

**Kansas Corporation Commission**  
**Commission Meeting**  
**June 5, 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 10:02 a.m. on June 5, 2014 in the 3rd floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.**
2. Present: Chair Albrecht, Commissioner Emler, and Commissioner Apple.
3. The following were considered by the Commission:
  - a. **Consent Agenda:** Commissioner Emler moved for approval of the Consent Agenda as amended by Chair Albrecht, to wit; *Order #13 CONS-143-CEXC: In the matter of the Application of Wilson County Holdings LLC for an Order granting an Exception from Casing and Compilation Requirement for the WCH-52 well, to be located in the Northwest Quarter of the Northeast Quarter of Section 12, Township 29 Range 14 East, Wilson County, Kansas* be amended by striking the 2<sup>nd</sup> sentence in paragraph 9, page 2 of the draft order and all other listed matters as presented for June 5, 2014 on the 5 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Apple seconded the Motion. Commissioner Albrecht concurred.
  - b. **Noticed: Docket No.** 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 Apple moved for approval of order #14-2002 - *Order Granting Limited Intervention to Kansas Electric Cooperatives, Inc. (\*Dockets 14-WHLW-217-CON, 14-WHLW-176-CON, and 14-WHLW-157-CON Consolidated Into 14-WHLW-218-RTS\*)*  
Commissioner Emler seconded the motion. Commissioner Albrecht concurred.
4. **Other matters:**
  - a. Commissioner Albrecht moved to move the Commission into Executive Session, as provided by K.S.A. 75-4319 (b)(2,) for consultation with an attorney, to obtain legal advice in issues and/or cases pending before the Commission, for a period of 20 minutes. Kansas Corporation Commission Litigation counsel, Sam Feather and Andrew French; and KCC staff Tom DeBaun and John Bell. Commissioner Emler seconded. Commissioner Apple concurred.

KCC staff member John Bell was not present and did not attend the meeting.

- i. The Commission moved into Executive Session at 10:10 a.m.
- ii. The Commission re-convened in public session at 10:30 a.m.
- iii. The Commission took the following action following this Executive Session:

a) Commissioner Emler moved to approve staff intervention in FERC filing CP14-482-000; Abandonment of Service of Facility. Commissioner Apple seconded the Motion. Commissioner Albrecht concurred.

b) Commissioner Emler moved to approve staff preparation for and intervention in FERC dockets that may soon arise about Southwest Power Pool expansion... Commissioner Apple seconded the Motion. Commissioner Albrecht concurred.

c) Commissioner Apple moved to hold a special meeting of the Commission on Monday, June 9, 2014 at 10:00 am to further discuss SPP expansion issues... Commissioner Emler seconded the Motion. Commissioner Albrecht concurred.

b. Commissioner Albrecht moved to move the Commission into Executive Session, as provided by K.S.A. 75-4319 (b)(2,) for consultation with an attorney, to obtain legal advice in issues and/or cases pending before the Commission, for a period of 60 minutes. Kansas Corporation Commission Counsel Bradbury; Litigation counsel Amber Smith; and outside counsel. Commissioner Emler seconded. Commissioner Apple concurred.

- i. The Commission moved into Executive Session at 10:35 a.m.
- ii. The Commission re-convened in public session at 11:35 a.m.
- iii. The Commission took no action following this Executive Session.

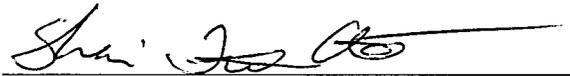
5. The Commission heard a staff update regarding Commission Staff's ongoing investigation of EPA activity.

