

Kansas Corporation Commission
Commission Meeting
February 23, 2016
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 February 23, 2016 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 SW Arrowhead, Topeka, Kansas.

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

1. **Consent Agenda:** Commissioner Albrecht moved for approval of the Consent Agenda: All other listed matters as presented for February 23, 2016 on the 6 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Apple seconded the Motion. Motion was approved.

2. **Presentation/Discussion**

Proposed Agency IT Security Policies for -

User Account Access for the eFiling Express System; and

Securely Transporting KCC Mobile Devices.

Presenter: BRIAN RICHTER

Commissioner Apple moved for approval of IT Security Policies for User Account Access for the eFiling System and Securely Transporting KCC Mobile Devices presented by IT Director Brian Richter. Commissioner Albrecht seconded. Motion was approved.

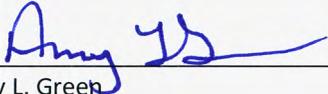
3. **Public Hearing –**

Motor Carrier Proposed Regulations Public Hearing
K.A.R. 82-4-1 through 82-4-20

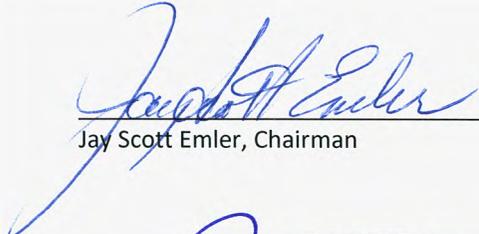
Presenter: MICHAEL DUENES

There being no further matters before the Commission, Commissioner Apple moved for adjournment of the Commission meeting, Commissioner Albrecht seconded the Motion. The Motion was approved, the Commission adjourned the February 23, 2016 Commission Meeting at 10:09 a.m.

