

Kansas Corporation Commission
Commission Meeting
January 28, 2014
10:00 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 10:00 a.m. on January 28, 2014 in the 3rd floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.
2. Present: Chair Albrecht, Commissioner Wright and Commissioner Emler.
3. The following were considered and action taken by the Commission:
 - a. **Consent Agenda:** Commissioner Emler moved and Chair Albrecht seconded the motion, the approval of the Consent Agenda: All listed matters for January 28, 2014 on the 6 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Wright abstained from voting on this matter.
 - b. **Interventions**
 - i. **Docket No. 13-HHIW-460-GIV: In the Matter of the Investigation of Howison Heights Inc.'s Ability to Provide Sufficient and Efficient Service.**

Docket No. 13-HHIW-570-RTS: In the Matter of the Application of Howison Heights, Inc., for Approval of the Commission to Make Certain Changes in Its Rates for Water Service. Petition to Intervene by Rural Water District No. 2, Ottawa County, Kansas.

Commissioner Wright moved and Commissioner Emler seconded the motion, the approval of the Petition to Intervene in the consolidated dockets above by Rural Water District No. 2, Ottawa County, Kansas. Chair Albrecht concurred.
 - ii. **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.

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. Petition to Intervene of Sunflower Electric Power Cooperative.

Commissioner Wright moved, and Commissioner Emler seconded the motion, the approval of the Petition to Intervene of Sunflower Electric Power Cooperative in the consolidated dockets above. Chair Albrecht concurred.

iii. Docket No. 14-SEPE-287-CON: In the Matter of the Joint Application of Sunflower Electric Power Corporation and Wheatland Electric Cooperative, Inc. for Approval of Special Contract and Expedited Interim Order. Petition of Garden City, Kansas, to Intervene and Petition to Intervene of Kansas Municipal Energy Agency.

Commissioner Wright moved and Commissioner Emler seconded the motion, the approval of the Petition of Garden City, Kansas to Intervene, Petition to Intervene of Kansas Municipal Energy Agency and approved Garden City's Motion for Pro Hac Vice Admission of Gregg Ottinger and Ashley Bond, finding that the affidavits submitted in support of said motion met the standards of Kansas Supreme Court Rule 116 . Chair Albrecht concurred.

c. Noticed Items:

i. Docket No. 13-CONS-402-CWLE: In the matter of the application of Primal Energy O&G, LLC, for a location exception for the Skiles #28-1 well in Section 28, Township 18 South, Range 9 West in Rice County.

Commissioner Wright moved and Chair Albrecht seconded the motion, to table this item, and consider the proposed order and the alternative order distributed at the meeting held on this date at a special Commission meeting, to be held at the same location on Wednesday, January 29, 2014 at 8:30 a.m. Commissioner Emler noted that he did not participate in the hearing held in the above captioned case and is hereby recusing himself from acting in consideration of the proposed order and the alternative proposed order in the above captioned docket.

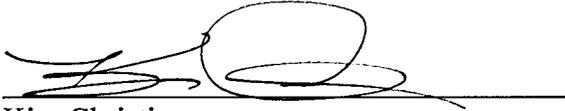
ii. Docket No. 14-CONS-175-CPEN: In the matter of the failure of ADR Operating, Inc. to comply with K.A.R. 82-3-128 regarding the Betts Lease in Montgomery County and the Wilson Lease in Wilson County, Kansas.

Commissioner Wright moved and Chair Albrecht seconded the motion, to table this item, and consider the proposed order at the meeting held on this date at a special Commission meeting, to be held at the same location

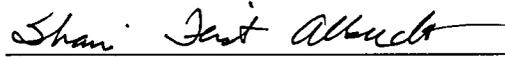
on Wednesday, January 29, 2014 at 8:30 a.m. Commissioner Emler concurred.

There being no further matters before the Commission, the Commission adjourned at 10:20 a.m.