**There being no further matters before the Commission, the Commission adjourned at 11:57 a.m.**

Respectfully submitted,



Kim Christiansen  
Secretary of the Commission



Shari Feist Albrecht, Chair



Jay Scott Emler, Commissioner



Pat Apple, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Thursday, June 5, 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 SandRidge Exploration and Production, LLC for permission to flare natural gas from the Esplan Farms 3023 #1-30H well in Clark County, Kansas, pursuant to K.A.R. 82-3-314 and 82-3-208 <b>Order Granting Application</b>	14-CONS-804-CFLA	
2	In the matter of the failure of Intrepid Resources LLC ("Operator") to comply with K.A.R. 82-3-608 at the Lemon #Lemon IR#5 and Lemon #Lemon IR#1 wells in Montgomery County, Kansas. <b>Penalty Order - Intrepid Resources LLC</b>	14-CONS-897-CPEN	
3	In the matter of the failure of American Warrior, Inc. ("Operator") to comply with K.A.R. 82-3-608 at the G. E. Riedel #3-31 well in Ellis County, Kansas. <b>Penalty Order - American Warrior, Inc.</b>	14-CONS-896-CPEN	
4	In the matter of the failure of Castle Resources, Inc. ("Operator") to comply with K.A.R. 82-3-117 at the Dixon Elliott #1 well in Rus County, Kansas. <b>Penalty Order - Castle Resources, Inc.</b>	14-CONS-895-CPEN	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of Wilson County Holdings LLC, for an Order granting an Exception from Casing and Completion Requirements for its WCH-52 Well, to be located in the Northwest Quarter of teh Northeast Quarter of the Northeast Quarter of Section 12, Township 29 South, Range 14 East, Wilson County, Kansas. <i>Order</i>	13-CONS-143-CEXC	
	<i>Amend by Striking 2 Senten; Page 2; Paragraph 9</i>		
6	In the Matter of the Application of Hewitt Energy Group, Inc., for an Exception to the 10-year Time Limitation of K.A.R. 82-3-111 for the Neidenthal #10 Well in Section 23, Township 14 South, Range 15 West, Russell County, Kansas. <i>Order Designating Prehearing Officer and Setting Prehearing conference</i>	14-CONS-632-CEXC	
7	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 31-30S-38W (SE/4), Section 32-30S-38W (SW/4) in Grant County, Kansas, Section 6-31S-38W (NW/4), Section 1-31S-39W (NE/4) in Stevens County, Kansas (ATU 358) <i>Order Granting Application</i>	14-CONS-625-CUNI	
8	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 14-27S-28W (SE/4), Section 13-27S-38W (SW/4), Section 24-27S-38W (NW/4), Section 23-27S-38W (NE/4) in Grant County, Kansas. (ATU 391) <i>Order Granting Application</i>	14-CONS-782-CUNI	
9	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 4-27S-28W (SE/4), Section 3-27S-38W (SW/4), Section 10-27S-38W (NW/4), Section 9-27S-38W (NE/4) in Grant County, Kansas. (ATU 394) <i>Order Granting Application</i>	14-CONS-783-CUNI	
10	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 6-26S-37W (SE/4), Section 5-26S-37W (SW/4), Section 8-26S-37W (NW/4), Section 7-26S-37W (NE/4) in Kearny County, Kansas. (ATU 304) <i>Order Granting Application</i>	14-CONS-826-CUNI	
11	In the matter of Staff's Motion to Dismiss various applications for exception to the 10-year limit on temporary abandonment status filed by Elm III Operating Company LLC. <i>Order Adopting Settlement Agreement</i>	14-CONS-820-CMSC	
12	In the matter of the application of McElvain Energy, Inc. for an order permitting the drilling of a well to be drilling horizontally in the Marmaton formation, pursuant to K.A.R. 82-3-103a, upon certain lands located in Trego County, KS <i>Order</i>	14-CONS-821-CHOR	
13	In the Matter of the Application and Request of The S&T Telephone Cooperative, Inc., for an Increase in its Cost-Based Kansas Universal Service Fund Support. <i>Protective Order</i>	14-S&TT-525-KSF	

## Consent Agenda

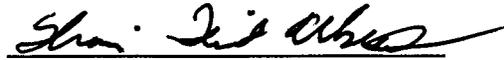
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the Matter of the Application and Request of The S&T Telephone Cooperative, Inc., for an Increase in its Cost-Based Kansas Universal Service Fund Support. <b>Suspension Order, January 12, 2015</b>	14-S&TT-525-KSF	
15	In the Matter of the Application of Grasshopper Group, LLC for a Certificate of Convenience and Authority to Provide Interexchange Services Within the State of Kansas. <b>Protective Order</b>	14-GHGC-532-COC	
16	In the Matter of the Application of Westar Energy, Inc. for a Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility Specifically in Portions of Sections 14 and 15, Township 34 South, Range 19 East, Labette County. <b>Certificate</b>	14-WSEE-498-COC	
17	In the Matter of the Application of Future Acquisition Company, LLC for an Order Granting an Exception to the Requirements of K.A.R. 82-3-107 Relating to the Tito #1 Well and Tito #2 Well Drilled in Cowley County, Kansas. <b>Order Granting Application</b>	14-CONS-861-CEXC	
19	In the Matter of the Application of American Energies Gas Service, LLC for a Certificate of Convenience and Authority to Transact the Business of a Natural Gas Public Utility in Portions of Harvey, Marion and McPherson Counties, In the State of Kansas. <b>Certificate</b>	14-AEGG-425-COC	
20	In the Matter of the Emergency Suspension of Operating Authority of Jose Luis Nunez, d/b/a Nunez Roofing of Wichita, 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-530-OOS	
21	In the Matter of the Emergency Suspension of Operating Authority of Ernest Eugene Bugbee of Phillipsburg, 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-531-OOS	
22	In the Matter of the Emergency Suspension of Operating Authority of L Booze Roofing, Inc. of Maize, 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-538-OOS	
23	In the Matter of the Emergency Suspension of Operating Authority of Evans Concrete Construction, Inc. of Frontenac, 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-539-OOS	
24	In the Matter of the Emergency Suspension of Operating Authority of C W Beamgard Co., Inc. of Atwood, 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-540-OOS	

**Consent Agenda**

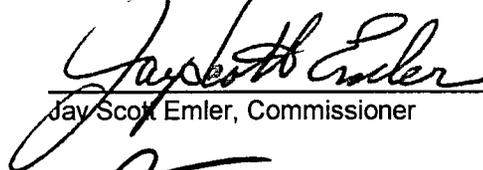
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
25	In the Matter of the Emergency Suspension of Operating Authority of Monte Larson, d/b/a Larson Trucking of Salina, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	14-TRAM-543-OOS	
26	In the Matter of the Emergency Suspension of Operating Authority of Jose Orellana, d/b/a Orellanas Roofing of Wichita, 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-544-OOS	
27	In the matter of the Agreed Compliance Schedule for Jordan Oil Management, Inc., ("Operator") at the Ancell Lease in Sumner County, Kansas. <i>Compliance Schedule - Jordan Oil Management, Inc.</i>	14-CONS-898-CMSC	
28	In the Matter of the Application of Atmos Energy to Amend its Purchase Gas Adjustment (PGA) Schedule to Add a Demand Char Savings and Pipeline Bypass Savings Component to the PGA. <i>Order Setting Procedural Schedule</i>	14-ATMG-230-TAR	

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

For the Commission :



Shari Feist Albrecht, Chair



Jay Scott Emler, Commissioner



Pat Apple, Commissioner

Attest:



Kim Christiansen  
Executive Director