

**Kansas Corporation Commission**  
**Commission Meeting**  
**February 18, 2014**  
10:00 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 10:00 a.m. on February 18, 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 by the Commission:
  - a. **Consent Agenda:** Commissioner Wright moved for approval of the Consent Agenda: All listed matters for February 18, 2014 on the 6 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Emler seconded the motion, Chair Albrecht concurred.
  - b. **Noticed:**
    - i. **Docket No. 06 MKEE 524 ACQ: In the Matter of the Joint Application of Aquila, Inc., d/b/a Aquila Networks WPK ("WPK") and Mid Kansas Electric Company, LLC ("MKEC"), Joint Applicants, for an Order Approving the Transfer to MKEC of WPK's Certificates of Convenience and Franchises with Respect to All of WPK's Kansas Electric Business, Including Its Generation, Transmission and Local Distribution Facilities Located in the State of Kansas, and for Other Related Relief.**

Commissioner Wright moved for approval of order #14-0376 *Order Granting Waiver of Refund Requirement*. Commissioner Emler seconded the motion. Chair Albrecht concurred.
4. **Other matters:**
  - a. Chair Albrecht moved to move the Commission 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 ..." with Kansas Corporation Commission Counsels Bradbury, Fedotin, McCannon, Palmateer, Meyers and staff Hoffman, for the purposes of receiving legal advice on matters or issues pending before the Commission, for a period of 30 minutes. Counsel Meyers appeared via teleconference and video link at the Wichita division office. Commissioner Wright seconded. Commissioner Emler concurred.

- i. The Commission moved into Executive Session at 10:05 a.m.
- ii. The Commission re-convened in public session at 10:35 a.m.
  - b. Commissioner Wright moved to move the Commission 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 ..." with Counsels Bradbury, Fedotin, McCannon, Palmateer, Meyers and staff Hoffman, for the purposes of receiving legal advice on matters or issues pending before the Commission, for a period of 20 minutest. Commissioner Emler seconded. Chair Albrecht concurred.
    - i. The Commission moved into Executive Session at 10:36 a.m.
    - ii. The Commission re-convened in public session at 10:56 a.m.
  - c. The Commission took no action following the Executive Session(s.)

**There being no further matters before the Commission, the Commission adjourned at 10:57 a.m.**

Respectfully submitted,



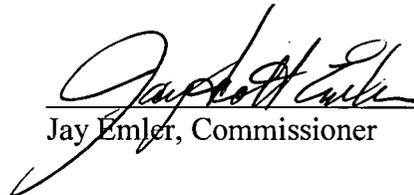
Kim Christiansen  
Secretary of the Commission