Respectfully submitted,



Kim Christiansen
Secretary of the Commission



Shari Feist Albrecht, Chair



Thomas E. Wright, Commissioner



Jay Emler, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, January 28, 2014

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	- Order Granting Exception to Notice E-09952		
2	In the matter of the failure of Jim Carter dba J. Carter Oil ("Operator") to comply with K.A.R. 82-3-407 at the Mudd #1 in Russell County, Kansas. <i>Penalty Order - Jim Carter dba J. Carter Oil</i>	14-CONS-494-CPEN	
3	In the matter of the failure of Rains & Williamson Oil Co., Inc. ("Operator") to comply with K.A.R. 82-3-407 at the Bogart B #2 in Phillips County, Kansas. <i>Penalty Order - Rains & Williamson Oil Co., Inc.</i>	14-CONS-495-CPEN	
4	In the matter of the failure of Sam W. Mays Jr. LLC ("Operator") to comply with K.A.R. 82-3-407 at the Morris #8 S and Morris #7S in Greenwood County, Kansas. <i>Penalty Order - Sam W. Mays Jr. LLC</i>	14-CONS-496-CPEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the matter of the failure of Shell Gulf of Mexico Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Francis 3407 #31-1, Zimmerman #1, and Hedrick 2106 #19-1 wells in Harper County, Kansas. Penalty Order - Shell Gulf of Mexico Inc.	14-CONS-497-CPEN	
6	In the matter of the failure of Qir's Investment, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Qin #8 and Qin #9 in Miami County, Kansas. Penalty Order - Qir's Investment, LLC	14-CONS-498-CPEN	
7	In the matter of the failure of Novy Oil & Gas, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Beymer B #2 in Kearny County, Kansas. Penalty Order - Novy Oil & Gas, Inc.	14-CONS-499-CPEN	
8	In the matter of the failure of White Exploration, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Cockrum #1, Cockrum #3, Martin #1, Cullers #1 and Fiss #1 wells in Stanton County, Kansas. Penalty Order - White Exploration, Inc.	14-CONS-500-CPEN	
9	In the matter of the failure of Quinque Operating Company ("Operator") to comply with K.A.R. 82-3-111 at the Salley #1-33 in Seward County, Kansas. Penalty Order - Quinque Operating Company	14-CONS-501-CPEN	
10	In the matter of the failure of John O. Schofield dba Schofield Energy Company ("Operator") to comply with K.A.R. 82-3-111 at the Becker #5-4 in Finney County, Kansas. Penalty Order - John O. Schofield dba Schofield Energy Company	14-CONS-502-CPEN	
11	In the matter of the failure of Apollo Energies, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Pearl #1 in Kearny County, Kansas. Penalty Order - Apollo Energies, Inc.	14-CONS-503-CPEN	
12	In the matter of the failure of Quantum Operating Co. ("Operator") to comply with K.A.R. 82-3-111 at the Krum #1 in Stanton County, Kansas. Penalty Order - Quantum Operating Co.	14-CONS-504-CPEN	
13	In the matter of the failure of White Exploration, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Nairn #1 in Stanton County, Kansas. Penalty Order - White Exploration, Inc.	14-CONS-505-CPEN	
14	In the matter of the failure of Bear Petroleum, LLC ("Operator") to comply with K.A.R. 82-3-126 at the Taylor "B" lease in Stevens County, Kansas. Penalty Order - Bear Petroleum, LLC	14-CONS-506-CPEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
15	In the matter of the failure of E & B Natural Resources Management Corp. ("Operator") to comply with K.A.R. 82-3-602 at the Marshall A #30 well in Ellis County, Kansas. Penalty Order - E & B Natural Resources Management Corp.	14-CONS-509-CPEN	
16	In the matter of the failure of Edmiston Oil Company, Inc. ("Operator") to comply with K.A.R. 82-3-602 at the Miller #5 well in Kingman County, Kansas Penalty Order - Edmiston Oil Company, Inc.	14-CONS-510-CPEN	
17	In the matter of the failure of Enterprise Inc ("Operator") to comply with K.A.R. 82-3-602 at the Veterans #1 well in Russell County, Kansas. Penalty Order - Enterprise Inc.	14-CONS-511-CPEN	
18	In the matter of the failure of James L. Hardin dba Hardin Oil Co. ("Operator") to comply with K.A.R. 82-3-602 at the Red Buffalo LLC #11 well in Montgomery County, Kansas. Penalty Order - James L. Hardin dba Hardin Oil Co.	14-CONS-512-CPEN	
19	In the matter of the failure of J D Dreiling Oil, Inc. ("Operator") to comply with K.A.R. 82-3-602 at the Rudy 'D' #1 well in Stafford County, Kansas. Penalty Order - J D Dreiling Oil, Inc.	14-CONS-513-CPEN	
20	In the matter of the failure of Kirkpatrick Oil Company, Inc. ("Operator") to comply with K.A.R. 82-3-602 at the Turek #1-2 well in Harper County, Kansas. Penalty Order - Kirkpatrick Oil Company	14-CONS-514-CPEN	
21	In the matter of the failure of Layne Energy Operating, LLC ("Operator") to comply with K.A.R. 82-3-602 at the Hummer #9A-28 well in Wilson County, Kansas. Penalty Order - Layne Energy Operating, LLC	14-CONS-515-CPEN	
22	In the matter of the failure of Victor J. Leis ("Operator") to comply with K.A.R. 82-3-602 at the Culver #A-3, Culver #A-4, Hash #5, and Holloway #4 wells in Woodson County, Kansas. Penalty Order - Victor J. Leis	14-CONS-516-CPEN	
23	In the matter of the failure of Magnum Exploration Kansas, LLC ("Operator") to comply with K.A.R. 82-3-602 at the Werts #2, Werts #1, Werts #4, Werts #3, Werts #8 and Werts #5 wells in Douglas County, Kansas. Penalty Order - Magnum Exploration Kansas, LLC	14-CONS-517-CPEN	
24	In the matter of the failure of Michael Drilling LLC ("Operator") to comply with K.A.R. 82-3-602 at the Johnson #R-6 well in Allen County, Kansas. Penalty Order - Michael Drilling LLC	14-CONS-518-CPEN	

