

**Kansas Corporation Commission**  
**Commission Meeting**  
**October 7, 2014**  
10:00 a.m. 1<sup>st</sup> floor hearing room  
KCC Offices, 1500 Arrowhead, Topeka, Kansas

**MINUTES**

The Commission convened the regular scheduled open meeting of the Commission at 10:00 a.m. on October 7, 2014 in the 1<sup>st</sup> floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chair Albrecht, and Commissioner Apple. Commissioner Emler was absent.

The following were considered by the Commission:

1) **Consent Agenda:** Commissioner Apple moved for approval of the Consent Agenda: All other listed matters as presented for October 7, 2014 on the 5 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Albrecht seconded the Motion. Motion was approved.

2) **Noticed:**

A. **Docket No. 15-CONS-215-CUNI:** *In the Matter of the Application of Merit Energy Company, LLC, for an Order Approving the Unitization and Unit Operations of the Atkins Unit in Finney County and Haskell County, Kansas.*

Commissioner Apple moved for approval of order #14-3458 - *Order Granting Unitization.* Commissioner Albrecht seconded the motion. Motion was approved.

B. **Docket No. 14-GIMM-330-KHP:** *In the Matter of the Investigation of Midwest Crane and Rigging, LLC of Olathe, Kansas, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.*

Commissioner Apple moved for approval of order #14-3457 - *Order on Reconsideration.* Commissioner Albrecht seconded the motion. Motion was approved.

C. **Docket No. 14-SPPE-563-SHO:** *In the Matter of the General Investigation of Southwest Power Pool, Inc. to Show Cause Why the Costs Associated With the Proposed Membership of Western Area Power Administration - Upper Great Plains Region, Basin Electric Power Cooperative, and Heartland Consumers Power District are in the Public Interest of Kansas Electric Retail Customers.*

Commissioner Apple moved for approval of order #14-3464 - *Order Closing Docket.* Commissioner Albrecht seconded the motion. Motion was approved.

3) Other matters:

- A. Chair Albrecht motioned to move the Commission into Executive Session, Attorney/Client privileged matters, pursuant to KSA 75-4319(b)(2,) for consultation with an attorney, to obtain legal advice, for a period of 10 minutes. Also called in the Executive Session was Kansas Corporation Commission General Counsel, Dana Bradbury; Litigation counsel, Samuel Feather; and staff, John Bell, and Tom DeBaun. Commissioner Apple seconded.

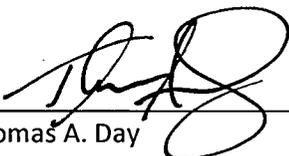
The Commission entered into Executive Session at 10:10 am and reconvened in public session at 10:20 a.m.

- B. The Commission took the following action following this Executive Session:

Commissioner Albrecht moved to authorize KCC staff to file interventions and protests in FERC Dockets ER 14-2850 and ER 14-2851. Commissioner Apple seconded the Motion. Motion was approved.

There being no further matters before the Commission, the Commission adjourned at 10:22 a.m.

