

Kansas Corporation Commission
Commission Meeting
October 28, 2014
10:00 a.m. 1st 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 28, 2014 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chaired Commissioner Emler and Commissioner Apple. Chair Albrecht participated via phone.

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 28, 2014 on the 8 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Albrecht seconded the Motion. Commissioner Emler concurred. Motion was approved.

2. **Noticed:**

- A. **Docket No. 14-CONS-550-CWLE: *In the Matter of the Application of R.T. Enterprises of Kansas, Inc. for Multiple Well Location Exceptions for Wells Upon the Pearson and Finnerty Leases Located in Section 11, Township 15 South, Range 20 East in Douglas County, Kansas.***

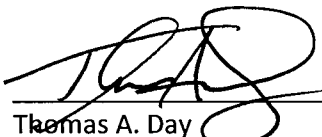
Commissioner Apple recused himself. Commissioner Albrecht moved for approval of order #14-3733 - *Order Granting Application In Part and Creating Special Setback From Structures*. Commissioner Emler seconded the motion. Commissioner Apple Abstained. Motion was approved.

- B. **Docket No. 15-WSEE-021-TAR: *In the Matter of Westar Energy, Inc. and Kansas Gas and Electric Company Seeking Commission Approval for Tariff Revisions to the Energy Efficiency Rider***

Commissioner Apple moved for approval of order #14-3744 - *Order Approving Energy Efficiency Rider*. Commissioner Albrecht seconded the motion. Commissioner Emler concurred. Motion was approved.

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

Respectfully submitted,



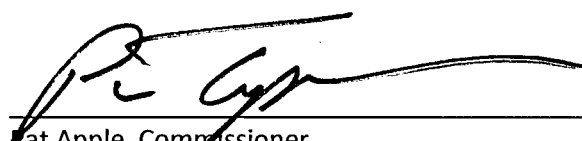
Thomas A. Day
Acting Secretary of the Commission



Shari Feist Albrecht, Chair



Jay Scott Emler, Commissioner



at Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, October 28, 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 The Empire District Electric Company for Approval of Amendments to its Stock Unit Plan for Directors and Authority to Issue up to an Additional 500,000 Shares of its Common Stock, \$1.00 Par Value, Reserved for Issuance Pursuant to Empire's Stock Unit Plan for Directors <i>Order Approving Application For Issuance of Securities</i>	15-EPDE-063-SEC	
2	In the Matter of the Application of Onvoy, LLC for a Certificate of Convenience and Authority to Provide Local, Exchange Access, and Interexchange Services within the State of Kansas. <i>Order and Certificate</i>	15-ONVT-066-COC	
3	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 to Make Certain Changes in Its Rates for Natural Gas Service. <i>Order Granting Motion for Admission Pro Hac Vice of Patrick J. Joyce</i>	14-BHCG-502-RTS	

