

Kansas Corporation Commission
Commission Meeting
November 6, 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 6, 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:

- A. **Consent Agenda:** Commissioner Apple pulled Item No. 12; Docket No. 15-DPAX-189-PEN to be voted on separately. Commissioner Apple moved for approval of the remaining items on the Consent Agenda: All other listed matters as presented for November 6, 2014 on the 6 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Emler seconded the Motion. Commissioner Albrecht concurred. Motion was approved.
- B. Commissioner Emler moved for approval of Docket No. 15-DPAX-189-PEN. Commissioner Albrecht seconded. Commissioner Apple abstained. Motion was approved.

1. **Noticed:**

- A. **Docket No. 15-CONS-318-CSHO: *In the matter of an Order to Show Cause issued to CNB Enterprises, Bert Carlson, and Harve Newlin regarding responsibility under K.S.A. 55-179 for plugging the Zwahlen B #1 well in Labette County, Kansas.***

Commissioner Emler moved for approval of order #14-3851 - *Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference.* Commissioner Apple seconded the motion. Commissioner Albrecht concurred. Motion was approved.

2. **Other matters:**

- 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 60 minutes. Commissioner Apple seconded. Commissioner Emler concurred.

The Commission moved into Executive Session at 10:05 a.m. and reconvened in public session at 11:05 a.m.

- D. The Commission took no following action following this Executive Session.

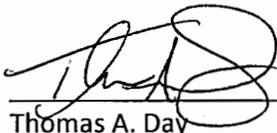
- E. Chair Albrecht motioned to move the Commission into Executive Session for Personnel matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved, for a period of 30 minutes. Commissioner Emler seconded. Commissioner Apple concurred.

The Commission moved into Executive Session at 11:07 a.m. and reconvened in public session at 11:37 a.m.

- F. The Commission took no following action following this Executive Session.

There being no further matters before the Commission, the Commission adjourned at 11:39 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: Thursday, November 6, 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 BCI Allegiance, LLC Filing for Kansas Video Service Authorization. <i>Order Amending Video Service Authorization</i>	13-BCAT-666-VSA	
2	In the Matter of the Audit of Vonage America Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2012 Supp. 66-2010(b) for KUSF Operating Year 16, Fiscal Year March 2012- February 2013. <i>Order Closing Docket</i>	14-VONZ-066-KSF	
3	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. <i>Order Granting Request to Withdraw Application and Closing Docket</i>	14-GHGC-532-COC	
4	In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval of Revisions to Their Renewable Energy Program Rider. <i>Order on Application</i>	14-WSEE-574-TAR	

ATTACHMENT A

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of Midwest Energy, Inc. for Permission to Cease Operating as an Electric Public Utility in Portions of Section 29, Township 19 South, Range 12 West in Barton County, Kansas. <i>Order</i>	15-MDWE-153-CCS	
6	In the Matter of the Application of Midwest Energy, Inc. for a Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas in the Following Areas: Sections 14 and 15, both in Township 15 South, Range 34 West, in Logan County, Kansas. <i>Certificate</i>	15-MDWE-157-COC	
7	In the Matter of the Application of Southern Pioneer Electric Company for Approval to Make Certain Changes in Its Charges for Electric Services. <i>Suspension Order</i>	15-SPEE-161-RTS	
8	In the Matter of the Application of Wheatland Electric Cooperative, Inc. for a Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas in the Following Areas: Point Beginning from the Eastern Edge of Wheatland Service Territory on the Center Line of 56 Highway, East 1,628 Feet on the Center Line of 56 Highway, South to the Center of E. Barton County Road, West to the Existing Wheatland Service Territory on the Center Line of E. Barton County Road, North to the Point of Beginning in Barton County, Kansas <i>Certificate</i>	15-WHLE-167-COC	
9	In the Matter of the Application of Wheatland Electric Cooperative, Inc. for Permission to Cease Operating as an Electric Public Utility in Portions of Sections 14 and 15, Both in Township 15 South, Range 34 West, in Logan County, Kansas <i>Order</i>	15-WHLE-168-CCS	
10	In the Matter of the Application of Prairie Land Electric Cooperative, Inc. Seeking Commission Approval to Update Its Local Access Delivery Service Tariff. <i>Suspension Order</i>	15-PLCE-176-TAR	
11	In the Matter of the Investigation of Landmark Landscaping, Inc. 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-186-PEN	
12	In the Matter of the Investigation of Penny's Concrete, Inc. of Shawnee Mission, 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-189-PEN	X

