

**Kansas Corporation Commission**  
**Commission Meeting**  
**December 3, 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 December 3, 2013 in the 3rd floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.
2. Present: Commissioner Thomas Wright and Commissioner Shari Albrecht Chairman Mark Sievers was absent.
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 December 3, 2013 on the 6 page document attached hereto as "Attachment A," which is included by reference herein, except for item 31, Docket # 14-WHLW-218-RTS, In the matter of the Application of Wheatland Electric Cooperative, Inc. For Approval to Make Certain Changes in Its Charges for Water Service to Tyson Fresh meats, Inc.

- b. Motions to Intervene:

**Docket No. 14-ATMG-230-TAR**In the Matter of the Application of Atmos Energy to Amend its Purchase Gas Adjustment (PGA) Schedule to Add a Demand Charge Savings and Pipeline Bypass Savings Component to the PGA.

Commissioner Wright moved, and Commissioner Albrecht seconded, approval of the Petition to Intervene of the Citizens Utility Ratepayer Board to intervene in the above-captioned docket. See Attachment "B", included by reference.

- c. Noticed Items: See Attachment "C", included by reference.

- i. **Docket No. 13-LYCE-514-MIS**In the Matter of a Petition for Investigation of Rates, Joint Rates, Tolls, Charges and Exactions, Classifications and Schedules of Rates of Lyon-Coffey Electric Cooperative, Inc., Pursuant to K.S.A. 66-104d(g).

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order #13-3887. Final Order.

- ii. **Docket No. 13-WSEE-707-TAR**In the Matter of the Notice and Application of Westar Energy, Inc. and Kansas Gas and Electric Company for a Limited Waiver of the Billing Standards:

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order #13-3895 as amended as follows: ,Striking the final sentence in paragraph No. 3 in the proposed order, which read in the proposed order as follows: *“Notwithstanding, if the Commission does move for approval of this matter it would be better addressed in a general investigation docket”* and replacing it with the following: *“Should the use of digital meters become more prevalent staff recommends addressing the issues of remote disconnection in a general investigation docket.”*

**iii. Docket No. 14-MKEE-136-TAR; 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.**

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order #13-3888 - Order Granting Mid-Kansas's Motion to Dismiss.

**iv. A. Docket No. 14-WHLW-157-CON: 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.**

**B. Docket No. 14-WHLW-176-CON: In the Matter of the Application of Wheatland Electric Cooperative, Inc. for a Regulatory Order Establishing and Approving Amendment No. 2 of Joint Agreement for Water Purchase Treatment and Distribution Between the City of Garden City, Kansas, and Wheatland Electric Cooperative.**

**C. Docket No. 14-WHLW-217-CON; In the Matter of the Application of Wheatland Electric Cooperative, Inc. for a Regulatory Order Establishing and Approving Amendment No. 1 to Agreement on Facilities Between Sunflower Electric Power Corporation and Wheatland Electric Cooperative, Inc.**

**D. Docket No. 14-WHLW-218-RTS: In the Matter of the Application of Wheatland Electric Cooperative, Inc. For Approval to Make Certain Changes in Its Charges for Water Service to Tyson Fresh Meats, Inc.**

Commissioner Wright moved, and Commissioner Albrecht seconded, to approve order #13-3889 - Order Consolidating Dockets; Suspension Order.

**v. Docket No. 14-WHLW-218-RTS, In the matter of the Application of Wheatland Electric Cooperative, Inc. For Approval to Make Certain Changes in Its Charges for Water Service to Tyson Fresh meats, Inc.**

Commissioner Albrecht moved, and Commissioner Wright seconded, to approve order #31, as numbered in the original Consent Agenda for today's meeting, in the above captioned docket, an Order designating Prehearing Office; Protective Order; Discovery Order; Procedural Order.

**There being no further matters before the Commission, the Commission adjourned at 11:15 a.m.**

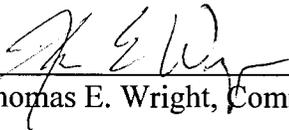
Respectfully submitted,



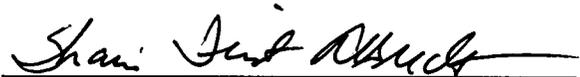
\_\_\_\_\_  
Kim Christiansen  
Secretary of the Commission