Respectfully submitted,



Thomas A. Day  
Acting Secretary of the Commission



Shari Feist Albrecht, Chair

Absent \_\_\_\_\_

Jay Scott Emler, Commissioner



Pat Apple, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Tuesday, October 7, 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 Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, for Approval of the Commission for Gas System Reliability Surcharge per K.S.A. 66-2201 through 66-2204. <i>Order Adopting Staff's Report and Recommendation</i>	14-BHCG-593-TAR	
2	In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy ("Black Hills") for an Extension of its Certificate of Convenience and Authority to Operate as a Natural Gas Public Utility in an Area Served by a Private Pipeline and Owned by Kansas Turnpike Authority ("KTA"). <i>Order Granting Stay</i>	15-BHCG-032-ACQ	
3	In the Matter of the 2014 Wolf Creek Decommissioning Cost Study as Provided by Wolf Creek Nuclear Operating Corporation in Accordance with the Commission's Order in Docket Number 163,561-U on December 9, 1992, and the Commission's Order in Docket 13-WCNE-204-GIE on June 13, 2013. <i>Order Granting Westar Energy Petition to Intervene</i>	15-WCNE-093-GIE	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Complaint Against Kansas Gas by Michael Francisco. <b>Order on Complaint</b>	15-KGSG-095-COM	
5	In the Matter of the Investigation of Jim Spicer, d/b/a Spicer Towing of Hiawatha, 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>Order Approving Stipulated Settlement Agreement</b>	12-TRAM-506-PEN	
6	In the Matter of the Investigation of Leonia 2, LLC, d/b/a Leonia's Crescent Limousine of Topeka, 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>	15-TRAM-141-PEN	
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 12-31S-40W (SE/4), Section 7-31S-39W (SW/4), Section 18-31S-39W (NW/4), Section 13-31S-40W (NE/4) in Morton County, Kansas (ATU 206) <b>Order Granting Application</b>	15-CONS-114-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 21-26S-39W (SE/4), Section 22-26S-39W (SW/4), Section 27-26S-39W (NW/4), Section 28-26S-39W (NE/4) in Hamilton County, Kansas (ATU 289) <b>Order Granting Application</b>	15-CONS-115-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 10-26S-38W (SE/4), Section 11-26S-38W (SW/4), Section 14-26S-38W (NW/4), Section 15-26S-38W (NE/4) in Kearny County, Kansas (ATU 300) <b>Order Granting Application</b>	15-CONS-116-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 2-26S-39W (SE/4), Section 1-26S-39W (SW/4), Section 12-26S-39W (NW/4), Section 11-26S-39W (NE/4) in Hamilton County, Kansas (ATU 302) <b>Order Granting Application</b>	15-CONS-117-CUNI	
11	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 29-30S-39W (SE/4), Section 28-30S-39W (SW/4), Section 33-30S-39W (NW/4), Section 32-30S-39W (NE/4) in Stanton County, Kansas (ATU 360) <b>Order Granting Application</b>	15-CONS-167-CUNI	

**Consent Agenda**

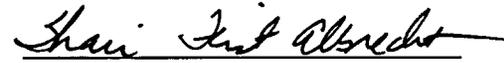
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
12	In the matter of the application of Linn Operating, Inc. for an order providing for the unitization and unit operation of a part of the Hugoton and Panoma Council Grove Gas Fields in the Alternate Tract Unit described as Section 22-30S-39W (SE/4), Section 23-30S-39W (SW/4), Section 26-30S-39W (NW/4), Section 27-30S-39W (NE/4) in Stanton County, Kansas (ATU 362) <b>Order Granting Application</b>	15-CONS-168-CUNI	
13	In the matter of the application of SandRidge Exploration and Production, LLC for Permission to Flare Natural Gas from the Perth 3302 #2-1H Well in Sumner County, Kansas, Pursuant to K.A.R. 82-3-208 and 82-3-314. <b>Order Granting Motion</b>	15-CONS-251-CFLA	
14	In the matter of the failure of Running Foxes Petroleum Inc. ("Operator") to comply with K.A.R. 82-3-106 at the Hill #2-22A-3 well in Bourbon County, Kansas. <b>Order Rescinding Penalty</b>	15-CONS-228-CPEN	
15	In the matter of the failure of Range Oil Company, Inc. ("Operator") to comply with K.A.R. 82-3-400 at the Evans #3 well in Butler County, Kansas. <b>Penalty Order - Range Oil Company, Inc.</b>	15-CONS-273-CPEN	
16	In the matter of the failure of Robert S. Harwell, Inc. ("Operator") to comply with K.A.R. 82-3-400 at the North Gordon #10 A, North Gordon #3 A, North Gordon #4 A, North Gordon #6 A, North Gordon #7 A and North Gordon #9A wells in Johnson County, Kansas. <b>Penalty Order - Robert S. Harwell, Inc.</b>	15-CONS-275-CPEN	
17	In the matter of the failure of Royal Drilling Inc ("Operator") to comply with K.A.R. 82-3-400 at the Morgenstern South #1 well in Russell County, Kansas. <b>Penalty Order - Royal Drilling Inc.</b>	15-CONS-276-CPEN	
18	In the matter of the failure of Russell Oil, Inc. ("Operator") to comply with K.A.R. 82-3-400 at the Dalton #4 well in Rice County, Kansas. <b>Penalty Order - Russell Oil, Inc.</b>	15-CONS-277-CPEN	
19	In the matter of the failure of T & R Oil Company, a General Partnership ("Operator") to comply with K.A.R. 82-3-400 at the Denton #10 well in Cowley County, Kansas. <b>Penalty Order - T &amp; R Oil Company, a General Partnership</b>	15-CONS-278-CPEN	
20	In the matter of the failure of Tengasco, Inc. ("Operator") to comply with K.A.R. 82-3-400 at the Croffoot #1 and Herman Karst #2 wells in Rooks and Barton County, Kansas. <b>Penalty Order - Tengasco, Inc.</b>	15-CONS-279-CPEN	

