

**Kansas Corporation Commission
Commission Meeting
November 4, 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 November 4, 2014 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chair Albrecht, Commissioner Emler and Commissioner Apple.

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 November 4, 2014 on the 4 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Emler seconded the Motion. Commissioner Albrecht concurred. Motion was approved.

2. **Other matters:**

- A. Chair Albrecht motioned to move the Commission into Executive Session for Personnel matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved, for a period of 30 minutes. Also called into the Executive Session was Danelle Harsin, Human Resource Director and Neysa Thomas, Fiscal Office. Commissioner Emler seconded. Commissioner Apple concurred.

The Commission moved into Executive Session at 10:03 a.m. and reconvened in public session at 10:33 a.m.

- B. The Commission took no action.

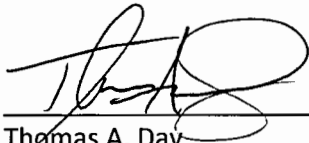
- C. Chair Albrecht motioned to move the Commission into Executive Session for Personnel matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved, for a period of 10 minutes. Also called into the Executive Session was Danelle Harsin, Human Resource Director and Neysa Thomas, Fiscal Office. Commissioner Apple seconded. Commissioner Emler concurred.

The Commission moved into Executive Session at 10:35 a.m. and reconvened in public session at 10:45 a.m.

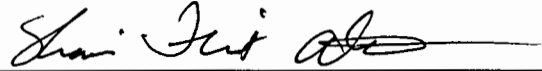
- D. The Commission took no action.

There being no further matters before the Commission, the Commission adjourned at 10:47 a.m.

Respectfully submitted,



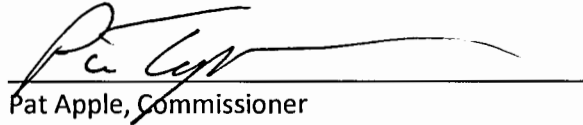
Thomas A. Day
Acting Secretary of the Commission



Shari Feist Albrecht, Chair



Jay Scott Emler, Commissioner



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, November 4, 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 Westar Energy, Inc. and Kansas Gas and Electric Company for Approval of Energy Efficiency Programs <i>Suspension Order</i>	15-WSEE-181-TAR	
2	In the Matter of An Investigation to Determine the Assessment Rate and the Affordable Local Service Rate for Rate-of-Return Regulated Carriers for the Nineteenth Year of the Kansas Universal Service Fund, Effective March 1, 2015. <i>Order Approving Traffic Factors for AT&T Mobility</i>	15-GIMT-073-GIT	
3	In the Matter of An Investigation to Determine the Assessment Rate and the Affordable Local Service Rate for Rate-of-Return Regulated Carriers for the Nineteenth Year of the Kansas Universal Service Fund, Effective March 1, 2015. <i>Order Approving Traffic Factors for Cricket</i>	15-GIMT-073-GIT	

ATTACHMENT A

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Application of Conterra Ultra Broadband, LLC for a Certificate of Convenience and Authority to Provide Competitive Local Exchange Service Within the State of Kansas <i>Order and Certificate</i>	15-CUBZ-035-COC	
5	In the Matter of the Application of Kansas Gas Service, a Division of ONE Gas, Inc. for Approval by the Commission for a Gas System Reliability Surcharge per K.S.A. 66-2201 through 66-2204. <i>Protective and Discovery Order</i>	15-KGSG-088-TAR	
6	In the Matter of the Investigation of Atmos Energy of Olathe, Kansas, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-5), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). <i>Penalty Order</i>	15- DPAX-178-PEN	
7	In the Matter of the Investigation of Kansas Heavy Construction, LLC of Shawnee, Kansas, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-5), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). <i>Penalty Order</i>	15- DPAX-179-PEN	
8	In the Matter of the Investigation of Superior Bowen Asphalt Company, L.L.C. of Kansas City, Missouri, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-5), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). <i>Penalty Order</i>	15- DPAX-180-PEN	
9	In the Matter of the Investigation of United Heating & Cooling, Inc. of Grandview, Missouri, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-5), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). <i>Penalty Order</i>	15- DPAX-185-PEN	
10	In the matter of the failure of Steve A. Becker dba A & A Well Service ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the D J Daniels #1-14, Nelson #2-14, Nelson #3-14, Williams #1-14 and Williams #2-14 in Allen County, Kansas. <i>Penalty Order - Steve A. Becker dba A & A Well Service</i>	15-CONS-371-CPEN	
11	In the matter of the failure of Black Diamond Oil, Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Kemper #2 in Norton County, Kansas. <i>Penalty Order - Black Diamond Oil, Inc.</i>	15-CONS-372-CPEN	
12	In the matter of the failure of Castle Resources, Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Rice Tanner #1 in Butler County, Kansas. <i>Penalty Order - Castle Resources, Inc.</i>	15-CONS-373-CPEN	

