

**Kansas Corporation Commission**  
**Commission Meeting**  
**February 25, 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 25, 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 25, 2014 on the 5 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. 14-KCP- 011-COM In the Matter of the Complaint Against Kansas City Power & Light Company by Herbert E. Hall, III.**

Commissioner Wright moved for approval of order #14-0585 *Order Dismissing Complaint*. Commissioner Emler seconded the motion. Chair Albrecht concurred.

- ii. **Docket No. 14 WTCT 142 KSF 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.**

Commissioner Wright moved for approval of order #14-0586 *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*. Commissioner Emler seconded the motion. Chair Albrecht concurred.

- iii. **Docket No. 14 WSEE 208 TAR In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval of Revisions to their Retail Energy Cost Adjustment and the General Terms and Conditions of their Tariff.**

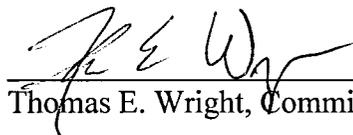
Commissioner Wright moved for approval of order #14-0616 *Order Approving Tariff Revisions*. Commissioner Emler seconded the motion. Chair Albrecht concurred.

**There being no further matters before the Commission, the Commission adjourned at 10:08 a.m.**

Respectfully submitted,

  
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On behalf of Kim Christiansen/JLMP  
Secretary of the Commission

  
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Shari Feist Albrecht, Chair

  
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Thomas E. Wright, Commissioner

  
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Jay Scott Emler, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Tuesday, February 25, 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 seperately 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 The Empire District Electric Company for Authorization to Issue and Sell from Time to Time Shares of Its Common Stock, \$1.00 Par Value Per Share, and/or Shares of Its Preference Stock, Without Par Value, and/or One or More Series of Its Secured and/or Unsecured Debt Securities or Other Forms of Equity and/or Indebtedness or Hybrids Thereof, Up To and Including an Aggregate Amount of \$200,000,000. <i>Order Approving Application for Issuance of Securities</i>	14-EPDE-301-SEC	
2	In the Matter of the Application of The Empire District Electric Company for an Order Authorizing the Issuance and Sale of Up To 2,500,000 Additional Shares of Common Stock, \$1.00 Par Value, Pursuant to the Terms and Provision of Empire's Dividend Reinvestment and Stock Purchase Plan <i>Order Approving Issuance of Securities</i>	14-EPDE-318-SEC	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
3	In the Matter of the Application of Atmos Energy for Adjustment of its Natural Gas Rates in the State of Kansas. <b>Order Setting Procedural Schedule, Protective Order and Discovery Order</b>	14-ATMG-320-RTS	
4	In the Matter of a General Investigation of Telmex USA, L.L.C. to Show Cause Why This Commission Should Not Initiate Sanctions and Fines and Cancel, Suspend and Revoke Any Authority the Carrier Currently Holds. <b>Order to Show Cause</b>	14-TMUC-391-SHO	
5	In the Matter of the Investigation of Tribeca Concrete Construction, 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. <b>Penalty Order</b>	14-DPAX-349-PEN	
6	In the Matter of the Investigation of Seal-O-Matic Paving Company 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. <b>Penalty Order</b>	14-DPAX-352-PEN	
7	In the Matter of the Investigation of Estes Construction, Inc. of Tonganoxie, Kansas, Regarding the Violation of the Kansas Underground Utility Damage Prevention Act, and the Commission's Authority to Impose Penalties and Injunctive Relief. <b>Penalty Order</b>	14-DPAX-353-PEN	
8	In the Matter of the Investigation of The Party Express, LLC 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. <b>Penalty Order</b>	14-TRAM-357-PEN	
9	In the Matter of the Emergency Suspension of Operating Authority of Justin and Nicole Armstrong, d/b/a Armstrong Cattle Co of Soldier, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b>Emergency Suspension of Operating Authority Order</b>	14-TRAM-381-OOS	
10	In the Matter of the Emergency Suspension of Operating Authority of Dewayne Moore, d/b/a Dewayne Moore Services of Liberal, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b>Emergency Suspension of Operating Authority Order</b>	14-TRAM-383-OOS	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
11	In the Matter of the Emergency Suspension of Operating Authority of Jesus Salvador Davila, d/b/a Davila Trucking of Lakin, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b>Emergency Suspension of Operating Authority Order</b>	14-TRAM-387-OOS	
12	In the Matter of the Emergency Suspension of Operating Authority of Blankenship Excavating, LLC of Bonner Springs, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b>Emergency Suspension of Operating Authority Order</b>	14-TRAM-389-OOS	
13	In the Matter of the Emergency Suspension of Operating Authority of Evan Pingleton of Topeka, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b>Emergency Suspension of Operating Authority Order</b>	14-TRAM-390-OOS	
14	In the matter of the failure of Richlan Drilling, a General Partnership ("Operator") to comply with K.A.R. 82-3-117 at the Knoll A #2 well in Graham County, Kansas. <b>Order Rescinding Penalty</b>	14-CONS-530-CPEN	
15	In the matter of the failure of American Energy Resources LLC ("Operator") to comply with K.A.R. 82-3-608 at the Olson Lease #2011-1 and Olson Lease #2011-2 wells in Wilson County, Kansas. <b>Penalty Order - American Energy Resources LLC</b>	14-CONS-586-CPEN	
16	In the matter of the failure of Mike Becker ("Operator") to comply with K.A.R. 82-3-608 at the Crownover #1 well in Miami County, Kansas. <b>Penalty Order - Mike Becker</b>	14-CONS-587-CPEN	
17	In the matter of the failure of Jim Carter dba J Carter Oil ("Operator") to comply with K.A.R. 82-3-608 at the Keil #11 well in Russell County, Kansas. <b>Penalty Order - Jim Carter dba J Carter Oil</b>	14-CONS-588-CPEN	
18	In the matter of the failure of Fred A. Ernst ("Operator") to comply with K.A.R. 82-3-608 at the Witt #1 well in Rooks County, Kansas. <b>Penalty Order - Fred A. Ernst</b>	14-CONS-589-CPEN	
19	In the matter of the failure of Kremeier Exploration LLC ("Operator") to comply with K.A.R. 82-3-608 at the Rempel C SWD #2 well in Marion County, Kansas. <b>Penalty Order - Kremeier Exploration LLC</b>	14-CONS-590-CPEN	