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
13	In the Matter of the Investigation of Jesse Folsom, d/b/a Lions Tow of Kansas City, 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. Order Approving Stipulated Settlement Agreement	15-TRAM-022-PEN	
14	In the matter of the failure of Anderson Energy, Inc. ("Operator") to comply with K.A.R. 82-3-400 at the Parker Unit #0-1 well in Russell County, Kansas. Order Designating Prehearing Officer and Setting Prehearing Conference	15-CONS-048-CPEN	
15	In the matter of the failure of Chesapeake Operating, LLC ("Operator") to comply with K.A.R. 82-3-111 at the Engelland #3-14, Garden City #1-13, MLP Elmo #1-11, MLP Foster #1-27, Moss Gas Unit #1, Perkins B #1-32, Seedle Branch #2-20, and Wood #3-13 wells in Finney, Grant, Hamilton, Haskell, and Morton Counties, Kansas. Penalty Order - Chesapeake Operating, LLC	15-CONS-379-CPEN	
16	In the matter of the failure of Prairie Oil, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the LW #I-6 in Miami County, Kansas. Penalty Order - Prairie Oil, LLC	15-CONS-384-CPEN	
17	In the matter of the failure of Primal Energy O&G, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Skiles 28 #1 in Rice County, Kansas. Penalty Order - Primal Energy O&G, LLC	15-CONS-385-CPEN	
18	In the matter of the failure of Rakestraw Bros., L.L.C ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Voran H#4 in Kingman County, Kansas. Penalty Order - Rakestraw Bros. LLC	15-CONS-386-CPEN	
19	In the matter of the failure of Rig 6 Drilling Co., Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Kirk Jones #3 and Kirk Jones #4-14 in Woodson County, Kansas. Penalty Order - Rig 6 Drilling Co., Inc.	15-CONS-387-CPEN	
20	In the matter of the failure of Ring Energy, Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Jantz 32 #2, Wedel Trust 33 #1 and Wedel Trust 33 #2 in Gray County, Kansas. Penalty Order - Ring Energy, Inc.	15-CONS-388-CPEN	
21	In the matter of the failure of Roadrunner Energy, Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Fulsom #2-7 in Cowley County, Kansas. Penalty Order - Roadrunner Energy, Inc.	15-CONS-389-CPEN	

