

**Kansas Corporation Commission**  
**Business Meeting**  
**March 17, 2015**  
10:00 a.m. 1<sup>st</sup> floor hearing room  
KCC Offices, 1500 SW Arrowhead, Topeka, Kansas

**MINUTES**

The Commission convened the regular scheduled business meeting of the Commission at 10:00 a.m. on March 25, 2015 in the 1<sup>st</sup> floor hearing room of the Kansas Corporation Commission, 1500 SW 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 March 17, 2015 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. **Noticed:**

- A. **Docket No. 15-CONS-371-CPEN, 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.**

Commissioner Emler moved for approval of order #15-0826 - *Order Vacating Default Order*. Commissioner Apple seconded the motion. Commissioner Albrecht concurred. Motion was approved.

- B. **Docket No. 14-KGSG-433-COM, In the Matter of the Complaint Against Kansas Gas Service by Jim Foil.**

Commissioner Albrecht moved for approval of order #15-0824 - *Order Approving Settlement Agreement and Closing Docket* with revision to paragraph 8. Commissioner Apple seconded the motion. Commissioner Emler concurred. Motion was approved.

- C. **Docket No. 15-PNRT-340-MIS, In the Matter of the Application of Pioneer Telephone Association, Inc. For Permission to Retain Certain Local Service Revenues.**

Commissioner Apple moved for approval of order #15-0810 - *Order for Pioneer to Refund Local Service Revenues*. Commissioner Albrecht seconded the motion. Commissioner Emler concurred. Motion was approved.

3. **Other matters:**

- A. Chair Albrecht moved to meet in 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 15 minutes. Commissioner Emler seconded. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session at 10:07 a.m. in the Commissioner's 3<sup>rd</sup> Floor Conference Room and reconvened in public session at 10:22 a.m.

**The Commission took no action following this Executive Session.**

- B. Chair Albrecht moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319(b)(2), for consultation with an attorney, in anticipation for litigation, to obtain legal advice for a period of 45 minutes. Also called into the Executive Session was Assistant General Counsel Brian Fedotin, Director of Conservation Ryan Hoffman and staff Lane Palmateer. Commissioner Emler seconded. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session at 10:29 a.m. in the Commissioner's 3<sup>rd</sup> Floor Conference Room and reconvened in public session at 11:14 a.m.

**The Commission took no action following this Executive Session.**

- C. Chair Albrecht moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319(b)(2), for consultation with an attorney, in anticipation for litigation, to obtain legal advice for a period of 45 minutes. Also called into the Executive Session was Assistant General Counsel Brian Fedotin, Director of Conservation Ryan Hoffman and staff Lane Palmateer. Commissioner Emler seconded. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session at 11:19 a.m. in the Commissioner's 3<sup>rd</sup> Floor Conference Room and reconvened in public session at 12:04 p.m.

**The Commission took no action following this Executive Session.**

**The Commission recessed until 1:30 p.m.**

- D. Chair Albrecht moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319(b)(2), for consultation with an attorney, in anticipation for litigation, to obtain legal advice for a period of 30 minutes. Also called into the Executive Session was Assistant General Counsel Brian Fedotin, Director of Conservation Ryan Hoffman and staff Lane Palmateer. Commissioner Emler seconded. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session at 1:36 p.m. in the Commissioner's 3<sup>rd</sup> Floor Conference Room and reconvened in public session at 2:06p.m.

**The Commission took no action following this Executive Session.**

- E. Chair Albrecht moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319(b)(2), for consultation with an attorney, in

anticipation for litigation, to obtain legal advice for a period of 45 minutes. Also called into the Executive Session was Assistant General Counsel Brian Fedotin, Director of Conservation Ryan Hoffman and staff Lane Palmateer. Commissioner Emler seconded. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session at 2:15 p.m. in the Commissioner's 3<sup>rd</sup> Floor Conference Room and reconvened in public session at 3:00 p.m.

**The Commission took no action following this Executive Session.**


- F. Chair Albrecht moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319(b)(2), for consultation with an attorney, in anticipation for litigation, to obtain legal advice for a period of 90 minutes. Also called into the Executive Session was Assistant General Counsel Brian Fedotin, Director of Conservation Ryan Hoffman and staff Lane Palmateer. Commissioner Emler seconded. Commissioner Apple concurred. Motion was approved.

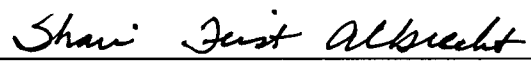
The Commission moved into Executive Session at 3:03 p.m. in the Commissioner's 3<sup>rd</sup> Floor Conference Room and reconvened in public session at 4:33 p.m.

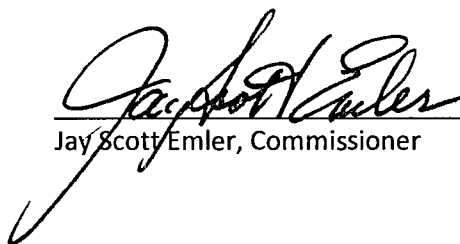
**The Commission took no action following this Executive Session.**

There being no further matters before the Commission, Commissioner Albrecht moved for adjournment of the Commission meeting, Commissioner Emler seconded the Motion, Commissioner Apple concurred. The Motion was granted, the Commission adjourned at 4:35 p.m.

