

**Kansas Corporation Commission**  
**Commission Meeting**  
**November 17, 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 November 17, 2015 in the 1<sup>st</sup> floor hearing room of the Kansas Corporation Commission, 1500 SW Arrowhead, Topeka, Kansas.

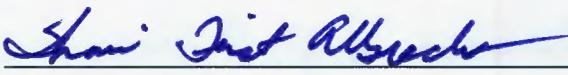
Present: Chair Albrecht, Commissioner Emler and Commissioner Apple. The following were considered by the Commission:

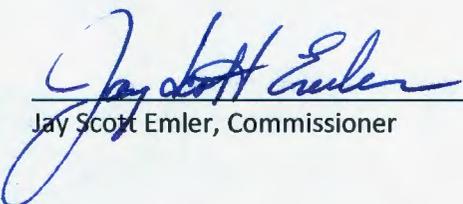
1. **Consent Agenda:** Commissioner Apple moved for Docket #NP111501 to be converted to a regular docket number. Commissioner Emler seconded. Commissioner Albrecht concurred. Commissioner Apple moved for approval of the Consent Agenda: All other listed matters as presented for November 17, 2015 on the 8 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Emler seconded the Motion. Commissioner Albrecht concurred. Motion was approved.

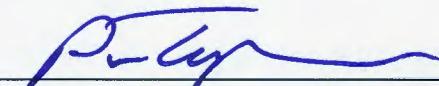
**There being no further matters before the Commission, Commissioner Emler moved for adjournment of the Commission meeting, Commissioner Apple seconded the Motion. Commissioner Albrecht concurred. The Motion was approved, the Commission adjourned the November 17, 2015 Commission Meeting at 10:07 a.m.**