Consent Agenda

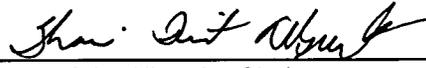
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
25	In the matter of the failure of Patrick Development Corporation ("Operator") to comply with K.A.R. 82-3-602 at the Earl Gray #64, Earl Gray #65, Earl Gray #67, and Earl Gray #68, wells in Woodson County, Kansas. <i>Penalty Order - Patrick Development Corporation</i>	14-CONS-519-CPEN	
26	In the matter of the failure of PostRock Midcontinent Production LLC ("Operator") to comply with K.A.R. 82-3-602 at the Beachner Bros #22-31-17-2, Beachner Bros #4-30-20-1, Beachner Bros #31-28-20-1 and Union Central Life #31-29-17-1 wells in Montgomery, Neosho and Wilson County, Kansas. <i>Penalty Order - PostRock Midcontinent Production LLC</i>	14-CONS-520-CPEN	
27	In the matter of the failure of Sabco Operating Co., LLC ("Operator") to comply with K.A.R. 82-3-602 at the Sabco Bergner #1-28 well in Pratt County, Kansas. <i>Penalty Order - Sabco Operating Co., LLC</i>	14-CONS-521-CPEN	
28	In the matter of the failure of Tailwater, Inc. ("Operator") to comply with K.A.R. 82-3-602 at the Lickteig #1-IW well in Anderson County, Kansas. <i>Penalty Order - Tailwater, Inc.</i>	14-CONS-522-CPEN	
29	In the matter of an Order to Show Cause issued to Kansas Energy Partners, LLC for failure to comply with K.S.A. 55-155. <i>Order Granting Continuance, Designating Prehearing Officer and Scheduling a Prehearing Conference</i>	14-CONS-348-CSHO	
30	In the Matter of the Application of Wamego Telecommunications Company, Inc. for Additional Kansas Universal Service Fund Support Pursuant to K.S.A. 66-2008. <i>Order Designating Prehearing Officer</i>	14-WTCT-142-KSF	
31	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>Order Designating Prehearing Officer</i>	14-WSEE-148-TAR	
32	In the Matter of the Investigation of Jesse Henry, d/b/a Henry Millwright & Fabrication of Levant, 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-322-PEN	
33	In the Matter of the Investigation of Gary Unruh, d/b/a Unruh Distributing of Great Bend, 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-323-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
34	In the Matter of the Emergency Suspension of Operating Authority of Extreme Recycling, Inc. of Topeka, 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-334-OOS	
35	In the Matter of the Emergency Suspension of Operating Authority of Raul Transportations, LLC of Overland Park, 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-336-OOS	
36	In the Matter of the Application of Atoms Energy for Approval of the Commission for Gas System Reliability Surcharge per K.S.A. 66-2201 through 66-2204. <i>Order on Application for Approval of 2013 Gas System Reliability Surcharge True-Up</i>	14-ATMG-221-TAR	

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

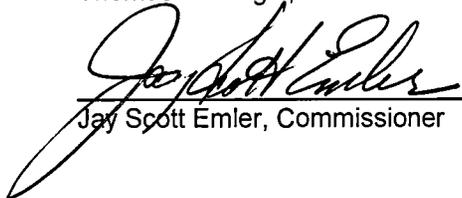
For the Commission :



Shari Feist Albrecht, Chair

Abstained

Thomas E. Wright, Commissioner



Jay Scott Emler, Commissioner

Attest:



Kim Christiansen
Executive Director