

Kansas Corporation Commission
Commission Meeting
February 6, 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 February 6, 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 considered by the Commission:
 - a. **Consent Agenda:** Commissioner Wright moved, and Commissioner Emler seconded the motion, the approval of the Consent Agenda: All listed matters for February 4, 2014 on the 5 page document attached hereto as "Attachment A," which is included by reference herein. Chair Albrecht concurred.
 - b. **Noticed Items:**
 - i. **Docket No. 14-CONS-234-CPEN: 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.**

Commissioner Wright moved, and Commissioner Emler seconded the motion, to approve order #14-0316 *Order Granting Motion to Continue the Hearing*. Chair Albrecht concurred.
 - ii. **Docket No. 14-KCPE-272-RTS: In the Matter of the Application of Kansas City Power & Light Company to Make Certain Changes in its Charges for Electric Service.**

Commissioner Emler moved, and Chair Albrecht seconded the motion, to approve order #14-0360 *Order Granting CURB's Motion to Cancel the Public Hearing*. Commissioner Wright did not concur.
 - iii. **Docket No. 14-KCPE-272-RTS: In the Matter of the Application of Kansas City Power & Light Company to Make Certain Changes in its Charges for Electric Service.**

Commissioner Wright moved, and Commissioner Emler seconded the motion, to approve order #14-0375 *Order Granting KCP&L's Petition for Reconsideration of Prehearing Officer Order Setting Procedural Schedule*. Chair Albrecht concurred.

4. Discussion/Presentation Item(s)

Commissioner Emler moved to approve Commission testimony, as drafted by KCC staff, relating to Senate Bill 337, subject to staff adding a paragraph noting the problems and issues that may arise as KCC analyzes the southwest power pool day ahead market for the report(s) required in the bill and further providing that the Commission have the opportunity to review the revised testimony before submission. Commissioner Wright seconded the motion. Chair Albrecht concurred.

Note: Mr. Wegner returned to the commission meeting following the executive session with revised testimony, which was reviewed by the Commission prior to adjournment.

5. Other matters:

- a. Chair Albrecht moved and Commissioner Emler seconded, to move the Commission into Executive Session, as provided by K.S.A. 75-4319 (b)(2,) for "...consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship ..." with General Counsel Dana Bradbury and Litigation Counsel Bob Fox to be included in the executive session, for the purposes of receiving legal advice on matters or issues pending before the Commission, for a period of 20 minutest. Commissioner Wright concurred.
 1. The Commission moved into Executive Session at 10:23 am.
 2. Litigation Counsel Bob Fox left the meeting at 10:34 am
 3. The Commission re-convened in public session at 10:43 am.

- b. Chair Albrecht moved and Commissioner Wright seconded, to move the Commission into Executive Session, as provided by K.S.A. 75-4319 (b)(2,) for "...consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship ..." with General Counsel Dana Bradbury, Litigation Counsel Bob Fox and Conservation Counsel John McCannon to be included in the executive session, for the purposes of receiving legal advice on matters or issues pending before the Commission, for a period of 10 minutest. John McCannon is to be included by telephone. Commissioner Emler concurred.
 1. The Commission moved into Executive Session at 10:44 am.
 2. The Commission re-convened in public session at 10:54 am

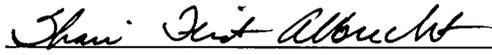
- c. Commissioner Wright moved, and Commissioner Emler seconded, to authorize Kim Christiansen, as secretary of the Commission, to execute a document discharging and releasing a bond from Travelers Casualty Company of America to Sampson Investment Company

There being no further matters before the Commission, the Commission adjourned at 10:59 a.m.