Absent

\_\_\_\_\_  
Mark Sievers, Chair



\_\_\_\_\_  
Thomas E. Wright, Commissioner



\_\_\_\_\_  
Shari Feist Albrecht, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Tuesday, December 3, 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 JBN Telephone Filing Tariff Revisions to Reflect Concurrence in Appendix A of the Blue Valley Tele-communications Intrastate Access Tariff. <i>Order Approving Tariff Revisions</i>	14-JBNT-238-TAR	
2	In the Matter of Haviland Telephone Filing Tariff Revisions to Reflect Concurrence in Appendix A of the Blue Valley Tele-communications Intrastate Access Tariff. <i>Order Approving Tariff Revisions</i>	14-HVDT-237-TAR	
3	In the Matter of United Telephone Association Filing Tariff Revisions to Reflect Concurrence in Appendix A of the Blue Valley Tele-communications Intrastate Access Tariff <i>Order Approving Tariff Revisions</i>	14-UTAT-233-TAR	
4	In the Matter of KanOkla Telephone Association Filing Tariff Revisions to Reflect Concurrence in Appendix A of the Blue Valley Tele-communications Intrastate Access Tariff <i>Order Approving Tariff Revisions</i>	14-KOKT-232-TAR	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Cebridge Telecom KS, LLC d/b/a Suddenlink Communications. <b>Order Nunc Pro Tunc</b>	14-SWBT-203-IAT	
6	In the Matter of the Application of Knology of Kansas, Inc., d/b/a Knology, Filing for Kansas Video Service Authorization. <b>Order Amending Video Service Authorization to Include the City of Lawrence, Kansas</b>	11-KKIC-181-VSA	
7	In the Matter of Blue Valley Filing Tariff Revisions to Add New Discount Bundle Service Packages and Changing Rate on Some Existing Bundled Packages <b>Order Approving Tariff Revisions</b>	14-BLVT-243-TAR	
8	In the Matter of JBN Telephone Company, Inc. Filing Tariff Revisions Updating Index Page to Reflect Actual Tariff Contents and Proposing New DID and ISDN-PRI Service <b>Order Approving Tariff Revisions</b>	14-JBNT-215-TAR	
9	In the Matter of the Investigation of Delano P. Petty, d/b/a Thomas Sign Services of Manhattan, 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. <b>Penalty Order</b>	14-TRAM-231-PEN	
10	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. <b>Order Reinstating Motor Carrier Operating Authority</b>	14-TRAM-160-OOS	
11	In the Matter of the Investigation of Richie E. Clarkson 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. <b>Penalty Order</b>	14-TRAM-249-PEN	
12	In the Matter of the Application of Westar Energy, Inc. for Certificate Public Convenience and Authority to Transact the Business of an Electric Public Utility Specifically in Parts of Lots 165, 165, and 166, Hills of Forst View, 3rd Plat, a Subdivision in the City of Olathe, Section 21, Township 13 South, Range 23 East, in Johnson County, Kansas. <b>Certificate</b>	14-WSEE-213-COC	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
13	In the Matter of the Application of Kansas City Power & Light Company for a Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility, in Part of Lots 140, 141, 142 and Tract F, Hills of Forest View, 3rd Plat, a Subdivision in the City of Olathe, Johnson County, Kansas and Also Part of Lots 35 and 36, Hills of Forest View, 1st Plat, a Subdivision of the City of Olathe, Johnson County, Kansas <b><i>Certificate</i></b>	14-KCPE-178-COC	
14	In the Matter of the Application of Kansas City Power & Light Company for Authority to Cease Transacting the Business of an Electric Public Utility in Part of Lots 164, 165 and 166, Hills of Forest View, 3rd Plat, a Subdivision in the City of Olathe, Johnson County, Kansas <b><i>Order</i></b>	14-KCPE-177-CCS	
15	In the Matter of the Application of Westar Energy, Inc. to Cease Transacting the Business of an Electric Public Utility, Specifically in Parts of Lots 140, 141, 142, and Tract F, Hills of Forest View, 3rd Plat, and also Parts of Lots 35 and 36, Hills of Forest View, 1st Plat, all in the City of Olathe, Section 21, Township 13 South, Range 23 East, In Johnson County, Kansas. <b><i>Order</i></b>	14-WSEE-214-CCS	
16	In the matter of the failure of CEC Operations LLC ("Operator") to comply with K.A.R. 82-3-602 at the Carney-Jones #1, Warner #3 and Warren Sons #1 TomTom wells in Cowley County, Kansas. <b><i>Penalty Order - CEC Operations LLC</i></b>	14-CONS-335-CPEN	
17	In the matter of the failure of Jerald Bollinger ("Operator") to comply with K.A.R. 82-3-602 at the Bolling #B-1 well in Allen County, Kansas. <b><i>Penalty Order - Jerald Bollinger</i></b>	14-CONS-334-CPEN	
18	In the matter of the failure of Argent Energy (US) Holdings, Inc. ("Operator") to comply with K.A.R. 82-3-602 at the Teton Wilson #23-27 well in Stafford County, Kansas. <b><i>Penalty Order - Argent Energy (US) Holdings, Inc.</i></b>	14-CONS-333-CPEN	