ATTACHMENT A

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	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 5-27S-38W (SE/4), Section 4-27S-38W (SW/4), Section 9-27S-38W (NW/4), Section 8-27S-38W (NE/4) in Grant County, Kansas (ATU 393) Order Granting Application	15-CONS-123-CUNI	
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 28-27S-38W (SE/4), Section 27-27S-38W (SW/4), Section 34-27S-38W (NW/4), Section 33-27S-38W (NE/4) in Grant County, Kansas (ATU 259) Order Granting Application	15-CONS-161-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 31-29S-38W (SE/4), Section 32-29S-38W (SW/4), Section 5-30S-38W (NW/4), Section 6-30S-38W (NE/4) in Grant County, Kansas (ATU 448) Order Granting Application	15-CONS-163-CUNI	
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 05-28S-38W (SW/4), Section 06-28S-38W (SE/4), Section 07-28S-38W (NE/4), Section 08-28S-38W (NW/4) in Grant County, Kansas (ATU 16) Order Granting Application	15-CONS-174-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 17-28S-38W – SE/4, Section 16-28S-38W – SW/4, Section 21-28S-38W – NW/4, Section 20-28S-38W – NE/4 in Grant County, Kansas (ATU 157) Order Granting Application	15-CONS-176-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 9-28S-38W (SE/4), Section 10-28S-38W (SW/4), Section 15-28S-38W (NW/4), Section 16-28S-38W (NE/4) in Grant County, Kansas (ATU 161) Order Granting Application	15-CONS-177-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 32-27S-38W (SE/4), Section 33-27S-38W (SW/4), Section 4-28S-38W (NW/4), Section 5-28S-38W (NE/4) in Grant County, Kansas (ATU 168) Order Granting Application	15-CONS-179-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 8-28S-38W (SE/4), Section 9-28S-38W (SW/4), Section 16-28S-38W (NW/4), Section 17-28S-38W (NE/4) in Grant County, Kansas (ATU 248) Order Granting Application	15-CONS-203-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 9-29S-38W (SE/4), Section 10-29S-38W (SW/4), Section 15-29S-38W (NW/4), Section 16-29S-38W (NHE/4) in Grant County, Kansas (ATU 11) <i>Order Granting Application</i>	15-CONS-219-CUNI	
13	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 18-30S-38W (SE/4), Section 17-30S-38W (SW/4), Section 19-30S-38W (NE/4), Section 20-30S-38W (NW/4) in Grant County, Kansas (ATU 118) <i>Order Granting Application</i>	15-CONS-221-CUNI	
14	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 33-28S-38W (SE/4), Section 34-28S-38W (SW/4), Section 3-29S-38W (NW/4), Section 4-29S-38W (NE/4) in Grant County, Kansas (ATU 149) <i>Order Granting Application</i>	15-CONS-222-CUNI	
15	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 1-27S-39W (SE/4), Section 12-27S-39W (NE/4) in Stanton County, Kansas, Section 6-27S-38W (SW/4), Section 7-27S-38W (NW/4) in Grant County, Kansas (ATU 75) <i>Order Granting Application</i>	15-CONS-234-CUNI	
16	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 6-27S-38W (SE/4), Section 5-27S-38W (SW/4), Section 8-27S-38W (NW/4), Section 7-27S-38W (NE/4) in Grant County, Kansas (ATU 279) <i>Order Granting Application</i>	15-CONS-235-CUNI	
17	In the Matter of the Application of Daystar Petroleum, Inc. to authorize the injection of salt water into the Lansing Kansas City Formation at the Adams #13 Well located in the E/2 SW NE of Section 17, Township 28 South, Range 11 East, Greenwood County, Kansas. <i>Default Order</i>	15-CONS-232-CUIC	
18	In the matter of the failure of R. R. Abderhalden ("Operator") to comply with K.A.R. 82-3-117 at the DeMalorie #W-38 (73), DeMalorie #W-39 (78), DeMalorie-Sowder #W-23 and Heidrick #1 wells in Greenwood County, Kansas. <i>Penalty Order - R. R. Abderhalden</i>	15-CONS-319-CPEN	
19	In the matter of the failure of American Oil LLC ("Operator") to comply with K.A.R. 82-3-117 at the Kohl #3-19 well in Ellis County, Kansas. <i>Penalty Order - American Oil LLC</i>	15-CONS-320-CPEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
20	In the matter of the failure of American Warrior, Inc. ("Operator") to comply with K.A.R. 82-3-117 at the Brown-Todd #1-7H well in Comanche County, Kansas. Penalty Order - American Warrior, Inc.	15-CONS-321-CPEN	
