Brothers I S #3-A in Rice County, Kansas. Penalty Order - Wilton Petroleum, Inc.	14-CONS-229-CPEN	
10	In the matter of the failure of Scout Energy Management LLC ("Operator") to comply with K.A.R. 82-3-111 at the Berryman Richfield Unit #4-3 in Morton County, Kansas. Penalty Order - Scout Energy Management LLC	14-CONS-230-CPEN	
11	In the matter of the failure of Trinity Bay Oil & Gas Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Lewis Wildgen #3W in Ness County, Kansas. Penalty Order - Trinity Bay Oil & Gas Inc.	14-CONS-231-CPEN	

Consent Agenda

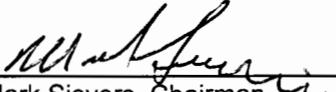
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
12	In the matter of the failure of ELM III Operating Company LLC ("Operator") to comply with K.A.R. 82-3-111 at the HJV Lighty A #2 well in Grant County, Kansas and the Murphy D #2 well in Haskell County, Kansas. Penalty Order - ELM III Operating Company LLC	14-CONS-232-CPEN	
13	In the matter of the failure of Prairie Energy LC ("Operator") to comply with K.A.R. 82-3-111 at the Mathes-Hartman #1(3) in Kearny County, Kansas. Penalty Order - Prairie Energy LC	14-CONS-233-CPEN	
14	In the matter of the failure of B-C Steel, LLC ("Operator") to comply with K.A.R. 82-3-111 at the Ankrom #1, Ankrom #5, Ankrom #6, Ankrom #7 and Ankrom #8 wells in Cowley County, Kansas. Penalty Order - B-C Steel, LLC	14-CONS-234-CPEN	
15	In the Matter of the Investigation of Quality Wrecker Service, LLC of Independence, 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. Order Suspending Motor Carrier Operating Authority	13-TRAM-754-PEN	
16	In the Matter of the Investigation of Fleming Feed & Grain, Inc. of Leon, 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. Penalty Order	14-TRAM-187-PEN	
17	In the Matter of Wheat State Telephone Company, Proposes to Revise the Exchange Boundary Between Wheat State's Udall Exchange and AT&T's Mulvane Zone of Wichita Metropolitan Exchange. Order	13-WHST-710-CXB	
18	In the Matter of Southwestern Bell Telephone Company, Proposes to Revise the Exchange Boundary Between Wheat State's Udall Exchange and AT&T's Mulvane Zone of Wichita Metropolitan Exchange. Order	14-SWBT-131-CXB	
19	In the Matter of the Application for Approval of A Master Resale Agreement Between United Telephone Company of Kansas d/b/a CenturyLink, United Telephone of Eastern Kansas d/b/a CenturyLink, United Telephone Company of Southcentral Kansas d/b/a CenturyLink, and Embarq Missouri, Inc. d/b/a CenturyLink Pursuant to The Telecommunications Act of 1996 Order Approving Master Resale Agreement	14-UTDT-140-IAT	
20	In the Matter of LaHarpe Telephone Company Filing Tariff Revisions Introducing National Directory Assistance Service and Making Text Changes to Update References Order Approving Tariff Revisions	14-LHPT-186-TAR	

Consent Agenda

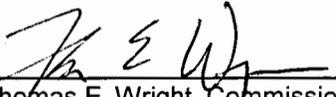
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
21	In the Matter of the Investigation of Postrock Energy Services Corporation of Chanute, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Penalty Order</i>	14-TRAM-191-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
Commission Meeting

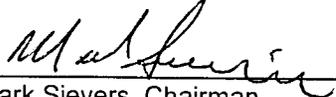
Thursday, 31 October, 2013, 2:00 pm

Item Needing Notice

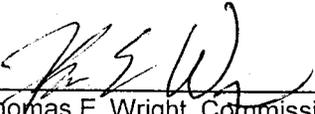
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2	In the matter of an Order to Show Cause issued to Genesis Exploration, Inc. and W.H. Foster dba Foster Oil & Gas regarding responsibility under K.S.A. 55-179 for plugging two wells on the Voth Lease in Wilson County, Kansas. <i>Order</i>	13-CONS-464-CSHO	
3	In the Matter of the Application of Sunflower Electric Power Corporation for Approval to Adopt and Implement a Formula-Based Rate for Recovery of Transmission Costs and to Amend Its Open Access Transmission Tariff. <i>Order Approving Unanimous Stipulation and Agreement</i>	13-SEPE-701-TAR	

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.

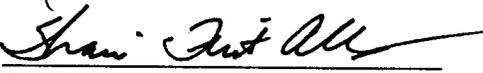
For the Commission :



Mark Sievers, Chairman



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner

Attest:



Kim Christiansen
Executive Director