19	In the matter of the failure of Midwestern Exploration Company ("Operator") to comply with K.A.R. 82-3-111 at the Dowdy #2-8 in Seward County, Kansas. <b><i>Penalty Order - Midwestern Exploration Company</i></b>	14-CONS-304-CPEN	
20	In the matter of the failure of Enterprise Inc ("Operator") to comply with K.A.R. 82-3-602 at the Pfeifer #1 well in Ellis County, Kansas. <b><i>Penalty Order - Enterprise Inc.</i></b>	14-CONS-337-CPEN	
21	In the matter of the failure of Benjamin M. Giles ("Operator") to comply with K.A.R. 82-3-602 at the Melville #1A OWWO well in Butler County, Kansas. <b><i>Penalty Order - Benjamin M. Giles</i></b>	14-CONS-338-CPEN	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
22	In the matter of the failure of Rodger D. Wells ("Operator") to comply with K.A.R. 82-3-602 at the Amrein #6 well located in Ellis County and the Binkley #1 well located in Gove County, Kansas <b>Penalty Order - Rodger D. Wells</b>	14-CONS-346-CPEN	
23	In the matter of the failure of Venture Resources, Inc. ("Operator") to comply with K.A.R. 82-3-602 at the Holsman #1 well in Graham County, Kansas. <b>Penalty Order - Venture Resources, Inc.</b>	14-CONS-345-CPEN	
24	In the matter of the failure of Trek AEC, LLC ("Operator") to comply with K.A.R. 82-3-602 at the Double H Farms #24-1 well in Ford County, Kansas. <b>Penalty Order - Trek AEC, LLC</b>	14-CONS-344-CPEN	
25	In the matter of the failure of Three Rivers Exploration, LLC ("Operator") to comply with K.A.R. 82-3-602 at the Waddell #1-A and Waddell #2-A wells in Greenwood County, Kansas. <b>Penalty Order - Three Rivers Exploration, LLC</b>	14-CONS-343-CPEN	
26	In the matter of the failure of Scout Energy Management LLC ("Operator") to comply with K.A.R. 82-3-602 at the Northwest Flats Unit #3-4 well in Morton County, Kansas. <b>Penalty Order - Scout Energy Management LLC</b>	14-CONS-342-CPEN	
27	In the matter of the failure of Red Cloud Exploration Operating LLC ("Operator") to comply with K.A.R. 82-3-602 at the Purcell #1-09, Reno #01-09, Reno #3-09 and Reno #4-09 wells in Woodson County, Kansas. <b>Penalty Order - Red Cloud Exploration Operating LLC</b>	14-CONS-341-CPEN	
28	In the matter of the failure of Prolific Resources LLC ("Operator") to comply with K.A.R. 82-3-602 at the A. C. Widener Farms #1 well located in Stafford County and the Panning "B" #1 well located in Barton County, Kansas. <b>Penalty Order - Prolific Resources LLC</b>	14-CONS-340-CPEN	
29	In the matter of the failure of Mar-Lou Oil Co., LLC ("Operator") to comply with K.A.R. 82-3-602 at the Fred Cress #1 well in Ellis County, Kansas. <b>Penalty Order - Mar-Lou Oil Co., LLC</b>	14-CONS-339-CPEN	
30	In the matter of the failure of Dawson-Markwell Exploration Co. ("Operator") to comply with K.A.R. 82-3-602 at the Weir #1-A and Weir #Weir 2A wells in Cowley County, Kansas. <b>Penalty Order - Dawson-Markwell Exploration Co.</b>	14-CONS-336-CPEN	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
31	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>Order Designating Prehearing Officer; Protective Order; Discovery Order; Procedural Order</i>	14-WHLW-157-CON	
31	In the Matter of the Application of Wheatland Electric Cooperative, Inc. for a Regulatory Order Establishing and Approving Amendment No. 2 of Joint Agreement for Water Purchase Treatment and Distribution Between the City of Garden City, Kansas, and Wheatland Electric Cooperative. <i>Order Designating Prehearing Officer; Protective Order; Discovery Order; Procedural Order</i>	14-WHLW-176-CON	
31	In the Matter of the Application of Wheatland Electric Cooperative, Inc. for a Regulatory Order Establishing and Approving Amendment No. 1 to Agreement on Facilities Between Sunflower Electric Power Corporation and Wheatland Electric Cooperative, Inc. <i>Order Designating Prehearing Officer; Protective Order; Discovery Order; Procedural Order</i>	14-WHLW-217-CON	
31	In the Matter of the Application of Wheatland Electric Cooperative, Inc. For Approval to Make Certain Changes in Its Charges for Water Service to Tyson Fresh Meats, Inc. <i>Order Designating Prehearing Officer; Protective Order; Discovery Order; Procedural Order</i>	14-WHLW-218-RTS	Removed to be combined w/ noticed item 6
32	In the Matter of the Investigation of Cornerstone Foundation Repair, LLC of Kansas City, Missouri, Regarding the Violation of the Kansas Underground Utility Damage Prevention Act, and the Commission's Authority to Impose Penalties and Injunctive Relief. <i>Penalty Order</i>	14-DPAX-204-PEN	
33	In the Matter of the Investigation of Brian Huff, d/b/a Huff Excavating of Peculiar, Missouri, Regarding the Violation of the Kansas Underground Utility Damage Prevention Act, and the Commission's Authority to Impose Penalties and Injunctive Relief. <i>Penalty Order</i>	14-DPAX-200-PEN	

