

Kansas Corporation Commission
Commission Meeting
July 30, 2015
10:00 a.m. 1st floor hearing room
KCC Offices, 1500 SW Arrowhead, Topeka, Kansas

MINUTES

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on July 30, 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 Emler moved for approval of the Consent Agenda: All other listed matters as presented for July 30, 2015 on the 7 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-SPEE-519-RTS, *In the Matter of the Annual Filing of Southern Pioneer Electric Company for Approval to Make Certain Changes to Its Charges for Electric Services, Pursuant to the Debt Service Coverage Formula Based Ratemaking Plan Approved in Docket No.13-MKEE-452-MIS.***

Commissioner Emler moved for approval of order #15-2549 - *Order Approving Proposed Revenue Increase.* Commissioner Apple seconded. Commissioner Albrecht concurred. Motion was approved.

 - B. **Docket No. 15-CONS-577-CPEN, *In the matter of the failure of Benjamin M. Giles ("Operator") to comply with K.A.R. 82-3-111 at the Paulson #1, Paulson #2, Paulson #3, Paulson #4A, Paulson #5B, Paulson #6A and Paulson #7B wells in Butler County, Kansas.***

Commissioner Apple moved for approval of order #15-2533 - *Order Approving Settlement Agreement.* Commissioner Emler seconded. Commissioner Albrecht concurred. Motion was approved.

3. **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 of litigation, to obtain legal advice for a period of 30 minutes. Also called into the Executive Session was Litigation Counsel, Andrew French, Director of Utilities, Jeff McClanahan and staff, Justin Grady. Commissioner Emler seconded. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session at 10:06 a.m. and reconvened in public session at 10:36 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 of litigation, to obtain legal advice for a period of 15 minutes. Also called into the Executive Session was Litigation Counsel, Andrew French, Director of Utilities, Jeff McClanahan and staff, Justin Grady. Commissioner Apple seconded. Commissioner Emler concurred. Motion was approved.

The Commission moved into Executive Session at 10:37 a.m. and reconvened in public session at 10:52 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 30 minutes. Also called into the Executive Session was Chief Litigation Counsel, Amber Smith, Deputy General Counsel, Brian Fedotin and Director of Utilities, Jeff McClanahan. Commissioner Apple seconded. Commissioner Emler concurred. Motion was approved.

The Commission moved into Executive Session at 10:54 a.m. and reconvened in public session at 11:24 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 July 30, 2015 Commission Meeting at 11:25 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: Thursday, July 30, 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 Audit of Cox Kansas Telecom LLC d/b/a Cox Communications by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of Cox Kansas Telecom, LLC and Order Setting Procedural Schedule</i>	16-COXT-027-KSF	
2	In the Matter of the Audit of UnitedTelephone of Kansas d/b/a CenturyLink (LEC) by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of United Telephone of Kansas dba Centurylink and Order Setting Procedural Schedule</i>	16-UTDT-028-KSF	
3	In the Matter of the Audit of TWC Digital Phone LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of TWC Ditigal Phone LLC and Order Setting Procedural Schedule</i>	16-TWCZ-029-KSF	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Audit of Nex-Tech Wireless, L.L.C. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of Nex-Tech Wireless, LLC and Order Setting Procedural Schedule</i>	16-NTWZ-030-KSF	
5	In the Matter of the Audit of Nex-Tech, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of Nex-Tech Inc. and Order Setting Procedural Schedule</i>	16-NTHT-031-KSF	
6	In the Matter of the Audit of CenturyLink Communications, LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of Centurylink Communications LLC and Order Setting Procedural Schedule</i>	16-QWCT-032-KSF	
7	In the Matter of the Audit of Rural Telephone Service Company, Inc.d/b/a Nex-Tech (LEC) by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of Rural Telephone Service Company Inc. dba Nex-Tex and Order Setting Procedural Schedule</i>	16-RRLT-033-KSF	
8	In the Matter of the Audit of McLeod USA Telecommunications Services, L.L.C. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of McLeod USA Telecommunications Services LLC and Order Setting Procedural Schedule</i>	16-MLTT-034-KSF	
9	In the Matter of the Audit of Consumer Cellular, Incorporated by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of Consumer Cellular Incorporated and Order Setting Procedural Schedule</i>	16-CSCZ-035-KSF	
10	In the Matter of the Audit of Time Warner Cable Business LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of Time Warner Cable Business LLC and Order Setting Procedural Schedule</i>	16-TWBC-036-KSF	
11	In the Matter of the Audit of Wamego Telecommunications Company, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of Wamego Telecommunications Company Inc. and Order Setting Procedural Schedule</i>	16-WTCT-037-KSF	