21	In the matter of the failure of Barline Oil, LLC ("Operator") to comply with K.A.R. 82-3-117 at the Breit/Bolan #1-5 well in Phillips County, Kansas. Penalty Order - Barline Oil, LLC	15-CONS-322-CPEN	
22	In the matter of the failure of K-T Oil Exploration & Leasing Co. ("Operator") to comply with K.A.R. 82-3-117 at the Windholz #1 well in Gove County, Kansas Penalty Order - K-T Oil Exploration & Leasing Co.	15-CONS-323-CPEN	
23	In the matter of the failure of Paxco, Inc. ("Operator") to comply with K.A.R. 82-3-117 at the Bowlby #1 well in Ellis County, Kansas. Penalty Order - Paxco, Inc.	15-CONS-324-CPEN	
24	In the matter of the failure of Robuck Petroleum, LLC ("Operator") to comply with K.A.R. 82-3-117 at the R Wilson #2-10 well in Decatur County, Kansas. Penalty Order - Robuck Petroleum, LLC	15-CONS-325-CPEN	
25	In the matter of the failure of Kermit Schmidt ("Operator") to comply with K.A.R. 82-3-117 at the Wes Ediger #2 well in McPherson County, Kansas. Penalty Order - Kermit Schmidt	15-CONS-326-CPEN	
26	In the matter of the failure of Darrell Yocham dba Yocham Oil Company ("Operator") to comply with K.A.R. 82-3-117 at the Williams #7 well in Coffey County, Kansas. Penalty Order - Darrell Yocham dba Yocham Oil Company	15-CONS-327-CPEN	
27	In the matter of the failure of American Warrior, Inc. ("Operator") to comply with K.A.R. 82-3-602 at the Darlene #1-25, Eulert Unit #17, Goodman #2-33, Joseph #1-16, Joseph #2-21, Ryerse #2-36, Schaben #5-24, Schniepp #4-31NE, Seltman #11, Volkland #3-32 and Wiedeman-Dianne Unit #1 wells in Ness, Russell and Rice County, Kansas. Penalty Order - American Warrior, Inc.	15-CONS-328-CPEN	
28	In the matter of the failure of Arbuckle Energy Inc. ("Operator") to comply with K.A.R. 82-3-602 at the Ecklund #SAP 1, Novak #BEB 1, Novak #HSB 1 Well, Novak #SHB 1, Novak #SLB 1, Novak #TRB 1, Shields #AMO 1, Shields #RSB 1, Stuchlik #MCH 1 and Stuchlik #MTB 1 wells in Marion County, Kansas. Penalty Order - Arbuckle Energy Inc.	15-CONS-329-CPEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
29	In the matter of the failure of Blake Production Co., Inc. ("Operator") to comply with K.A.R. 82-3-602 at the Davis #A-29 well in Wabaunsee County, Kansas. Penalty Order - Blake Production Co., Inc.	15-CONS-330-CPEN	
30	In the matter of the failure of H & B Petroleum Corp. ("Operator") to comply with K.A.R. 82-3-602 at the Suppes #1 well in Scott County, Kansas. Penalty Order - H & B Petroleum Corp.	15-CONS-331-CPEN	
31	In the matter of the failure of John E. Leis ("Operator") to comply with K.A.R. 82-3-602 at the Light #11 well in Woodson County, Kansas. Penalty Order - John E. Leis	15-CONS-332-CPEN	
32	In the matter of the failure of M.A.E. Resources, Inc. ("Operator") to comply with K.A.R. 82-3-602 at the Frear #3 well in Linn County, Kansas. Penalty Order - M.A.E. Resources, Inc.	15-CONS-333-CPEN	
33	In the matter of the failure of Phillips Exploration Company L.C. ("Operator") to comply with K.A.R. 82-3-602 at the Hobbs #2-33 and Pfeifer #1-33 wells in Graham County, Kansas. Penalty Order - Phillips Exploration Company, L.C.	15-CONS-334-CPEN	
34	In the matter of the failure of Pipeline Oil & Gas, LLC ("Operator") to comply with K.A.R. 82-3-602 at the Carra #P3 well in Chautauqua County, Kansas. Penalty Order - Pipeline Oil & Gas, LLC	15-CONS-335-CPEN	
35	In the matter of the failure of PostRock Midcontinent Production LLC ("Operator") to comply with K.A.R. 82-3-602 at 27 wells in Neosho, Wilson and Montgomery County, Kansas. Penalty Order - PostRock Midcontinent Production LLC	15-CONS-336-CPEN	
36	In the matter of the failure of Richard Rader dba Rader Oil Company ("Operator") to comply with K.A.R. 82-3-602 at the Rader #4 and Rader #6 wells in Franklin County, Kansas. Penalty Order - Richard Rader dba Rader Oil Company	15-CONS-337-CPEN	
37	In the matter of the failure of Teichgraeber Oil, Inc. ("Operator") to comply with K.A.R. 82-3-602 at the Hoyt #3-HP well in Coffey County, Kansas. Penalty Order - Teichgraeber Oil, Inc.	15-CONS-338-CPEN	
38	In the matter of the failure of WPX Energy Production, LLC ("Operator") to comply with K.A.R. 82-3-602 at the Dodson A #1-16 SWD, Dodson A #1-16H, Schepmann #1-21 SWD and Schepmann #1-21H wells in Pratt County, Kansas. Penalty Order - WPX Energy Production, LLC	15-CONS-339-CPEN	

