

Kansas Corporation Commission
Commission Meeting
April 14, 2015
10:00 a.m. 1st floor hearing room
KCC Offices, 1500 SW Arrowhead, Topeka, Kansas

MINUTES

The Commission convened the regular scheduled open meeting of the Commission at 10:00 a.m. on April 14, 2015 in the 1st 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 to remove from the Consent Agenda the orders pertaining to docket numbers #15-TRAM-432-PEN and 15-TRAM-435-PEN and not take action on those items today. Commissioner Emler seconded the motion. Commissioner Albrecht concurred. Motion was approved. Commissioner Emler moved to approve the revised Consent Agenda: All other listed matters as presented for April 14, 2015 on the 5 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Apple seconded the Motion. Commissioner Albrecht concurred. Motion was approved.

2. **Noticed:**

- A. **Docket No. 15-LVJE-223-COM, *In the Matter of the Complaint Against Leavenworth-Jefferson Electric Cooperative, Inc. by Cale A. Wiehe.***

Commissioner Emler moved for approval of order #15-1220- *Order Denying Intervention; Directing Staff to File Report and Recommendation; and Denying Temporary Relief Order Vacating Default Order.* Commissioner Apple seconded the motion. Commissioner Albrecht concurred. Motion was approved.

3. **Other matters:**

At its April 9 business meeting, the Commission inadvertently approved Item 43 of the consent agenda. Item 43 was a Motion to Close the Docket filed in Docket No. 15-WSEE-124-COM. As it was a motion, rather than an Order, it should not have been part of the consent agenda.

Commissioner Emler moved for the Commission to reconsider its action on April 9, 2015 concerning approval of Item 43, a Motion to Close the Docket in Docket No. 15-WSEE-124-COM. Commissioner Apple seconded the motion. Commissioner Albrecht concurred. Motion was approved. Therefore, the Commission withdraws its approval of Item 43 and the minutes shall reflect that Item 43 no longer stands approved.

4. **Other matters: *Discussion/Presentation Item(s)***

- A. **IT Security Polices for Commission approval.**

Presenter: Brian Richter

Commissioner Emler moved for approval of proposed IT Security Policies 15-04 Tech., 15-05 Electronic Mail, 15-06- Mobile Devices and 15-07 Video equipment. Commissioner Apple seconded the motion. Commissioner Albrecht concurred. Motion was approved.

5. **Other matters:**

- A. 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 20 minutes. Also called into the Executive Session were Litigation Counsel Sam Feather, Director of Utilities Jeff McClanahan and staff Justin Grady and Adam Gatewood. Commissioner Emler seconded the Motion. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session at 10:14 a.m. and reconvened in public session at 10:34 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 15 minutes. Also called into the Executive Session were Litigation Counsel Sam Feather, Director of Utilities Jeff McClanahan and staff Justin Grady and Adam Gatewood. Commissioner Emler seconded the Motion. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session at 10:36 a.m. and reconvened in public session at 10:51 a.m.

The Commission took no action following this Executive Session.

- C. 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 20 minutes. Commissioner Emler seconded the Motion. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session at 10:53 a.m. and reconvened in public session at 11:15 a.m.

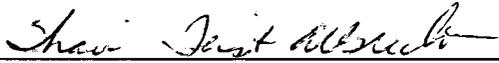
The Commission took no action following this Executive Session.

There being no further matters before the Commission, Commissioner Apple moved for adjournment of the Commission meeting, Commissioner Emler seconded the Motion. Commissioner Albrecht concurred. The Motion was granted, the Commission adjourned the April 14, 2015 Commission Meeting at 11:15 a.m.