Respectfully submitted,

  
\_\_\_\_\_  
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: Tuesday, November 17, 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 a General Investigation Regarding the Development of Distribution Infrastructure for Natural Gas in Rural Kansas. <i>Order Designating Prehearing Officer</i>	14-GIMG-514-GIG	
2	In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval of Interim Budgets for Energy Efficiency Programs <i>Order Designating Prehearing Officer</i>	15-WSEE-532-MIS	
3	In the Matter of the Complaint Against KCP&L by Stephen and Karen Gradwohl. <i>Order Designating Prehearing Officer</i>	15-KCPE-544-COM	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	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. <i>Order Designating Prehearing Officer</i>	16-MKEE-023-TAR	
5	In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, for Approval of its Long Term Physical Gas Hedge Contract With Black Hills Utility Holdings, Inc. <i>Order Designating Prehearing Officer</i>	16-BHCG-171-TAR	
6	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. <i>Order Designating Prehearing Officer</i>	15-GIMG-343-GIG	
7	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. <i>Order Approving Traffic Factors Budget Prepay Nov 30</i>	15-GIMT-073-GIT	
8	In the Matter of a General Investigation of Comcast Phone of Kansas, LLC to Show Cause Why This Commission Should Not Initiate Sanctions and Fines and Cancel, Suspend and Revoke Any Authority the Carrier Currently Holds. <i>Order Dismissing Proceeding; Penalty Assessment</i>	16-CPKT-127-SHO	
9	In the Matter of Elkhart Telephone Company Filing Tariff Revisions to Introduce Primary Rate Integrated Services Digital Network Service. <i>Order Approving Tariff Revisions</i>	16-ELKT-203-TAR	
10	In the Matter of the Emergency Suspension of Operating Authority of Eldon Alexander, d/b/a Sandhill Ranch 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-155-OOS	
11	In the Matter of the Emergency Suspension of Operating Authority of Jordan Tripp, d/b/a Superior Lawn and Landscape of Fairway, 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-211-OOS	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
12	In the Matter of the Emergency Suspension of Operating Authority of Jose Barrientos 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>	16-TRAM-212-OOS	
13	In the Matter of the Emergency Suspension of Operating Authority of Miguel A. Rayas, d/b/a Tres Hermanos of Liberal, 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-213-OOS	
14	In the Matter of the Emergency Suspension of Operating Authority of CJV Transportation, LLC 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>	16-TRAM-214-OOS	
15	In the Matter of the Emergency Suspension of Operating Authority of Dante Raygada, d/b/a Raygada Communications of Kansas 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-215-OOS	
16	In the Matter of the Emergency Suspension of Operating Authority of Grimmatt Masonry, Inc. of Reading, 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-216-OOS	
17	In the Matter of the Emergency Suspension of Operating Authority of Parking Lot Pros, Inc., of Shawnee Mission, 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-217-OOS	
18	In the Matter of the Emergency Suspension of Operating Authority of Brennan Davis, d/b/a Davis Custom Harvesting of Denton, 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-218-OOS	
19	In the Matter of the Emergency Suspension of Operating Authority of Joey Scholz Trucking, LLC of Denton, 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-219-OOS	
20	In the Matter of the Emergency Suspension of Operating Authority of Charles Loiseau of Frankfort, 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-220-OOS	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
21	In the Matter of the Investigation of Three Pea Staging and Design - Wichita, LLC of Wichita, 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-221-PEN	
22	In the Matter of the Emergency Suspension of Operating Authority of Sheldan Guliford, d/b/a Rubberking Tire Salvage 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>	16-TRAM-228-OOS	
23	In the Matter of the Emergency Suspension of Operating Authority of Hector Pena, d/b/a Hector Pena Custom Service of Montezuma, 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-229-OOS	
24	In the Matter of the Emergency Suspension of Operating Authority of Eric Gifford of Shawnee, 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-230-OOS	
25	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 08-30S-37W (SE/4), Section 09-30S-37W (SW/4), Section 16-30S-37W (NW/4), Section 17-30S-37W (NE/4), Grant County, Kansas (ATU 103P). <i>Order Granting Application</i>	16-CONS-524-CUNI	
26	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 10-30S-36W (SE/4), Section 11-30S-36W (SW/4), Section 14-30S-36W (NW/4), Section 15-30S-36W (NE/4), Grant County, Kansas (ATU 111P). <i>Order Granting Application</i>	16-CONS-525-CUNI	
27	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 15-30S-36W (SE/4), Section 14-30S-36W (SW/4), Section 23-30S-36W (NW/4), Section 22-30S-36W (NE/4), Grant County, Kansas (ATU 125P). <i>Order Granting Application</i>	16-CONS-526-CUNI	
28	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 21-30S-36W (SE/4), Section 22-30S-36W (SW/4), Section 27-30S-36W (NW/4), Section 28-30S-36W (NE/4), Grant County, Kansas (ATU 137P). <i>Order Granting Application</i>	16-CONS-527-CUNI	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
29	<p>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 26-26S-37W (SE/4), Section 25-26S-37W (SW/4), Section 36-26S-37W (NW/4), Section 35-26S-37W (NE/4) in Kearny County, Kansas (ATU 115X).</p> <p><b>Order Granting Application</b></p>	16-CONS-529-CUNI	
30	<p>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 25-26S-37W (SE/4), Section 30-26S-36W (SW/4), Section 31-26S-36W (NW/4), Section 36-26S-37W (NE/4) in Kearny County, Kansas (ATU 116X).</p> <p><b>Order Granting Application</b></p>	16-CONS-530-CUNI	
31	<p>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 06-27S-37W (SE/4), Section 05-27S-37W (SW/4), Section 08-27S-37W (NW/4), Section 07-27S-37W (NE/4) in Grant County, Kansas (ATU 141 X).</p> <p><b>Order Granting Application</b></p>	16-CONS-531-CUNI	
32	<p>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 17-32S-36W (SE/4), Section 16-32S-36W (SW/4), Section 21-32S-36W (NW/4), Section 20-32S-36W (NE/4) in Stevens County, Kansas (ATU 282X).</p> <p><b>Order Granting Application</b></p>	16-CONS-532-CUNI	
33	<p>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 29-26S-38W (SE/4), Section 28-26S-38W (SW/4), Section 33-26S-38W (NW/4), Section 32-26S-38W (NE/4) in Kearny County, Kansas (ATU 287).</p> <p><b>Order Granting Application</b></p>	16-CONS-533-CUNI	
34	<p>In the matter of a Compliance Agreement between C &amp; G Drilling, Inc. and Commission Staff regarding bringing three wells on the Larcom A Lease into compliance with K.A.R. 82-3-111.</p> <p><b>Order Approving Compliance Agreement</b></p>	16-CONS-592-CMSC	
35	<p>In the matter of a Well Agreement between Linn Operating, Inc., and the Commission Staff regarding the Gano A #5 in Seward County, Kansas.</p> <p><b>Order Approving Well Agreement</b></p>	16-CONS-598-CMSC	
36	<p>In the matter of a Compliance Agreement between Daystar Petroleum, Inc., and Commission Staff regarding bringing eight wells in Rice County into compliance with K.A.R. 82-3-111.</p> <p><b>Order Approving Compliance Agreement</b></p>	16-CONS-599-CMSC	