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ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
39	In the matter of the failure of American Warrior, Inc. ("Operator") to comply with K.A.R. 82-3-608 at the Amstutz #1-8, D C Paulsen #1-20, DBD #1-28, Eberhardt #2-24, Eulert Unit #17, Goodman #2-33, Kramer #2-31, Mike #1-12, Paulsen #1-27, Volkland #3-32, Volkland #4-32 and Volkland #5-32 wells in Rice, Ness, Barton, Russell and Gray County, Kansas. Penalty Order - American Warrior, Inc.	15-CONS-342-CPEN	
40	In the matter of the failure of Arbuckle Energy Inc. ("Operator") to comply with K.A.R. 82-3-608 at the Novak #SHB 1 and Stuchlik #MTB 1 wells in Marion County, Kansas. Penalty Order - Arbuckle Energy, Inc.	15-CONS-343-CPEN	
41	In the matter of the failure of Atlas Operating LLC ("Operator") to comply with K.A.R. 82-3-608 at the Cypress #1 well in Kingman County, Kansas. Penalty Order - Atlas Operating LLC	15-CONS-344-CPEN	
42	In the matter of the failure of BEREXCO LLC ("Operator") to comply with K.A.R. 82-3-608 at the Moser #3-9 well in Rawlins County, Kansas. Penalty Order - BEREXCO LLC	15-CONS-345-CPEN	
43	In the matter of the failure of Blue Top Energy LLC ("Operator") to comply with K.A.R. 82-3-608 at the Sargeant #11 and Sargeant #12 wells in Wilson County, Kansas. Penalty Order - Blue Top Energy LLC	15-CONS-346-CPEN	
44	In the matter of the failure of Central Operating, Inc. ("Operator") to comply with K.A.R. 82-3-608 at the Raymond/Parsons #4 well in Gove County, Kansas. Penalty Order - Central Operating, Inc.	15-CONS-347-CPEN	
45	In the matter of the failure of Forestar Petroleum Corporation ("Operator") to comply with K.A.R. 82-3-608 at the McBee #1-6 well in Lane County, Kansas. Penalty Order - Forestar Petroleum Corporation	15-CONS-348-CPEN	
46	In the matter of the failure of John Herrick dba J. Herrick Pro ("Operator") to comply with K.A.R. 82-3-608 at the Brown #18 well in Miami County, Kansas. Penalty Order - John Herrick dba J. Herrick Pro	15-CONS-349-CPEN	
47	In the matter of the failure of John E. Leis ("Operator") to comply with K.A.R. 82-3-608 at the Light #11 well in Woodson County, Kansas. Penalty Order - John E. Leis	15-CONS-350-CPEN	
48	In the matter of the failure of Victor J. Leis ("Operator") to comply with K.A.R. 82-3-608 at the Switzer #N-1 and Switzer #N-3 wells in Woodson County, Kansas. Penalty Order - Victor J. Leis	15-CONS-351-CPEN	