Shari Feist Albrecht, Chair



Thomas E. Wright, Commissioner



Jay Emler, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Tuesday, February 18, 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 Beren Corporation for a second exception to the 10-year time limitation of K.A.R. 82-3-111 for its NRSU #3 well located in the NW NW NW of Section 30, Township 27 South, Range 12 West, Pratt County, Kansas <i>Order Granting Application</i>	13-CONS-331-CEXC	
2	In the matter of the application of Beren Corporation for a second exception to the 10-year time limitation of K.A.R. 82-3-111 for its NRSU #6 well located in the SE SE NE of Section 25, Township 27 South, Range 13 West, Pratt County, Kansas <i>Order Granting Application</i>	13-CONS-332-CEXC	
3	In the Matter of the Application of Samuel Gary Jr. & Associates, Inc., for the Horizontal Drilling of its 12-22-8-H4 Well to be located in Sections 5 and 8, Township 12 South, Range 22 West, Trego County, Kansas. <i>Order Granting Application</i>	14-CONS-481-CHOR	
4	In the matter of the Application of Jones Gas Corporation for an exemption to the 10-year time limitation of K.A.R. 82-3-111 for its J. Miller 1 well located in the E/2 E/2 SE/3 Sec. 27-31S-15E, Montgomery County, Kansas. <i>Order Granting Application</i>	14-CONS-183-CEXC	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the matter of the Application of Jones Gas Corporation for an exemption to the 10-year time limitation of K.A.R. 82-3-111 for its Oakhurst Farms 1 well located in the SE/4 Sec 26-31S-15E, Montgomery County, Kansas. <b>Order Granting Application</b>	14-CONS-184-CEXC	
6	In the matter of the application of Cholla Production, LLC for an order permitting the drilling of a horizontal well in the Pawnee Formation, pursuant to K.A.R. 82-3-103a, upon certain lands located in Trego County, KS. <b>Order Granting Application</b>	14-CONS-365-CHOR	
7	In the matter of the failure of Viking Resources, Inc. ("Operator") to comply with K.A.R. 82-3-407 at the Ross (Probasco) #T-4 in Rooks County, Kansas. <b>Order Rescinding Penalty</b>	14-CONS-386-CPEN	
8	In the matter of the failure of Double 7 Oil and Gas LLC ("Operator") to comply with K.A.R. 82-3-117 at the McKinzie #1 well in Labette County, Kansas. <b>Order Rescinding Penalty</b>	14-CONS-459-CPEN	
9	In the matter of the failure of Roberts and Murphy, Inc. ("Operator") to comply with K.A.R. 82-3-407 at the Box Ranch #1-3 in Comanche County, Kansas. <b>Penalty Order</b>	14-CONS-545-CPEN	
10	In the matter of the failure of Viva International, Inc. ("Operator") to comply with K.A.R. 82-3-407 at the Gillian Simpson #8 in Sedgwick County, Kansas. <b>Penalty Order</b>	14-CONS-546-CPEN	
11	In the matter of the failure of Rupe Oil Company Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Svaty #3 and Griffin #1 wells in Ellsworth County, Kansas. <b>Penalty Order</b>	14-CONS-547-CPEN	
12	In the matter of the failure of Richard E. Smith dba Smith Oil Operations ("Operator") to comply with K.A.R. 82-3-111 at the Edwards #3 in Ellsworth County, Kansas <b>Penalty Order - Richard E. Smith dba Smith Oil Operations</b>	14-CONS-549-CPEN	
13	In the matter of the failure of Belport Oil, Inc. ("Operator") to comply with K.A.R. 82-3-117 at the Oscar West #701W well in Stafford County, Kansas. <b>Penalty Order - Belport Oil, Inc.</b>	14-CONS-551-CPEN	
14	In the matter of the failure of Brite Liquids, LLC ("Operator") to comply with K.A.R. 82-3-117 at the Dirks C #1 well in Logan County, Kansas. <b>Penalty Order - Brite Liquids, LLC</b>	14-CONS-552-CPEN	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
15	In the matter of the failure of Fred A. Ernst ("Operator") to comply with K.A.R. 82-3-117 at the Witt #3 well in Rooks County, Kansas. <b>Penalty Order - Fred A. Ernst</b>	14-CONS-553-CPEN	
16	In the matter of the failure of Finley Resources Inc. ("Operator") to comply with K.A.R. 82-3-117 at the Olson AJ- A #2 well in Russell County, Kansas. <b>Penalty Order - Finley Resources Inc.</b>	14-CONS-554-CPEN	
17	In the matter of the failure of High Bluff Operating LLC ("Operator") to comply with K.A.R. 82-3-117 at the Morris Krug #1 well in Thomas County, Kansas. <b>Penalty Order - High Bluff Operating LLC</b>	14-CONS-555-CPEN	
18	In the matter of the failure of Jay Krehbiel dba K & S Oil Co. ("Operator") to comply with K.A.R. 82-3-117 at the Fry #8 well in Rice County, Kansas. <b>Penalty Order - Jay Krehbiel dba K &amp; S Oil Co.</b>	14-CONS-556-CPEN	
19	In the matter of the failure of MEM Partnership LP, a General Partnership ("Operator") to comply with K.A.R. 82-3-117 at the Buss #1 well in Graham County, Kansas. <b>Penalty Order - MEM Partnership LP, a General Partnership</b>	14-CONS-557-CPEN	
20	In the matter of the failure of Brent L. Newman dba B & S Oil ("Operator") to comply with K.A.R. 82-3-117 at the H A Williams #W 4, H A Williams #W 10 and H A Williams #W 11 wells in Allen County, Kansas. <b>Penalty Order - Brent L. Newman dba B &amp; S Oil</b>	14-CONS-558-CPEN	
21	In the matter of the failure of Patrick Development Corporation ("Operator") to comply with K.A.R. 82-3-117 at the S Earl Grey #PDC #4 well in Woodson County, Kansas. <b>Penalty Order - Patrick Development Corporation</b>	14-CONS-559-CPEN	
22	In the matter of the failure of REH Oil and Gas LLC ("Operator") to comply with K.A.R. 82-3-117 at the Harper Ranch #JC #8 well in Clark County, Kansas. <b>Penalty Order - REH Oil and Gas LLC</b>	14-CONS-560-CPEN	
23	In the matter of the failure of RL Investment, LLC ("Operator") to comply with K.A.R. 82-3-117 at the Hobbs #1, Lee #1 and Waldman #1-9 wells in Graham, Logan and Gove County, Kansas. <b>Penalty Order - RL Investment, LLC</b>	14-CONS-561-CPEN	
24	In the matter of the failure of Robuck Petroleum, LLC ("Operator") to comply with K.A.R. 82-3-117 at the Bryan #4 well in Rawlins County, Kansas. <b>Penalty Order - Robuck Petroleum, LLC</b>	14-CONS-562-CPEN	