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

For the Commission :

Absent  
Mark Sievers, Chairman

[Signature]  
Thomas E. Wright, Commissioner

[Signature]  
Shari Feist Albrecht, Commissioner

Attest:

[Signature]  
Kim Christiansen  
Executive Director

# KANSAS

Corporation Commission

## MINUTES OF Interventions

Date of Discussion: Tuesday, 3 December, 2013, 11:00 am

### Motions to Intervene

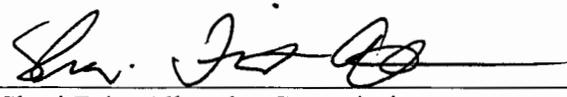
ITEM NO.	DESCRIPTION	DOCKET NUMBER	Approved	Limited	Denied
1	In the Matter of the Application of Atmos Energy to Amend its Purchase Gas Adjustment (PGA) Schedule to Add a Demand Charge Savings and Pipeline Bypass Savings Component to the PGA. <i>Petition to Intervene of CURB</i>	14-ATMG-230-TAR			

For the Commission:

*Absent*

Mark Sievers, Chairman

  
Thomas E. Wright, Commissioner

  
Shari Feist Albrecht, Commissioner

Attest:

  
Kim Christiansen  
Executive Director

**ATTACHMENT B**



MINUTES OF  
Commission Meeting

Tuesday, 3 December, 2013, 11:00 am

Item Needing Notice

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of a Petition for Investigation of Rates, Joint Rates, Tolls, Charges and Exactions, Classifications and Schedules of Rates of Lyon-Coffey Electric Cooperative, Inc., Pursuant to K.S.A. 66-104d(g). <i>Final Order</i>	13-LYCE-514-MIS	
2	In the Matter of the Notice and Application of Westar Energy, Inc. and Kansas Gas and Electric Company for a Limited Waiver of the Billing Standards. <i>Order Denying Application</i>	13-WSEE-707-TAR <i>Approved as Amended</i>	
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>Order Granting Mid-Kansas's Motion to Dismiss</i>	14-MKEE-136-TAR	

**Item Needing Notice**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	<p>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>Order Consolidating Dockets; Suspension Order</i></p> <p>In the Matter of the Application of Wheatland Electric Cooperative, Inc. for a Regulatory Order Establishing and Approving Amendment No. 2 of Joint Agreement for Water Purchase Treatment and Distribution Between the City of Garden City, Kansas, and Wheatland Electric Cooperative.  <i>Order Consolidating Dockets; Suspension Order</i></p> <p>In the Matter of the Application of Wheatland Electric Cooperative, Inc. for a Regulatory Order Establishing and Approving Amendment No. 1 to Agreement on Facilities Between Sunflower Electric Power Corporation and Wheatland Electric Cooperative, Inc.  <i>Order Consolidating Dockets; Suspension Order</i></p> <p>In the Matter of the Application of Wheatland Electric Cooperative, Inc. For Approval to Make Certain Changes in Its Charges for Water Service to Tyson Fresh Meats, Inc.  <i>Order Consolidating Dockets; Suspension Order</i></p>	<p>14-WHLW-157-CON</p> <p>14-WHLW-176-CON</p> <p>14-WHLW-217-CON</p> <p>14-WHLW-218-RTS</p>	
5	<p>In the Matter of a General Investigation into the Implementation of House Bill 2201 (2013 Kansas Legislature).  <i>Order</i></p>	13-GIMT-736-GIT	

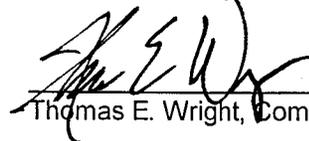
The above-captioned matter(s) came before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having reviewed its files and records and being duly advised in the premises, it is the decision of this Commission by a majority vote during a Commission Meeting that the attached Order(s) be entered, subject to further order or orders of the Commission.

*Add item #14 WHLW-218-RTS from consent agenda.*

For the Commission:

Absent

Mark Sievers, Chairman



Thomas E. Wright, Commissioner



Shari Feist Albrecht, Commissioner

Attest:



Kim Christiansen  
Executive Director