**Consent Agenda**

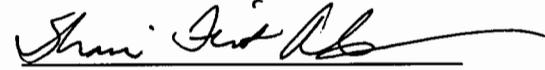
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
20	In the matter of the failure of L & P Enterprises, LLC ("Operator") to comply with K.A.R. 82-3-608 at the Donner #D10 well in Miami County, Kansas. <b>Penalty Order - L &amp; P Enterprises, LLC</b>	14-CONS-591-CPEN	
21	In the matter of the failure of Lebsack Oil Production Inc. ("Operator") to comply with K.A.R. 82-3-608 at the CBH #2-14 well in Kearny County, Kansas. <b>Penalty Order - Lebsack Oil Production Inc.</b>	14-CONS-592-CPEN	
22	In the matter of the failure of Ron McPherson dba McPherson Drilling ("Operator") to comply with K.A.R. 82-3-608 at the Redd/MCB #2B Twin, Redd/MCB #2-B, Redd/MCP #3B, Redd/MCP #4B, Redd/MCP #5B, Redd/MCP #6B, Redd/MCD #7B and Redd/MCP #8B wells in Wilson County, Kansas. <b>Penalty Order - Ron McPherson dba McPherson Drilling</b>	14-CONS-593-CPEN	
23	In the matter of the failure of John C. Mears ("Operator") to comply with K.A.R. 82-3-608 at the Shockley-Sizemore #32 well in Woodson County, Kansas. <b>Penalty Order - John C. Mears</b>	14-CONS-594-CPEN	
24	In the matter of the failure of Nataraja Oil Corporation ("Operator") to comply with K.A.R. 82-3-608 at the Rubow #NW 1 well in Wilson County, Kansas. <b>Penalty Order - Nataraja Oil Corporation</b>	14-CONS-595-CPEN	
25	In the matter of the failure of Noble Petroleum, Inc. ("Operator") to comply with K.A.R. 82-3-608 at the Sommers #2 well in Butler County, Kansas. <b>Penalty Order - Noble Petroleum, Inc.</b>	14-CONS-596-CPEN	
26	In the matter of the failure of O'Brien Resources, LLC ("Operator") to comply with K.A.R. 82-3-608 at the Jennison 36 #1 well in Lane County, Kansas. <b>Penalty Order - O'Brien Resources, LLC</b>	14-CONS-597-CPEN	
27	In the matter of the failure of Red Oak Energy, Inc. ("Operator") to comply with K.A.R. 82-3-608 at the Gilley #1-14 well in Ness County, Kansas. <b>Penalty Order - Red Oak Energy, Inc.</b>	14-CONS-598-CPEN	
28	In the matter of the failure of Reilly Oil Company, Inc. ("Operator") to comply with K.A.R. 82-3-608 at the Etzel-Starks-Ardrey #1-28 well in Rooks County, Kansas. <b>Penalty Order - Reilly Oil Company, Inc.</b>	14-CONS-599-CPEN	
29	In the matter of the failure of Source Energy MidCon LLC ("Operator") to comply with K.A.R. 82-3-608 at the Ryan #13-9-4 well in Sumner County, Kansas. <b>Penalty Order - Source Energy MidCon LLC</b>	14-CONS-600-CPEN	

**Consent Agenda**

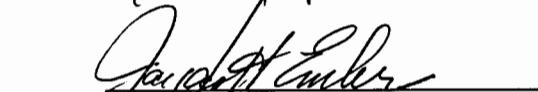
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
30	In the matter of the failure of Vast Petroleum of Kansas LLC ("Operator") to comply with K.A.R. 82-3-608 at the Shikles #16, Shikles #17 and Shikles #18 wells in Linn County, Kansas. <i>Penalty Order - Vast Petroleum of Kansas LLC</i>	14-CONS-601-CPEN	
31	In the matter of the failure of Viva International, Inc. ("Operator") to comply with K.A.R. 82-3-608 at the Glades #V-10, Glades #V-11, Glades #V-12, Glades #V-13, Glades #V-14, Glades #V-15, Glades #V-16, Glades #V-17, Glades #V-18 and Glades #V-19 wells in Woodson County, Kansas. <i>Penalty Order - Viva International, Inc.</i>	14-CONS-602-CPEN	

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

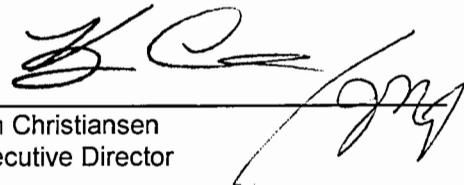
For the Commission :

  
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 Shari Feist Albrecht, Chair

  
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 Thomas E. Wright, Commissioner

  
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 Jay Scott Emler, Commissioner

Attest:

  
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 Kim Christiansen  
 Executive Director