**Consent Agenda**

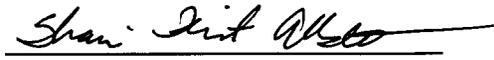
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
25	In the matter of the failure of T.C.G. Oil Co., a General Partnership ("Operator") to comply with K.A.R. 82-3-117 at the Parker #15 well in Crawford County, Kansas <b>Penalty Order - T.C.G. Oil Co., a General Partnership</b>	14-CONS-563-CPEN	
26	In the matter of the failure of Viva International, Inc. ("Operator") to comply with K.A.R. 82-3-117 at the Campbell South #6 well in Wilson County, Kansas. <b>Penalty Order - Viva International, Inc.</b>	14-CONS-564-CPEN	
27	In the matter of the failure of Wildcat Exploration LLC ("Operator") to comply with K.A.R. 82-3-117 at the Aust #69 and Aust #70 wells in Linn County, Kansas. <b>Penalty Order - Wildcat Exploration LLC</b>	14-CONS-565-CPEN	
28	In the Matter of the Application of Samuel Gary Jr. & Associates, Inc., for the Horizontal Drilling of its 12-22-17-H4 Well to be located in Sections 8 and 17, Township 12 South, Range 22 West, Trego County, Kansas. <b>Order Granting Application</b>	14-CONS-479-CHOR	
29	In the Matter of the Application of Samuel Gary Jr. & Associates, Inc., for the Horizontal Drilling of its 11-22-12-H1 Well to be located in Section 12, Township 11 South, Range 22 West, Trego County, Kansas. <b>Order Granting Application</b>	14-CONS-480-CHOR	
30	In the Matter of the Application of Samuel Gary Jr. & Associates, Inc., for the Horizontal Drilling of its 12-22-9-H3 Well to be located in Section 9, Township 12 South, Range 22 West, Trego County, Kansas. <b>Order Granting Application</b>	14-CONS-482-CHOR	
31	In the matter of the application of Petroflow Energy Corporation, for the horizontal drilling of its Neustrom 1-4H well to be located in Section 4, Township 17 South, Range 4 West, McPherson County, Kansas. <b>Order Nunc Pro Tunc</b>	13-CONS-502-CHOR	
32	In the matter of the application of Beren Corporation for a second exception to the 10-year time limitation of K.A.R. 82-3-111 for its NRSU#7 well located in the NW NW SW of Sec 30, Township 27 South, Range 12 West, Pratt County, Kansas <b>Order Granting Application</b>	13-CONS-361-CEXC	
33	In the Matter of the Application of Telmex USA, L.L.C. for a Certificate of Convenience and Authority to Transact the Business of a Reseller of Telecommunications Services Statewide within the State of Kansas. <b>Order Nunc Pro Tunc</b>	01-TMUC-590-COC	
34	In the Matter of Cunningham Telephone Company Filing Tariff Revisions to Change Premise Visit Charge and Bundled Services Packages Rates. <b>Order Approving Tariff Revisions</b>	14-CNHT-359-TAR	

**Consent Agenda**

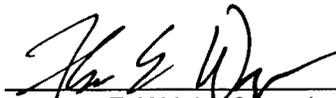
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
35	In the Matter of Southern Kansas Telephone Company Filing Tariff Revision Changing Bundled Services Packages Rates. <i>Order Approving Tariff Revisions</i>	14-SNKT-360-TAR	
36	In the Matter of the Investigation of Central Bag Company of Leavenworth, Kansas, 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-355-PEN	
37	In the Matter of the Emergency Suspension of Operating Authority of Outback Forge and Fence, Inc., of Olathe, 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-366-OOS	
38	In the Matter of the Emergency Suspension of Operating Authority of Mike Crosby, d/b/a Crosby Plumbing of Bonner Springs, 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-367-OOS	
39	In the Matter of the Investigation of Roy T. Fritch, d/b/a Hillside Towing 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-343-PEN	
40	In the Matter of the Investigation of Talent On Parade, LLC of Haysville, 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-347-PEN	

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

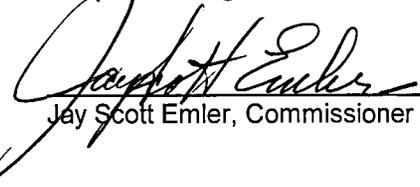
For the Commission :



Shari Feist Albrecht, Chair



Thomas E. Wright, Commissioner



Jay Scott Emler, Commissioner

Attest:



Kim Christiansen  
Executive Director