## Consent Agenda

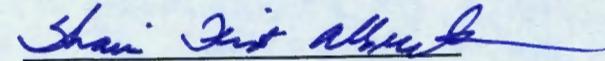
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
37	NP111501 - Order Granting Exception to Notice	NP111501	
38	In the matter of the Application of Walcher Oil LC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Schmeidler 5-20 API No. 051-00959-00-01 well located in the NW NW SE NW of Section 30, Township 12 South, Range 17 West, Ellis County, Kansas. <i>Order Granting Application</i>	16-CONS-102-CEXC	
39	In the matter of the application of Wynn-Crosby Operating, Ltd. for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Santa Fe Unit B Well #1-2 located in the SE/4 of Section 18, Township 33 South, Range 40 West Morton County, Kansas. <i>Order Granting Application</i>	16-CONS-562-CEXC	
40	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 #11 well located in the SW NE SE of Sec 17, T15S, R13W, Russell County, Kansas. <i>Order Granting Application</i>	16-CONS-574-CEXC	
41	In the matter of the application of Chaparral Energy, LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Barnes Estate 2-26 well located in the SE/ 4 of Section 26-31S-35W, Stevens County, Kansas. <i>Order Granting Application</i>	16-CONS-577-CEXC	
42	In the matter of application of Whitetail Crude, Inc., for an order granting an exception to the pit closure time limitations of K.A.R. 82-3-602(a)(2) at its Fritzier #3 Located in the Southeast Quarter of Section 03, Township 23 South, Range 24 West, Hodgeman County, Kansas. <i>Order Granting Application</i>	16-CONS-590-CEXC	
43	In the matter of the failure of A & L Energy Operations LLC to comply with K.A.R. 82-3-603 at the Thoren Lease in Douglas County, Kansas. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	16-CONS-566-CPEN	
44	In the matter of the failure of Oil Kings, a General Partnership ("Operator") to comply with K.A.R. 82-3-126 at the Murphy #3 Lease in Lane County, Kansas. <i>Penalty Order - Oil Kings, a General Partnership</i>	16-CONS-600-CPEN	
45	In the matter of the failure of Apollo Energies, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Achenbach A #1 and Honeman #6 wells in Barber and Pratt County, Kansas. <i>Penalty Order - Apollo Energies, Inc.</i>	16-CONS-601-CPEN	

**Consent Agenda**

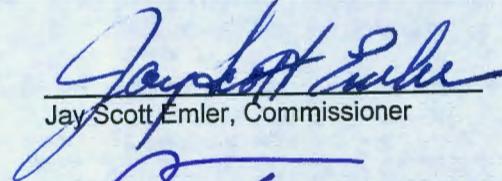
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
46	In the matter of the failure of Bengalia Land and Cattle Company ("Operator") to comply with K.A.R. 82-3-111 at the Bergner #1-31 in Pratt County, Kansas. <i>Penalty Order - Bengalia Land and Cattle Company</i>	16-CONS-602-CPEN	
47	In the matter of the failure of Bow Creek Oil Company, General Partnership ("Operator") to comply with K.A.R. 82-3-126 at the Brunswig A #1 Lease in Greeley County, Kansas. <i>Penalty Order - Bow Creek Oil Company, General Partnership</i>	16-CONS-603-CPEN	
48	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 Vogleman #2 and Brunswig A,#1 wells in Greeley County, Kansas. <i>Penalty Order - Bow Creek Oil Company, General Partnership</i>	16-CONS-604-CPEN	
49	In the matter of the failure of Gary Pauley dba Pauley Oil ("Operator") to comply with K.A.R. 82-3-111 at the Zajic #3 and Herthel #8 wells in Barton County, Kansas. <i>Penalty Order - Gary Pauley dba Pauley Oil</i>	16-CONS-605-CPEN	
50	In the Matter of a General Investigation into the Appropriateness of Certain Sections of the Kansas Corporation Commission's Electric and Natural Gas Billing Standards (Billing Standards) Related to On-Premises Collections. <i>Order on Procedural Schedule and Certifying Questions to the Parties</i>	15-GIMX-344-GIV	
51	In the Matter of the Joint Application of Anadarko Natural Gas Company, LLC and Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, for an Order Approving the Transfer to Black Hills of ANGCO's Certificates of Convenience and Necessity with Respect to its Natural Gas Utility Business, Including its Transmission Facilities Located in and Around Hugoton, Kansas, Commonly Referred to as the West HRDS, to Provide Utility Service, to Approve Transportation Agreements Between Black Hills and Anadarko Energy Services Company and for Other Related Relief <i>Order Granting Intervention to Freedom Pipeline and the NPUs</i>	16-BHCG-144-ACQ	

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:

  
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Amy L. Green  
Secretary to the Commission