Respectfully submitted,



Amy L. Gilbert
Secretary



Shari Feist Albrecht, Chair



Jay Scott Emler, Commissioner



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, April 14, 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 an Investigation to Determine the Assessment Rate for the Eighteenth Year of the Kansas Universal Service Fund, Effective March 1, 2014. <i>Order Accepting Continued Use of Allocation Methodology for Nextel West Corp</i>	14-GIMT-105-GIT	
2	In the Matter of an Investigation to Determine the Assessment Rate for the Eighteenth Year of the Kansas Universal Service Fund, Effective March 1, 2014. <i>Order Accepting Continued Use of Allocation Methodology for Sprint Spectrum LP</i>	14-GIMT-105-GIT	
3	In the Matter of an Investigation to Determine the Assessment Rate for the Eighteenth Year of the Kansas Universal Service Fund, Effective March 1, 2014. <i>Order Accepting Continued Use of Allocation Methodology for Virgin Mobile USA, LP</i>	14-GIMT-105-GIT	
4	In the Matter of Certification of Compliance with Section 254(e) of the Federal Telecommunications Act of 1996 and Certification of Appropriate Use of Kansas Universal Service Fund Support. <i>Order Opening Docket</i>	15-GIMT-389-GIT	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of a General Investigation into the Adjustment of Intrastate Switched Access Charges Pursuant to the Federal Communications Commission's Reforms, Effective July 1, 2015. Order Opening Docket; Requiring Price-Cap and Competitive LECs to File Revised Tariffs and Documentation Implementing Phase 4 of ICC Reform	15-GIMT-436-GIT	
6	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with New Horizons Communications Corp. Order Approving Interconnection Agreement	15-SWBT-420-IAT	
7	In the Matter of United Telephone Company of Kansas Filing Tariff Revisions to Clarify the Conditions of Call Line Identifier. Order Approving Tariff Revisions	15-UTDT-440-TAR	
8	In the Matter of an Audit of Twin Valley Telephone, Inc. to Determine its Cost-Based Kansas Universal Service Fund Support Pursuant to K.S.A. 66-2008. Order Granting Joint Motion	15-TWVT-213-AUD	
9	In the Matter of the Regulation of Public Utilities and Common Carriers, and providing means for Paying Certain Costs and Expenses in Connection with such Regulation, as provided in K.S.A. 66-1501 to 66-1510. Order Assessing Commission Costs Pursuant to K.S.A. 66-1503	15-ALLX-426-ASM	
10	In the Matter of the Regulation of Public Utilities and Common Carriers, and providing means for Paying Certain Costs and Expenses in Connection with such Regulation, as provided in K.S.A. 66-1501 to 66-1510 Order Assessing CURB Costs Pursuant to K.S.A. 66-1503	15-ALLB-427-ASM	
11	In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company to Make Certain Changes in Their Charges for Electric Service. Order Modifying Procedural Schedule	15-WSEE-115-RTS	
12	In the Matter of the Application of The Empire District Electric Company for Approval of its Asbury Environmental Cost Recovery ("AECR") Rider. Order Granting Application Subject to Refund	15-EPDE-233-TAR	
13	In the Matter of the Complaint Against Westar Energy by Richard L. Schulze Order Adopting Staff's Memorandum	15-WSEE-384-COM	
14	In the Matter of the Complaint Against Kansas City Power & Light by Mary Croy Order Adopting Staff's Memorandum and Dismissing Complaint	15-KCPE-289-COM	
15	In the Matter of the Joint Application of Mid-Kansas and Southern Pioneer Company Requesting Approval of a Settlement Agreement Regarding "First Mile" Local Delivery Service Over Southern Pioneer's 34.5 Facilities. Suspension Order	15-MKEE-461-TAR	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
16	In the Matter of the Investigation of BMS Transportation Company, Inc. of Platte City, Missouri, 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. <i>Default Order</i>	15-GIMM-212-KHP	
17	In the Matter of the Investigation of Edwards Pool Construction, Inc. of Wichita, 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-451-PEN	
18	In the matter of the failure of Robert Brotherton dba P & R Oilfield Services ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Marple #1 in Wilson County, Kansas. <i>Penalty Order - Robert Brotherton dba P & R Oilfield Services</i>	15-CONS-801-CPEN	
19	In the matter of the failure of Charles N. Griffin ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Cunningham #4 in Barber County, Kansas. <i>Penalty Order - Charles N. Griffin</i>	15-CONS-802-CPEN	
20	In the matter of the failure of Carol Holt ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Scott #14 and Scott #14X in Montgomery County, Kansas. <i>Penalty Order - Carol Holt</i>	15-CONS-803-CPEN	
21	In the matter of the failure of Multiplex Resources, Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Murphy #N2 and Murphy #MU I-3 in Allen County, Kansas. <i>Penalty Order - Multiplex Resources, Inc.</i>	15-CONS-804-CPEN	
22	In the matter of the failure of John Douglas Pitman Revocable Trust ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the D.H. Martin #32 and A.D. Berry #B-4 in Montgomery County, Kansas. <i>Penalty Order - John Douglas Pitman Revocable Trust</i>	15-CONS-805-CPEN	
23	In the matter of the failure of Red Oak Energy, Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Dawes #1-36 in Thomas County, Kansas. <i>Penalty Order - Red Oak Energy, Inc.</i>	15-CONS-806-CPEN	
24	In the matter of the failure of SM Oil & Gas, Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Underwood #110, DJK Ranch C #1, DJK Ranch F #2D and DJK Ranch B #1 in Chautauqua County, Kansas. <i>Penalty Order - SM Oil & Gas, Inc.</i>	15-CONS-807-CPEN	

Consent Agenda

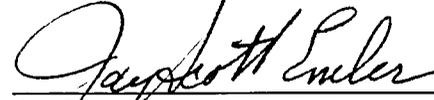
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
25	In the matter of the failure of Stonegate Ranch, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Jabben #5 in Montgomery County, Kansas. <i>Penalty Order - Stonegate Ranch, LLC</i>	15-CONS-808-CPEN	
26	In the matter of the failure of StrataKan Exploration, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Bradley Unit #36-1 in Barton County, Kansas. <i>Penalty Order - StrataKan Exploration, LLC</i>	15-CONS-809-CPEN	
27	In the matter of the failure of T & R Oil Company, a General Partnership ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Denton #15 in Cowley County, Kansas. <i>Penalty Order - T & R Oil Company, a General Partnership</i>	15-CONS-810-CPEN	
28	In the matter of the failure of The Raven Company LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Allen #25 in Montgomery County, Kansas. <i>Penalty Order - The Raven Company LLC</i>	15-CONS-811-CPEN	
29	In the matter of the failure of Red Cloud Exploration Operating LLC ("Operator") to comply with K.A.R. 82-3-407 at the Sturgeon #1 W in Montgomery County, Kansas. <i>Penalty Order - Red Cloud Exploration Operating LLC</i>	15-CONS-813-CPEN	

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

For the Commission :



Shari Feist Albrecht, Chair

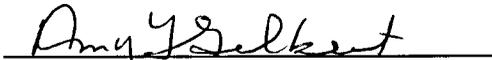


Jay Scott Emler, Commissioner



Pat Apple, Commissioner

Attest:



Amy L. Gilbert
Secretary