

**Kansas Corporation Commission**  
**Commission Meeting**  
**August 4, 2015**  
10:00 a.m. 1<sup>st</sup> 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 August 4, 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 August 4, 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. 10-VMBZ-657-ETC, In the Matter of Virgin Mobile USA, L.P. Petition for Limited Designation as an Eligible Telecommunications Carrier.**

Commissioner Apple moved for approval of order #15-2615 - *Order Denying Petition for Reconsideration*. Commissioner Albrecht seconded. Commissioner Emler concurred. Motion was approved.
  
  - B. **Docket No. 12-IWRZ-848-ETC, In the Matter of the Application of i-wireless, LLC for Designation as an Eligible Telecommunications Carrier in the State of Kansas.**

Commissioner Apple moved for approval of order #15-2613 - *Order Denying Petition for Reconsideration*. Commissioner Albrecht seconded. Motion was approved. Commissioner Emler abstained.
  
  - C. **Docket No. 14-FRPG-599-COC, In the Matter of the Application of Freedom Pipeline, LLC for a Certificate of Convenience and Necessity to Provide Natural Gas Service as a Not for Profit Public Utility in Stevens, Grant and Seward Counties, Kansas.**

Commissioner Emler moved for approval of order #15-2612 - *Order Approving Unanimous Settlement Agreement*. Commissioner Apple seconded. Commissioner Albrecht concurred. Motion was approved.
  
  - D. **Docket No. 15-GIMG-343-GIG, In the Matter of a General Investigation Regarding the Acceleration of Replacement of Natural Gas Pipelines Constructed of Obsolete Materials Considered to be a Safety Risk.**

Commissioner Emler moved for approval of order #15-2585 - *Order Denying CURB's Petition for Reconsideration*. Commissioner Apple seconded. Commissioner Albrecht 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 10:13 a.m. and reconvened in public session at 10:28 a.m.

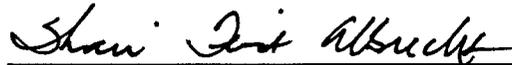
**The Commission took no action following this Executive Session.**

There being no further matters before the Commission, Commissioner Emler moved for adjournment of the Commission meeting, Commissioner Apple seconded the Motion, Commissioner Albrecht concurred. The Motion was granted, the Commission adjourned the August 4, 2015 Commission Meeting at 10:28 a.m.

Respectfully submitted,



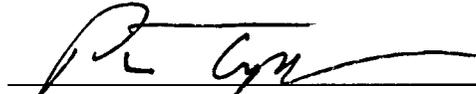
Amy L. Gilbert  
Secretary



Shari Feist Albrecht, Chair



Jay Scott Emler, Commissioner



Pat Apple, Commissioner



## ITEMS OF Consent Agenda

Approval Date: Tuesday, August 4, 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 OOMA, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2013 Supp. 2010(b) for KUSF Operating Year 17, Fiscal Year March 2013-February 2014 <i>Order Adopting Audit Report and Recommendations</i>	15-OOMC-052-KSF	
2	In the Matter of the Audit of Twin Valley Telephone, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2013 Supp. 2010(b) for KUSF Operating Year 17, Fiscal Year March 2013-February 2014 <i>Order Accepting and Adopting Compliance Report and Closing Docket</i>	15-TWVC-055-KSF	
3	In the Matter of the Application of PAETEC Communications, Inc. to Changes Its Name to PAETEC Communications, LLC. on All Certificates Previously Granted <i>Order Approving Name Change</i>	15-PCTT-609-CCN	
4	In the Matter of the Application of Windstream NTI, Inc. to Changes Its Name to Windstream NTI LLC on All Certificates Previously Granted <i>Order Approving Name Change</i>	15-NLTC-613-CCN	

## Consent Agenda

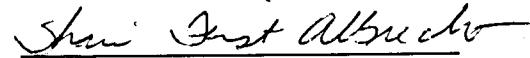
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Joint Application of Mid-Kansas Electric Company, LLC, Prairie Land Electric Cooperative, Inc., Southern Pioneer Electric Company, The Victory Electric Cooperative Association, Inc., and Western Cooperative Electric Association, Inc., for Approval of Individual 34.5kV Formula-Based Rates. <b>Suspension Order</b>	16-MKEE-023-TAR	
6	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. <b>Order Granting Admission of John Finnigan Pro Hac Vice</b>	15-WSEE-115-RTS	
7	In the Matter of the Complaint Against Atmos Energy by DH Pace Company Located At : 1901 E. 119th Street., Olathe, Kansas 66061 <b>Order Adopting Staff's Memorandum and Opening Complaint Investigation</b>	16-ATMG-049-COM	
8	In the Matter of the Investigation of Altamont Builder's Supply, L.L.C. of Altamont, 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. <b>Penalty Order</b>	16-TRAM-051-PEN	
9	In the Matter of the Investigation of Brandon J. Blocker, d/b/a Apex Professional Tree Service of Valley Center, 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. <b>Penalty Order</b>	16-TRAM-052-PEN	
10	In the Matter of the Investigation of Bettis Asphalt & Construction, Inc. of Topeka, 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). <b>Penalty Order</b>	16-DPAX-054-PEN	
11	In the Matter of the Emergency Suspension of Operating Authority of Land Beaver LLC of Lawrence, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b>Emergency Suspension of Operating Authority Order</b>	16-TRAM-055-OOS	
12	In the Matter of the Application of Berexco LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Tom Sellens #10 well located in the W/2 SE NW SE of Sec 17, T15S, R13W, Russell County, Kansas. <b>Order Granting Application</b>	15-CONS-957-CEXC	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
13	In the matter of the failure of Bill Holtom, a General Partnership ("Operator") to report activity that occurred during the 2014 calendar year in compliance with K.A.R. 82-3-409. <b><i>Order Rescinding Penalty</i></b>	15-CONS-870-CPEN	
14	In the matter of the failure of Daystar Petroleum, Inc. ("Operator") to comply with K.A.R. 82-3-407 at the Dunne B #3 in Butler County, Kansas. <b><i>Penalty Order - Daystar Petroleum, Inc.</i></b>	16-CONS-143-CPEN	
15	In the matter of the failure of Relative Energy, Inc. ("Operator") to comply with K.A.R. 82-3-604 at the Nelson Lease tank battery in McPherson County, Kansas. <b><i>Penalty Order - Relative Energy, Inc.</i></b>	16-CONS-144-CPEN	
16	In the matter of the failure of Raney Oil Company, LLC ("Operator") to comply with K.A.R. 82-3-111 at the Cully #4-20 in Sumner County, Kansas. <b><i>Penalty Order - Raney Oil Company, LLC</i></b>	16-CONS-145-CPEN	
17	In the matter of the failure of Mark Allen Connell ("Operator") to comply with K.A.R. 82-3-126 at the Zvolanek A #4 in Ellsworth County, Kansas. <b><i>Penalty Order - Mark Allen Connell</i></b>	16-CONS-146-CPEN	
18	In the matter of the failure of Liberty Oper & Compl, Inc ("Operator") to comply with K.A.R. 82-3-111 at the Elmo #1 in Ellis County, Kansas. <b><i>Penalty Order - Liberty Oper &amp; Compl. Inc</i></b>	16-CONS-147-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