Respectfully submitted,

  
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Neysa Thomas  
Acting Secretary

  
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Shari Feist Albrecht, Chair

  
\_\_\_\_\_  
Jay Scott Emler, Commissioner

  
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Pat Apple, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Tuesday, March 17, 2015

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 Business 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 Business 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 and Errata to Staff's Report and Recommendation</i>	14-BHCG-593-TAR	
2	In the Matter of ONEOK NGL Pipeline, L.L.C. Seeking Commission Approval for K.C.C. Tariff No. 9 <i>Order Granting Staff's Motion to Consolidate</i>	15-ONEP-297-TAR	
3	In the Matter of the Application of ONEOK NGL Pipeline, L.L.C. to Amend its Certificate of Convenience and Necessity to Transact the Business of a Liquids Pipeline Common Carrier in the State of Kansas <i>Order Granting Staff's Motion to Consolidate</i>	15-ONEP-329-COC	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	IN THE MATTER OF THE APPLICATION OF KANSAS GAS AND ELECTRIC COMPANY, DOING BUSINESS AS WESTAR ENI FOR AUTHORITY TO CEASE TRANSACTING THE BUSINESS OF AN ELECTRIC PUBLIC UTILITY SPECIFICALLY IN PORTI SECTIONS 36, TOWNSHIP 33 SOUTH, RANGE 3 EAST, COWLEY COUNTY, KANSAS <i>Order</i>	15-WSEE-288-CCS	
5	In The Matter of the Application of City of Winfield for a Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas. T-33-S, R-3-E, Sections 36. <i>Certificate</i>	15-WNFE-385-COC	
6	In the Matter of the Application of Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with Trinsic Communications, Inc. <i>Order Approving Amended Interconnection Agreement</i>	06-SWBT-376-IAT	
7	In the Matter of Giant Communications, Inc. Notice of Relinquishment of its Designation as an Eligible Telecommunications Carrier. <i>Order Granting Relinquishment of ETC Designation</i>	15-GCIT-393-ETC	
8	In the Matter of Southwestern Bell Telephone Co.'s Petition for Commission Review of NANPA or PA Decision to Withhold Growth Numbering Resources Following the Expedited Review Process for the Assignment of Numbering Resources in the Dodge City Rate Center. <i>Order Overturning NANPA's Decision Denying AT&amp;T Kansas an Additional Number Block</i>	15-SWBT-394-MIS	
9	In the Matter of Teleport Communications America, LLC's Petition for Commission Review of NANPA or PA Decision to Withhold Growth Numbering Resources Following the Expedited Review Process for the Assignment of Numbering Resources in the Manhattan, Kansas Rate Center <i>Order Overturning NANPA's Decision Denying Teleport Communications America, LLC an Additional Number Block</i>	15-TCAT-395-MIS	
10	In the Matter of Southwestern Bell Telephone Company d/b/a AT&T Kansas Petition for Commission Review of NANPA or PA Decision to Withhold Growth Numbering Resources Following the Expedited Review Process for the Assignment of Numbering Resources in the Kansas City Rate Center. <i>Order Overturning NANPA's Decision Denying AT&amp;T Kansas an Additional Number Block</i>	15-SWBT-402-MIS	
11	In the Matter of the Emergency Suspension of Operating Authority of Ronald Widder, d/b/a R2 Hauling of Fort Scott, 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>	15-TRAM-399-OOS	

**Consent Agenda**

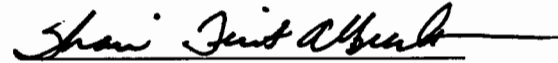
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
12	In the Matter of the Emergency Suspension of Operating Authority of Donald E. Cupp, d/b/a Don's Firewood of Wichita, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	15-TRAM-400-OOS	
13	In the Matter of the Emergency Suspension of Operating Authority of Manuel E. Colchado, d/b/a V & M 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>	15-TRAM-401-OOS	
14	In the Matter of the Emergency Suspension of Operating Authority of Jason Bolinger, d/b/a Best Built Construction of Fort Scott, 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>	15-TRAM-403-OOS	
15	In the Matter of the Emergency Suspension of Operating Authority of Blackwell Emulsions, Inc. of El Dorado, 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>	15-TRAM-404-OOS	
16	In the Matter of the Emergency Suspension of Operating Authority of Scooter's Irrigation and Landscape Creations, LLC of Olathe, 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>	15-TRAM-405-OOS	
17	In the Matter of the Emergency Suspension of Operating Authority of Dennis E. Rosebaugh of Lawrence, 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>	15-TRAM-406-OOS	
18	In the Matter of the Emergency Suspension of Operating Authority of Golden Eagles Trucking, LLC of Garden City, 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>	15-TRAM-407-OOS	
19	In the Matter of the Application of Trimble & Maclaskey Oil LLC, to authorize the injection of saltwater into the Arbuckle Formation at the West Babinger #4 well, located in Section 26, Township 21 South, Range 10 East, Lyon County, Kansas. <i>Discovery Order and Protective Order</i>	15-CONS-640-CUIC	

**Consent Agenda**

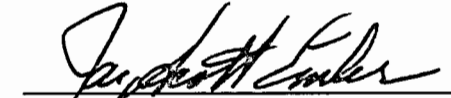
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
20	In the matter of the failure of Gene Kruckenberg dba Circle K Enterprises ("Operator") to comply with K.A.R. 82-3-111 at the Grieving #1 in Kingman County, Kansas. <b>Penalty Order - Gene Kruckenberg dba Circle K Enterprises</b>	15-CONS-758-CPEN	
21	In the matter of a settlement agreement between the Staff of the Kansas Corporation Commission and LED Enterprises, LLC. <b>Order Approving Settlement Agreement</b>	15-CONS-763-CMSC	

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

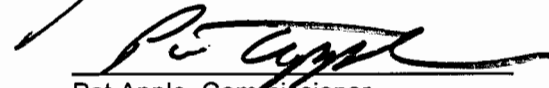
For the Commission :



Shari Feist Albrecht, Chair




Jay Scott Emler, Commissioner



Pat Apple, Commissioner

Attest:



Neysa Thomas  
Acting Secretary