

Kansas Corporation Commission

Business Meeting

April 28, 2015

10:00 a.m. 1st floor hearing room

KCC Offices, 1500 Arrowhead, Topeka, Kansas

MINUTES

The Commission convened the regularly scheduled business meeting of the Commission at 10:00 a.m. on April 28, 2015 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Commissioner Emler and Commissioner Apple. Commissioner Albrecht via telephone.

The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Apple requested item No. 12; Docket No. 15-TRAM-408-PEN to be removed from the consent agenda and voted on separately. Commissioner Albrecht moved for approval for the remaining items on the Consent Agenda: All other listed matters as presented for April 28, 2015 on the 4 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Apple seconded the Motion. Commissioner Emler concurred. Motion was approved.
2. Commissioner Albrecht moved for approval of Docket No. 15-TRAM-408-PEN - In the Matter of the Investigation of Town Oil Company, Inc. Commissioner Emler seconded. Commissioner Apple abstained. Motion was approved.

3. **Noticed:**

- A. **Docket No. 13-HHIW-460-GIV: *In the Matter of the Investigation of Howison Heights Inc.'s Ability to Provide Sufficient and Efficient Service.***

Commissioner Apple moved for approval of order #15-1389 - Order Granting Staff's Motion. Commissioner Albrecht seconded the motion. Commissioner Emler concurred. Motion was approved.

- B. **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 #15-1378 - Order Denying Pioneer Telephone Association's Petition for Reconsideration. Commissioner Albrecht seconded the motion. Commissioner Emler concurred. Motion was approved.

- C. **Docket No. 15-SPEE-161-RTS: *In the Matter of the Application of Southern Pioneer Electric Company for Approval to Make Certain Changes in Its Charges for Electric Service.***

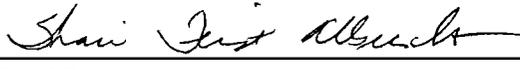
Commissioner Albrecht moved for approval of order #15-1395 - Order Granting Joint Motion for Approval of Settlement Agreement. Commissioner Apple seconded the motion. Commissioner Emler concurred. Motion was approved.

There being no further matters before the Commission, the Commission adjourned at 10:09 a.m.

Respectfully submitted,



Amy L. Gilbert
Secretary to the Commission



Shari Feist Albrecht, Chair



Jay Scott Emler, Commissioner



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, April 28, 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 Arbitration Between Level 3 Communications, LLC and SBC Communications, Inc. Pursuant to Section 252(b) of Communications Act of 19934, as Amended by the Telecommunications Act of 1996, for Rates, Terms, and Conditions of Interconnection. Order Approving Interconnection Agreement Modifications AT&T and Level 3	04-L3CT-1046-ARB	
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. Order Approving Traffic Factors Star2Star	15-GIMT-073-GIT	
3	In the Matter of the Application of United Wireless Communications, Inc. for a Certificate of Convenience Order Granting Certificate of Convenience and Authority to Provide Local Exchange and Exchange Access Services Within the State of Kansas	15-UWCC-350-COC	
4	In the Matter of the Complaint Against Century Link by Rod C Huse Order Closing Docket	15-QWCT-383-COM	

Consent Agenda

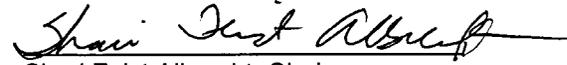
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval of Energy Efficiency Programs. <i>Order Cancelling Evidentiary Hearing</i>	15-WSEE-181-TAR	
6	In the Matter of the Emergency Suspension of Operating Authority of Eduardo Lopez, d/b/a Eduardo Lopez & Alberto Lopez Roof of Newton, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Order Reinstating Motor Carrier Operating Authority</i>	15-TRAM-319-OOS	
7	In the Matter of the Emergency Suspension of Operating Authority of Richard Marlinee of Leon, 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-490-OOS	
8	In the Matter of the Emergency Suspension of Operating Authority of Philip Wagler of Partridge, 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-491-OOS	
9	In the Matter of the Emergency Suspension of Operating Authority of U.S. Underground, Inc. 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-492-OOS	
10	In the Matter of the Emergency Suspension of Operating Authority of R & R Trucking, Inc. 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-493-OOS	
11	In the Matter of the Emergency Suspension of Operating Authority of Jay Price, d/b/a Larison Towing of Baxter Springs, 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-495-OOS	
12	In the Matter of the Investigation of Town Oil Company, Inc. of Paola, 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-408-PEN	✓
13	In the Matter of the Investigation of Mead Building Centers of Manhattan, Inc. of Manhattan, 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-432-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the Matter of the Investigation of Skyline Builders, LLC of Hesston, Kansas, Regarding the Violation(s) of the Motor Carrier Safe 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-483-PEN	
15	In the Matter of the Investigation of Black Hills Energy Corporation 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). Penalty Order	15-DPAX-486-PEN	
16	In the Matter of the Investigation of Robert Helton, d/b/a Elite Construction Services of Topeka, Kansas, Regarding Violation(s) of 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), at the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). Penalty Order	15-DPAX-487-PEN	
17	In the matter of the failure of American Warrior, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Beeley #1 in Comanche County, Kansas. Penalty Order - American Warrior, Inc.	15-CONS-825-CPEN	
18	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 24-26S-38W (SE/4), Section 19-26S-37W (SW/4), Section 30-26S-37W (NW/4), Section 25-26S-38W (NE/4) In Kearny County, Kansas (ATU 93X) Order Granting Application	15-CONS-767-CUNI	
19	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 19-26S-37W (SE/4), Section 20-26S-37W (SW/4), Section 29-26S-37W (NW/4), Section 30-26S-37W (NE/4) In Kearny County, Kansas (ATU 94X) Order Granting Application	15-CONS-773-CUNI	

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