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ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
12	In the Matter of the Audit of GreatCall, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of Greatcall Inc. and Order Setting Procedural Schedule</i>	16-GCIZ-038-KSF	
13	In the Matter of the Audit of WTC Communications, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of WTC Communications Inc. and Order Setting Procedural Schedule</i>	16-WCMC-039-KSF	
14	In the Matter of the Audit of Rural Telephone Service Company, Inc. d/b/a Nex-Tech (IXC) by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of Rural Telephone Service Company Inc. dba Nex-Tech and Order Setting Procedural Schedule</i>	16-RRLT-040-KSF	
15	In the Matter of the Audit of United Telephone of Kansas d/b/a CenturyLink (TOLL/IXC) by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of United Telephone of Kansas dba Centurylink and Order Setting Procedural Schedule</i>	16-UTDT-041-KSF	
16	In the Matter of the Audit of Time Warner Cable Information Service (Kansas), LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order to KUSF Administrator to Commence Audit of Time Warner Cable Information Services (Kansas) LLC</i>	16-TWRT-042-KSF	
17	In the Matter of United Telephone Companies of Kansas Filing Tariff Revisions to Grandfather Asynchronous Transfer Mode ATM Service and Frame Relay Service. <i>Order Approving Tariff Revisions</i>	16-UTDT-012-TAR	
18	In the Matter of the Cancellation of All Operating Certificates of Convenience and Authority Previously Granted to Americatel Corporation <i>Order Cancelling IXC Certificate of Convenience and Authority</i>	15-AMAC-589-CCS	
19	In the Matter of the Assessment of a Fee for the Inspection and Supervision of Standards of Safety Against Public Utilities Engaged in the Operation of Gas Pipeline Systems which are Subject to the Jurisdiction and Control of the State of Corporation Commission of the State of Kansas. <i>Order 'Assessment for Gas Pipeline Meter'</i>	16-GPMG-006-ASM	

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ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
20	In the Matter of the Application of Midwest Energy, Inc. for Authority to Cease Transacting in the Business of a Natural Gas Public Utility in Certain Portions of Finney County, Kansas. <i>Order</i>	15-MDWG-593-CCS	
21	In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC d/b/a Black Hills Energy, for a Certificate of Convenience and Authority to Transact the Business of a Natural Gas Public Utility in the State of Kansas. Sections 7, 17 and 18, Township 25 South, Range 32 West, Finney County, Kansas. <i>Certificate</i>	15-BHCG-596-COC	
22	In the Matter of Midwest Energy, Inc. Submitting Its 2015 Annual Transmission Revenue Requirement Associated With Its Transmission Formula Rate <i>Order Accepting Annual Transmission Revenue Requirement Update</i>	15-MDWE-535-TFR	
23	In the Matter of the Application of City of Winfield, KS for Permission to Cease Operating as a(n) Electric Public Utility in the State of Kansas. T-32-S, R-6-E, Section 25 and T-32-S, R-6-E, Section 36 <i>Order</i>	15-WNFE-583-CCS	
24	In the Matter of the Application of CMS Electric Cooperative, Inc. for a Certificate of Convenience and Authority to Transact the Business of a(n) Electric Public Utility in the State of Kansas. Transmission Rights Only to Construct an Overhead Distribution Line <i>Certificate</i>	15-CMSE-585-COC	
25	In the Matter of the Application of The Caney Valley Electric Cooperative Association, Inc. for Certificate of Convenience and Authority to Transact the Business of a(n) Electric Public Utility in the State of Kansas. Twp. 32S, R. 6E, Sec. 25 & Twp. 32S, R.6E, Sec 36 <i>Certificate</i>	15-CYVE-591-COC	
26	In the Matter of the Emergency Suspension of Operating Authority of Nicholas Matthew Smith, d/b/a Alltrade 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>	16-TRAM-043-OOS	
27	In the Matter of the Investigation of Farmers' Cooperative Grain Association of Wellington, Kansas of Wellington, 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>	16-TRAM-019-PEN	