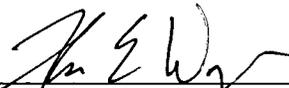
Respectfully submitted,



Kim Christiansen
Secretary of the Commission



Shari Feist Albrecht, Chair



Thomas E. Wright, Commissioner



Jay Emler, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, February 6, 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	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 3-27S-39W (SE/4), Section 2-27S-39W (SW/4), Section 11-27S-39W (NW/4), Section 10-27S-39W (NE/4) in Stanton County, Kansas. (ATU 277) Order Granting Unitization	14-CONS-264-CUNI	
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 2-27S-39W (SE/4), Section 1-27S-39W (SW/4), Section 12-27S-39W (NW/4), Section 11-27S-39W (NE/4) in Stanton County, Kansas. (ATU 278) Order Granting Unitization	14-CONS-265-CUNI	
3	In the Matter of the Application of Fiber Communications of Columbus LLC, d/b/a Optic Communications for a Certificate of Convenience and Authority to Provide Local Exchange and Exchange Access Service within the State of Kansas. Order and Certificate	14-FCCC-282-COC	
4	In the Matter of the Application of Everest Midwest Licensee LLC, Filing for Kansas Video Service Authorization. Order Approving Name Change	08-EVMT-1088-VSA	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
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 12-26S-39W (SE/4), Section 13-26S-39W (NE/4) in Hamilton County, Kansas, Section 7-26S-38W (SW/4), Section 18-26S-38W (NW/4) in Kearny County, Kansas. (ATU 297) Order Granting Unitization	14-CONS-301-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 17-27S-38W (SE/4), Section 16-27S-38W (SW/4), Section 21-27S-38W (NW/4), Section 20-27S-38W (NE/4) in Grant County, Kansas. (ATU 270) Order Granting Unitization	14-CONS-361-CUNI	
7	In the matter of the application of Pioneer Natural Resources USA, Inc. for an order providing for the unitization and unit operator a part of the Hugoton and Panoma Council Grove Gas fields in the alternate tract unit described as Section 18-29S-37W (SE/4), Section 17-29S-37W (SW/4), Section 20-29S-37W (NW/4), Section 19-29S-37W (NE/4) in Grant County, Kansas. Order Granting Unitization	14-CONS-332-CUNI	
8	In the Matter of the Investigation of Miguel Dairy Service, Inc. of Garden City, Kansas, Regarding the Violation(s) of the Motor Car 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-340-PEN	
9	In the matter of the application of Pioneer Natural Resources USA, Inc. for an order providing for the unitization and unit operator a part of the Hugoton and Panoma Council Grove Gas Fields in the alternate tract unit described as Section 5-30S-37W (SE/4), Section 4-30S-37W (SW/4), Section 8-30S-37W (NE/4), Section 9-30S-37W (NW/4) in Grant County, Kansas Order Granting Unitization	14-CONS-366-CUNI	
10	In the matter of the application of Pioneer Natural Resources USA, Inc. for an order providing for the unitization and unit operator a part of the Hugoton and Panoma Council Grove Gas Fields in the alternate tract unit described as Section 36-29S-36W (S/2) ar Section 1-30S-36W (N/2) in Grant County, Kansas Order Granting Unitization	14-CONS-367-CUNI	
11	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. Order Reinstating Motor Carrier Operating Authority	14-TRAM-336-OOS	
12	In the Matter of a General Investigation of US South Communications, Inc. to Show Cause Why This Commission Should Not Initiate Sanctions and Fines and Cancel, Suspend and revoke Any Authority the Carrier Currently Holds. Order to Show Cause	14-USIC-350-SHO	
13	In the Matter of a General Investigation into the Status of Haines Pipeline Service, Inc. as a Natural Gas Public Utility Serving the City of Severy, Kansas. Order Closing Docket; Notice of Acquisition	14-HPSP-102-GIV	

Consent Agenda

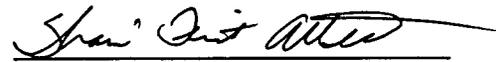
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the Matter of the Joint Application of Kansas Electric Power Cooperative, Inc. and Sunflower Electric Power Cooperative for Approval of Arkalon Wholesale Power Agreement Order Adopting Staff's Report and Recommendation	14-KEPE-171-CON	
15	In the Matter of the Investigation of Akers Consulting Group, Inc., d/b/a Ace Scale Company of Elwood, 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-329-PEN	
16	In the Matter of the Emergency Suspension of Operating Authority of Jose Juan Flores, d/b/a Flores Trucking of Liberal, Kansas, Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Emergency Suspension of Operating Authority Order	14-TRAM-346-OOS	
17	In the Matter of the Investigation of Bark to Basics, LLC of Olathe, 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-337-PEN	
18	In the Matter of the Investigation of David's Tire & Automotive, Inc. of Wichita, 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-338-PEN	
19	In the matter of the application of Pioneer Natural Resources USA, Inc. for an order providing for the unitization and unit operator a part of the Hugoton and Panoma Council Grove Gas Fields in the Alternate Tract Unit described as Section 25-29S-38W (SE/4) Section 30-29S-37W (SW/4), Section 36-29S-38W (NE/4), Section 31-29S-37W (NW/4) in Grant County, Kansas. Order Granting Unitization	14-CONS-295-CUNI	
20	In the Matter of the Audit of WestLink Communications, L.L.C. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2012 Supp. 66-2010(b) for KUSF Operating Year 16, Fiscal Year March 2012- February 2013. Order Adopting GVNW Consulting, Inc's Audit Report and Recommendations	14-WLCT-059-KSF	
21	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 24-26S-39W (SE/4), Section 25-26S-39W (NE/4) In Hamilton County, Kansas, Section 19-26S-38W (SW/4), Section 30-26S-38W (NW/4) in Kearny County, Kansas. (ATU 291) Order Granting Unitization	14-CONS-299-CUNI	
22	In the Matter of United Telephone Companies of Kansas Filing Tariff Revisions to Increase the Rate for Directory Assistance Call Order Approving Tariff Revisions	14-UTDT-332-TAR	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
23	In the Matter of the Complaint Against KCP&L by John C. Ekedahl. <i>Order Dismissing Complaint</i>	14-KCPE-197-COM	
24	In the matter of the application of Pioneer Natural Resources USA, Inc. for an order providing for the unitization and unit operation a part of the Hugoton and Panoma Council Grove Gas fields in the alternate tract unit described as Section 4-29S-37W (SE/4), Section 3-29S-37W (SW/4), Section 9-29S-37W (NE/4), Section 10-29S-37W (NW/4) in Grant County, Kansas. <i>Order Granting Unitization</i>	14-CONS-331-CUNI	
25	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 27-26S-38W (SE/4), Section 26-26S-38W (SW/4), Section 35-26S-38W (NW/4), Section 34-26S-38W (NE/4) in Kearny County, Kansas. (ATU 288) <i>Order Granting Unitization</i>	14-CONS-362-CUNI	
26	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 18-26S-38W (SE/4), Section 17-26S-38W (SW/4), Section 20-26S-38W (NW/4), Section 19-26S-38W (NE/4) in Kearny County, Kansas. (ATU 294) <i>Order Granting Unitization</i>	14-CONS-363-CUNI	

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

For the Commission :



Shari Feist Albrecht, Chair

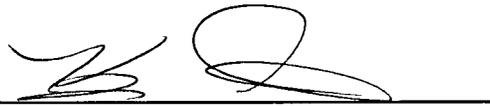


Thomas E. Wright, Commissioner



Jay Scott Emler, Commissioner

Attest:



Kim Christiansen
Executive Director