Consent Agenda

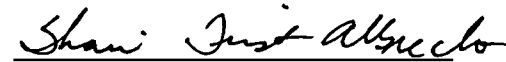
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
13	In the matter of the failure of Continental Operating Co. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Dryden A #1 and Jerome #1 in Rooks County, Kansas. Penalty Order - Continental Operating Co.	15-CONS-374-CPEN	
14	In the matter of the failure of Dripping Oil, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Hladek #1-26 in Trego County, Kansas. Penalty Order - Dripping Oil, LLC	15-CONS-375-CPEN	
15	In the matter of the failure of Ensminger Energy LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the McFadden #E-6 in Allen County, Kansas. Penalty Order - Ensminger Energy LLC	15-CONS-376-CPEN	
16	In the matter of the failure of Benjamin M. Giles ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Seidl #1 OWWO in Butler County, Kansas Penalty Order - Benjamin M. Giles	15-CONS-377-CPEN	
17	In the matter of the failure of Jay Lee Oil Company LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Viola #1 in Coffey County, Kansas. Penalty Order - Jay Lee Oil Company LLC	15-CONS-378-CPEN	
18	In the matter of the failure of Kansas City Oil, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Carman #1 and Carman #3 in Franklin County, Kansas. Penalty Order - Kansas City Oil, LLC	15-CONS-380-CPEN	
19	In the matter of the failure of Victor J. Leis ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Ferree #A-1, Ferree #A-2, Ferree #A-3 and Tannahill #SWS1 in Woodson County, Kansas. Penalty Order - Victor J. Leis	15-CONS-381-CPEN	
20	In the matter of the failure of Liberty Oper & Compl, Inc ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Charolais #2 in Ellis County, Kansas. Penalty Order - Liberty Oper & Compl, Inc	15-CONS-382-CPEN	
21	In the matter of the failure of Jack W. McFadden dba McFadden Oil Co. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Hendricks #5, Winslow #H-3o, Winslow #I-3x and Winslow #I-6x in Allen County, Kansas. Penalty Order - Jack W. McFadden dba McFadden Oil Co.	15-CONS-383-CPEN	
22	In the matter of an Order to Show Cause issued to Legend Oil & Gas Ltd. to determine plugging responsibility under K.S.A. 55-179 for plugging the AMR #01 well in Section 1, Township 31 South, Range 21 East, Crawford County, Kansas. Order Approving Amended Settlement Agreement	14-CONS-916-CSHO	

Consent Agenda

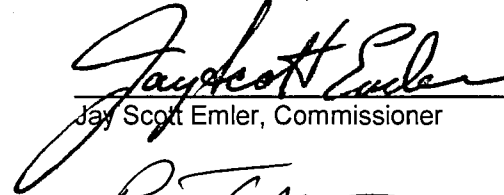
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
23	In the matter of an agreed schedule for First National Oil Inc. regarding several applications, orders, and compliance matters. <i>Order Granting Motion to Close Docket</i>	13-CONS-299-CMSC	
24	In the matter of an Order to Show Cause issued to Darrel Yearout, regarding responsibility under K.S.A. 55-179 for plugging the Yearout OWWO #1 well in Sumner County, Kansas. <i>Order Affirming Default Order</i>	15-CONS-217-CSHO	

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

For the Commission :



Shari Feist Albrecht, Chair

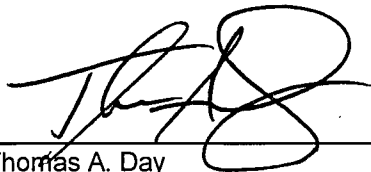


Jay Scott Emler, Commissioner



Pat Apple, Commissioner

Attest:



Thomas A. Day
Acting Executive Director