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ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
28	In the Matter of the Investigation of Right Way Moving, LLC of Topeka, 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. Penalty Order	16-TRAM-044-PEN	
29	In the Matter of the Investigation of Akers Consulting Group, Inc. of Elwood, 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. Penalty Order	16-TRAM-045-PEN	
30	In the Matter of the Emergency Suspension of Operating Authority of Alma Creamery, LLC of Alma, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Emergency Suspension of Operating Authority Order	16-TRAM-050-OOS	
31	In the Matter of the Investigation of Galen Critchfield, d/b/a Outdoor Supply & Service of Osawatomie, 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. Penalty Order	15-TRAM-513-PEN	
32	In the Matter of Jayhawk Pipeline Filing for Approval of Tariff Rates Implementing Increased Rates Based on the FERC Indexing Methodology. Order Approving Tariff Revisions	15-JYHP-563-TAR	
33	In the Matter of Kaw Pipe Line Filing for Approval of Tariff Rates Implementing Increased Rates Based on the FERC Indexing Methodology. Order Approving Tariff Revisions	15-KAWP-564-TAR	
34	In the matter of the failure of Eagle Creek Resources, LLC ("Operator") to comply with K.A.R. 82-3-111 at the McCraner C #1, Mulnix #1 and Moore B #5 wells in Butler County, Kansas. Order Approving Settlement Agreement	15-CONS-858-CPEN	
35	In the matter of the failure of PetroSantander (USA) Inc. ("Operator") to report activity that occurred during the 2014 calendar year in compliance with K.A.R. 82-3-409. Order Approving Settlement Agreement	15-CONS-918-CPEN	
36	In the matter of the failure of Kansas Petroleum Resources, LLC ("Operator") to comply with K.A.R. 82-3-117 at the Stremel #1 and Stremel #1-A wells in Rush County, Kansas. Order Designating Prehearing Officer and Setting Prehearing Conference	15-CONS-953-CPEN	

Consent Agenda

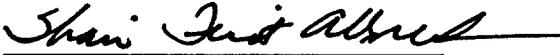
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
37	In the matter of the failure of Stewart Petroleum Corporation ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - Stewart Petroleum Corporation	16-CONS-130-CPEN	
38	In the matter of the failure of Bow Creek Oil Company, General Partnership ("Operator") to comply with K.A.R. 82-3-111 at the Banbury A #1 in Hamilton County, Kansas. Penalty Order - Bow Creek Oil Company, General Partnership	16-CONS-132-CPEN	
39	In the matter of the failure of American Oil LLC ("Operator") to comply with K.A.R. 82-3-602 at the Solomon #1-33 well in Ellis County, Kansas. Penalty Order - American Oil LLC	16-CONS-133-CPEN	
40	In the matter of the failure of Steven A. Leis ("Operator") to comply with K.A.R. 82-3-602 at the Hartzler #N-2 well in Woodson County, Kansas. Penalty Order - Steven A. Leis	16-CONS-134-CPEN	
41	In the matter of the failure of New Western Operating, LLC ("Operator") to comply with K.A.R. 82-3-602 at the Farwell #34-D4 well in Wilson County, Kansas. Penalty Order - New Western Operating, LLC	16-CONS-135-CPEN	
42	In the matter of the failure of Vast Petroleum Corporation ("Operator") to comply with K.A.R. 82-3-602 at the Thohoff #V6 and Gardner #1 wells in Allen and Miami County, Kansas. Penalty Order - Vast Petroleum Corporation	16-CONS-136-CPEN	
43	In the matter of the failure of A & L Energy Operations LLC ("Operator") to comply with K.A.R. 82-3-608 at the Alma #5 and Alma #11 wells in Franklin County, Kansas. Penalty Order - A & L Energy Operations LLC	16-CONS-137-CPEN	
44	In the matter of the failure of Herman L. Loeb, LLC ("Operator") to comply with K.A.R. 82-3-608 at the Clark #6 and Clark #7 wells in Sumner County, Kansas. Penalty Order - Herman L. Loeb, LLC	16-CONS-138-CPEN	
45	In the matter of the failure of Imperator Investments LLC ("Operator") to comply with K.A.R. 82-3-608 at the Herder #11 and Herder #12 wells in Allen County, Kansas. Penalty Order - Imperator Investments LLC	16-CONS-139-CPEN	
46	In the matter of the failure of K3 Oil & Gas Operating Company ("Operator") to comply with K.A.R. 82-3-608 at the Nichepor #32-7 well in Ness County, Kansas. Penalty Order - K3 Oil & Gas Operating Company	16-CONS-140-CPEN	

Consent Agenda

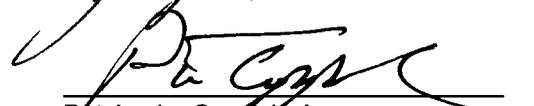
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
47	In the matter of the failure of Vast Petroleum Corporation ("Operator") to comply with K.A.R. 82-3-608 at the Thohoff #V6, Gardner #V1, Richardson #V10, Richardson #V11 and Richardson #V12 wells in Allen and Miami County, Kansas. <i>Penalty Order - Vast Petroleum Corporation</i>	16-CONS-141-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