Consent Agenda

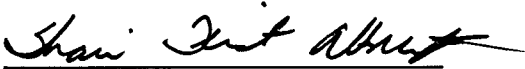
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
49	In the matter of the failure of M.A.E. Resources, Inc. ("Operator") to comply with K.A.R. 82-3-608 at the Frear #3 well in Linn County, Kansas. Penalty Order - M.A.E. Resources, Inc.	15-CONS-352-CPEN	
50	In the matter of the failure of New Gulf Operating LLC ("Operator") to comply with K.A.R. 82-3-608 at the Rosie #1-22 well in Logan County, Kansas. Penalty Order - New Gulf Operating LLC	15-CONS-353-CPEN	
51	In the matter of the failure of Oil Sources Corp. ("Operator") to comply with K.A.R. 82-3-608 at the Kleweno #5 well in Johnson County, Kansas. Penalty Order - Oil Sources Corp.	15-CONS-354-CPEN	
52	In the matter of the failure of Petroleum Resource Management Company ("Operator") to comply with K.A.R. 82-3-608 at the Hammond E #21-12 and Hammond E #33-13 wells in Woodson County, Kansas. Penalty Order - Petroleum Resource Management Company	15-CONS-355-CPEN	
53	In the matter of the failure of Pipeline Oil & Gas, LLC ("Operator") to comply with K.A.R. 82-3-608 at the Carra #P3 well in Chautauqua County, Kansas. Penalty Order - Pipeline Oil & Gas, LLC	15-CONS-356-CPEN	
54	In the matter of the failure of PostRock Midcontinent Production LLC ("Operator") to comply with K.A.R. 82-3-608 at 18 wells in Wilson, Montgomery, Neosho and Ness County, Kansas. Penalty Order - PostRock Midcontinent Production LLC	15-CONS-357-CPEN	
55	In the matter of the failure of George J. Smith ("Operator") to comply with K.A.R. 82-3-608 at the Thompson #1 well in Bourbon County, Kansas. Penalty Order - George J. Smith	15-CONS-358-CPEN	
56	In the matter of the failure of Source Energy MidCon LLC ("Operator") to comply with K.A.R. 82-3-608 at the Goering #10-14-10-11H well in Butler County, Kansas. Penalty Order - Source Energy MidCon LLC	15-CONS-359-CPEN	
57	In the matter of the failure of WPX Energy Production, LLC ("Operator") to comply with K.A.R. 82-3-608 at the Dodson A #1-16 SWD, Dodson A #1-16H, Schepmann #1-21 SWD and Schepmann #1-21H wells in Pratt County, Kansas. Penalty Order - WPX Energy Production, LLC	15-CONS-360-CPEN	
58	In the Matter of the Investigation of Grant Enterprises, LLC of Hesston, 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	15-TRAM-169-PEN	

Consent Agenda

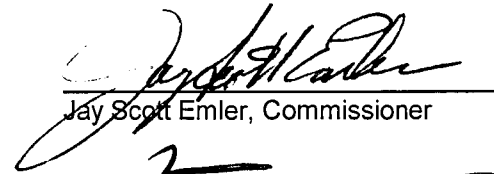
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
59	In the Matter of the Investigation of Marjorie Rohr, d/b/a C & R Salvage of Ransom, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Penalty Order</i>	15-TRAM-171-PEN	
60	In the Matter of the Investigation of Nick Breck, d/b/a S D Transportation of Lenexa, 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>	15-TRAM-172-PEN	

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:



Thomas A. Day
Acting Executive Director