## Consent Agenda

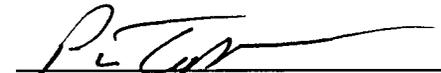
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
21	In the matter of the failure of Town Oil Company Inc. ("Operator") to comply with K.A.R. 82-3-400 at the Hunt #1-W, Hunt #2-W, Hunt #3-W and Hunt #4-W wells in Miami County, Kansas. <b>Penalty Order - Town Oil Company, Inc.</b>	15-CONS-280-CPEN	
22	In the matter of the failure of Trans Pacific Oil Corporation ("Operator") to comply with K.A.R. 82-3-400 at the Thomas C SWD #1-W and Whisman #2 wells in Lane and Rooks County, Kansas. <b>Penalty Order - TransPacific Oil Corporation</b>	15-CONS-281-CPEN	
23	In the matter of the failure of Trimble & Maclaskey Oil LLC ("Operator") to comply with K.A.R. 82-3-400 at the Erett #2 D, Hughes #8, Maclaskey C #1 and Phil Birk #9 wells in Greenwood, Lyon and Woodson County, Kansas. <b>Penalty Order - Trimble &amp; Maclaskey Oil LLC</b>	15-CONS-282-CPEN	
24	In the matter of the failure of Val Energy, Inc. ("Operator") to comply with K.A.R. 82-3-400 at the Stuhlsatz #1-C well in Sumner County, Kansas. <b>Penalty Order - Val Energy, Inc.</b>	15-CONS-283-CPEN	
25	In the matter of the failure of Verde Oil Company ("Operator") to comply with K.A.R. 82-3-400 at the Chambers #9-W well in Woodson County, Kansas. <b>Penalty Order - Verde Oil Company</b>	15-CONS-284-CPEN	
26	In the matter of the failure of Vess Oil Corporation ("Operator") to comply with K.A.R. 82-3-400 at the Teten #2 well in Reno County, Kansas. <b>Penalty Order - Vess Oil Corporation</b>	15-CONS-285-CPEN	
27	In the matter of the failure of Viva International, Inc. ("Operator") to comply with K.A.R. 82-3-400 at the Harris #6 well in Greenwood County, Kansas. <b>Penalty Order - Viva International, Inc.</b>	15-CONS-286-CPEN	
28	In the matter of the failure of W.D. Short Oil Co., LLC ("Operator") to comply with K.A.R. 82-3-400 at the Heskett #6 well in Cowley County, Kansas. <b>Penalty Order - W.D. Short Oil Co., LLC</b>	15-CONS-287-CPEN	
29	In the matter of the failure of Walker Tank Service, Inc ("Operator") to comply with K.A.R. 82-3-400 at the Chief-McMillen #1-36, Mendenhall OWWO #2, Thon #1 and Walker #2 wells in Lane, Gove and Ness County, Kansas. <b>Penalty Order - Walker Tank Service, Inc.</b>	15-CONS-288-CPEN	
30	In the matter of the failure of Wellstar Corporation ("Operator") to comply with K.A.R. 82-3-400 at the Neal #10 and Wolf #3 wells in Sumner County, Kansas. <b>Penalty Order - Wellstar Corporation</b>	15-CONS-289-CPEN	

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

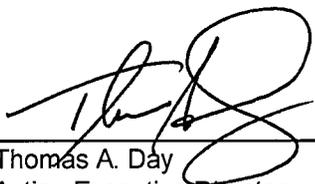
For the Commission :

  
Shari Feist Albrecht, Chair

ABSENT  
Jay Scott Emler, Commissioner

  
Pat Apple, Commissioner

Attest:

  
Thomas A. Day  
Acting Executive Director