Consent Agenda

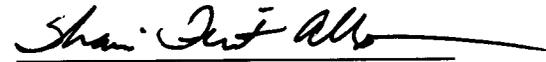
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
22	In the matter of the failure of Scott Services LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Scott #4 and Scott #5 in Ellis County, Kansas. Penalty Order - Scott Services LLC	15-CONS-390-CPEN	
23	In the matter of the failure of Toto Energy, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Russell #26-1A in Edwards County, Kansas. Penalty Order - Toto Energy, LLC	15-CONS-391-CPEN	
24	In the matter of the failure of Vast Petroleum Corporation ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Carter #V11, Carter #V17, Carter #V19, Carter #V23, Carter #V25, Carter #V28, , Carter #V35, Gardner #V1, Richardson #V10, Richardson #V11, Richardson #V12, Richardson #V2, Richardson #V3, Thohoff #V6, Thohoff #V11 and Thohoff #V19 in Miami and Allen County, Kansas. Penalty Order - Vast Petroleum Corporation	15-CONS-392-CPEN	
25	In the matter of the failure of VHR Oil, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the McMillin #1 in Jackson County, Kansas. Penalty Order - VHR Oil, LLC	15-CONS-393-CPEN	
26	In the matter of the failure of F-2 Oil Company LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Spencer #1P, Spencer #2P, Spencer #5P Spencer #6P and Spencer #11 in Franklin County, Kansas. Penalty Order - F-2 Oil Company LLC	15-CONS-411-CPEN	
27	In the matter of the failure of Jack Horton ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Dyer #17 in Montgomery County, Kansas. Penalty Order - Jack Horton	15-CONS-412-CPEN	
28	In the matter of the failure of Kansas Resource Exploration & Development, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Doherty #KR-10 in Miami County, Kansas Penalty Order - Kansas Resource Exploration & Development, LLC	15-CONS-413-CPEN	
29	In the matter of the failure of Unit Petroleum Company ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Loudenback #18 #2H in Reno County, Kansas. Penalty Order - Unit Petroleum Company	15-CONS-414-CPEN	
30	In the matter of the failure of Roger Kent dba R J Enterprises ("Operator") to comply with K.A.R. 82-3-400 at the Dunne #1D-11, Earl Nauretc #3, Ewing A #4 W, Ewing A #46 W, Ewing A #47W, Ewing A #48 W, Ewing A #6W, Ewing D #41W, Ewing D #42W and Ewing D #49W wells in Woodson, Coffey and Linn Counties, Kansas. Order Designating Prehearing Officer and Setting Prehearing Conference	15-CONS-145-CPEN	

Consent Agenda

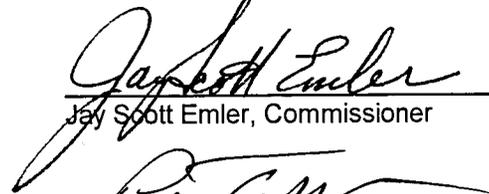
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
31	In the matter of the failure of Jack W. McFadden dba McFadden Oil Co. ("Operator") to comply with K.A.R. 82-3-400 at the Mealey #W 2 well in Allen County, Kansas. <i>Order Designating a Prehearing Conference and Setting a Prehearing Conference</i>	15-CONS-191-CPEN	
32	In the matter of the failure of Viva International, Inc. ("Operator") to comply with K.A.R. 82-3-128 at Various Leases in Wilson County, Kansas. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	14-CONS-957-CPEN	
33	In the Matter of determining responsibility for the Lassman lease located in the Southwest Quarter of Section 9, Township 26 South, Range 18 East, Allen County, Kansas. <i>Abandoned Well Plugging Order - Lassman Lease</i>	15-CONS-415-CPLG	

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:

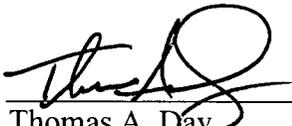

Thomas A. Day
Acting Executive Director

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

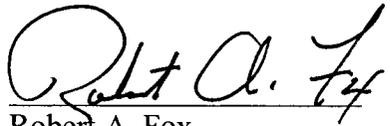
Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Investigation of Penny's)
Concrete, Inc. of Shawnee Mission, Kansas,)
Regarding Violation(s) of the Kansas)
Underground Utility Damage Prevention Act)
(KUUDPA) (K.S.A. 66-1801, et seq., and) Docket No. 15-DPAX-189-PEN
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).)

The above-captioned matter comes on for consideration before the State Corporation Commission of the State of Kansas (Commission). Being duly advised in the premises, the Commission, on November 6, 2014, voted to approve the attached Penalty Order.

Attest: 
Thomas A. Day
Acting Executive Director

For the Commission:

Approved: 
Robert A. Fox
Chief Litigation Counsel


Shari Feist Albrecht, Chair


Jay Scott Emler, Commissioner

ABSTAINED
Pat Apple, Commissioner