

**Kansas Corporation Commission**  
**Commission Meeting**  
**October 15, 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 October 15, 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 Emler moved for approval of the Consent Agenda: All other listed matters as presented for October 15, 2015 on the 3 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. 16-DPAX-057-PEN, *In the Matter of the Investigation of Kansas Gas Service, A Division of ONE Gas, Inc., of Overland Park, 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).***

Commissioner Emler moved for approval of order #15-3431 - *Order on Reconsideration and Assessing Civil Penalty*. Commissioner Apple seconded. Commissioner Albrecht concurred. Motion was approved.
  
  - B. **Docket No. 16-DPAX-070-PEN, *In the Matter of the Investigation of Kansas Gas Service, A Division of ONE Gas of Overland Park, 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).***

Commissioner Emler moved for approval of order #15-3430 - *Order on Reconsideration and Assessing Civil Penalty*. 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 45 minutes. 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 10:51 a.m.

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

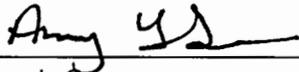
- B. Chair Albrecht moved to meet in Executive Session for Personnel matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved for a period of 20 minutes. Commissioner Emler seconded. Commissioner Apple concurred. Motion was approved.

The Commission moved into Executive Session at 10:52 a.m. and reconvened in public session at 11:12 a.m.

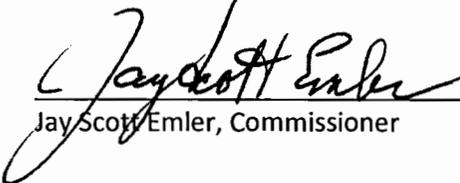
**The Commission took no action following this Executive Session.**

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 approved, the Commission adjourned the October 15, 2015 Commission Meeting at 11:14 a.m.

Respectfully submitted,

  
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Amy L. Green  
Secretary

  
\_\_\_\_\_  
Shari Feist Albrecht, Chair

  
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Jay Scott Emler, Commissioner

  
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Pat Apple, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Thursday, October 15, 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

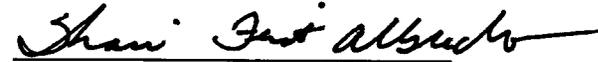
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of Staff's Petition to Close IXC Holdings, Inc.'s Kansas Universal Service Fund (KUSF) Account, KS 006316 and Write-off the Credit Balance on the Company's Account. <i>Order Authorizing GVNW to Write Off IXC Holdings Inc.'s KUSF Credit Balance and Close Docket</i>	16-KMIT-182-GIT	
2	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. <i>Order Granting Joint Motion for a Conditioned and Limited Waiver of the 240 Day Time Period Provided for Under KSA 66-117</i>	15-MKEE-461-TAR	
3	In the Matter of the Complaint Against Kansas City Power & Light by Troy R. Lott <i>Order Adopting Legal Memorandum</i>	16-KCPE-138-COM	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Application of Atmos Energy, for a Certificate of Convenience and Authority to Transact the Business of a Natural Gas Public Utility in the State of Kansas in Sections 2, 3, 4, 5, 6, 8, 9 and 16, Township 31 South, Range 38 West and Section 1, Township 31 South, Range 39 West, Stevens County, Kansas. <b>Order Granting Petition to Intervene</b>	16-ATMG-025-COC	
5	In the Matter of the Investigation of EMCON, Inc. of Berryton, 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-170-PEN	
6	In the matter of the application of SandRidge Exploration and Production LLC for a permit to authorize the injection of saltwater into the Mississippi Formation at the Ellis EOR 3119 3-19H well, located in Section 19, Township 31 South, Range 19 West, Comanche County, Kansas. <b>Order Designating Prehearing Officer and Setting Prehearing Conference</b>	16-CONS-572-CUIC	
7	In the matter of the failure of Zenith Drilling Corporation ("Operator") to comply with K.A.R. 82-3-400 injection authority and/or K.A.R. 82-3-409 reporting requirements regarding injection that took place during the 2014 calendar year. <b>Order Rescinding Penalty</b>	16-CONS-099-CPEN	
8	In the matter of the failure of NPF Energy Corporation ("Operator") to comply with K.A.R. 82-3-111 at the Gill #1 in Barton County, Kansas. <b>Order Approving Settlement Agreement</b>	16-CONS-504-CPEN	
9	In the matter of the failure of Drake Exploration, LLC to comply with K.A.R. 82-3-603 at the Mitchell Lease Tank Battery in Sumner County, Kansas. <b>Order Designating Prehearing Officer and Setting Prehearing Conference</b>	16-CONS-512-CPEN	
10	In the matter of the failure of American Warrior, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Kerstetter #4-33 Twin, Larrabee #1 and Larrabee Twin #A1 wells in Comanche and Stevens County, Kansas. <b>Penalty Order - American Warrior, Inc.</b>	16-CONS-576-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. Green  
Secretary