Respectfully submitted,



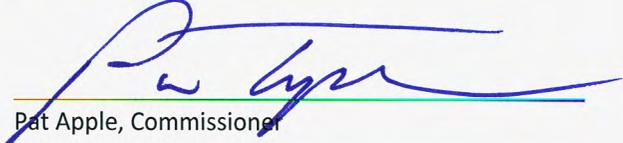
Amy L. Green
Secretary



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, February 23, 2016

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 Application of Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With MCImetro Access Transmission Services, LLC. <i>Order Approving Amended Interconnection Agreement</i> | 06-SWBT-370-IAT | |
| 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. <i>Order Approving Intrastate Allocation Methodology and Traffic Factors for SeniorTech LLC dba Snapfon</i> | 15-GIMT-073-GIT | |
| 3 | In the Matter of the Cancellation of All Operating Certificates of Convenience and Authority Previously Granted to NovaTel Ltd., Inc. <i>Order Cancelling Certificate</i> | 16-NOVC-245-CCS | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-----------------|---------|
| 4 | In the Matter of the Application of X5 OpCo LLC for a Certificate of Convenience and Authority to Provide Interexchange Telecommunications Services Within the State of Kansas Order and Certificate | 16-XOCT-246-COC | |
| 5 | In the Matter of the Application of Southern Kansas Telephone Filing to Change Rate on Bundled Service Packages. Order Approving Tariff Revisions | 16-SNKT-357-TAR | |
| 6 | In the Matter of a General Investigation of Accessline Communications Corporation to Show Cause Why This Commission Should Not Initiate Sanctions and Fines and Cancel, Suspend and Revoke Any Authority the Carrier Currently Holds. Order to Show Cause | 16-ALIC-367-SHO | |
| 7 | In the Matter of the Complaint Against Texas-Kansas Oklahoma Gas, LLC for an Order for Adjustment and Refund of Unfair, Unreasonable and Unjust Rates for the Sale of the Natural Gas for Irrigation Based on Inaccurate and/or False Pressure Base Measurements, By Circle H Farms, LLC, Richard L. Hanson, Rome Farms, and Stegman Farms Partnership. Order Granting Extension; Procedural Schedule | 15-TKOG-236-COM | |
| 8 | In the Matter of the Complaint Against KCP&L by Denese Roberts. Order Designating Prehearing Officer | 15-KCPE-265-COM | |
| 8 | In the Matter of the Complaint Against Kansas City Power & Light by Keith S. Carpenter Order Designating Prehearing Officer | 15-KCPE-474-COM | |
| 8 | In the Matter of the Complaint Against Westar Energy by Jami Reihm. Order Designating Prehearing Officer | 15-WSEE-211-COM | |
| 8 | In the Matter of the Complaint Against Westar Energy by Steven N. and Mary Kay Ricke Order Designating Prehearing Officer | 16-WSEE-066-COM | |
| 9 | In the Matter of the Complaint Against KCP&L by Denese Roberts. Order Granting Motions for Leave to File Responses Out of Time | 15-KCPE-265-COM | |
| 9 | In the Matter of the Complaint Against Kansas City Power & Light by Keith S. Carpenter Order Granting Motions for Leave to File Responses Out of Time | 15-KCPE-474-COM | |
| 9 | In the Matter of the Complaint Against Westar Energy by Jami Reihm. Order Granting Motions for Leave to File Responses Out of Time | 15-WSEE-211-COM | |
| 9 | In the Matter of the Complaint Against Westar Energy by Steven N. and Mary Kay Ricke Order Granting Motions for Leave to File Responses Out of Time | 16-WSEE-066-COM | |
| 10 | In the Matter of the Complaint Against ITC Great Plains LLC and Mid Kansas Electric Co. LLC by James Leiszler. Order Granting Complainant's Motion to Dismiss Complaint | 15-ITCE-561-COM | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|---|-----------------|---------|
| 11 | In the Matter of the Application of South Central MCN LLC for a Certificate of Public Convenience and Necessity Order Granting Interventions | 16-SCME-227-COC | |
| 12 | In the Matter of the Application of Wheatland Electric Cooperative, Inc. for Approval to Make Certain Changes in Charges for Electric Service. Order Adopting Procedural Schedule | 16-WHLE-305-RTS | |
| 13 | In the Matter of the Investigation of Randy Vilela, d/b/a Randy Vilela Auto Body Repair & Painting of Pittsburg, 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. Order Approving Stipulated Settlement Agreement | 16-TRAM-280-PEN | |
| 14 | In the Matter of the Investigation of Rader Trucking LLC of Shawnee, 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-368-PEN | |
| 15 | In the Matter of the Investigation of ECS Lumber Supply, Inc., d/b/a Webb Home Center of Abilene, 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-369-PEN | |
| 16 | In the Matter of the Investigation of Flying S Trucking LLC of McCune, 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-372-PEN | |
| 17 | In the Matter of the Investigation of Nathan Kamm, d/b/a Kamm Custom Cutting of Abilene, 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. Order Approving Stipulated Settlement Agreement | 16-TRAM-350-PEN | |
| 18 | In the Matter of the Emergency Suspension of Operating Authority of Larry W. Lee, d/b/a Lee Farms of Leavenworth, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Order Reinstating Motor Carrier Operating Authority | 16-TRAM-076-OOS | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-------------------|---------|
| 19 | In the Matter of the Emergency Suspension of Operating Authority of Slate Creek Trucking, LLC of Wichita, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Order Reinstating Motor Carrier Operating Authority | 16-TRAM-340-OOS | |
| 20 | In the Matter of the Emergency Suspension of Operating Authority of Angels Auto Sales, LLC of Great Bend, 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-370-OOS | |
| 21 | In the Matter of the Emergency Suspension of Operating Authority of Jose Ramiro Vieyra-Ortiz, d/b/a Brothers Transport of Liberal, 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-371-OOS | |
| 22 | In the Matter of the Emergency Suspension of Operating Authority of Fibernet, Inc. of Lenexa, 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-376-OOS | |
| 23 | In the Matter of the Emergency Suspension of Operating Authority of Brenton Fayard of Merriam, 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-377-OOS | |
| 24 | In the Matter of the Emergency Suspension of Operating Authority of WVL, Inc., d/b/a Wheatland Van Lines of Overland Park, 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-378-OOS | |
| 25 | In the Matter of the Emergency Suspension of Operating Authority of T&B Delivery, LLC of Kansas City, 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-379-OOS | |
| 26 | In the Matter of determining responsibility for the Folger lease located in the Northwest Quarter of Section 36, Township 28 South, Range 16 East, Wilson County, Kansas. Abandoned Well Plugging Order | 16-CONS-3845-CPLG | |
| 27 | In the Matter of determining responsibility for the McGrew C lease located in the Southeast Quarter of Section 19, Township 21 South, Range 23 East, Linn County, Kansas. Abandoned Well Plugging Order | 16-CONS-3846-CPLG | |

Consent Agenda

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|----------|---|-------------------|---------|
| 28 | In the matter of the application of TriPower Resources, LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Bluestem (aka Blackstone) #4B well located in the SE/4 of Section 20, Township 24 South, Range 5 East, Butler County, Kansas. Order Granting Application | 16-CONS-674-CEXC | |
| 29 | In the matter of an Order to Show Cause issued to Allison Oil Co., Inc. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. Default Order | 16-CONS-400-CSHO | |
| 30 | In the matter of an Order to Show Cause issued to Pace Exploration L.L.C. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. Order Designating Prehearing Officer and Setting Prehearing Conference | 16-CONS-451-CSHO | |
| 31 | In the matter of an Order to Show Cause issued to Multiplex Resources, Inc. regarding responsibility under K.S.A. 55-179 for plugging five wells on the Neely Lease in Neosho County, Kansas. Default Judgment | 16-CONS-591-CSHO | |
| 32 | In the matter of the failure of JTC Oil, Inc. ("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. Order Approving Settlement Agreement | 16-CONS-039-CPEN | |
| 33 | In the matter of the failure of Town Oil Company Inc. ("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. Order Approving Settlement Agreement | 16-CONS-088-CPEN | |
| 34 | In the matter of the failure of Atlas Operating LLC ("Operator") to comply with K.A.R. 82-3-111 at the Joe Tjaden #2-24, Joe Tjaden #3-24, Joe Tjaden #4-24 and Joe Tjaden #8-24 wells in Kingman County, Kansas. Penalty Order - Atlas Operating LLC | 16-CONS-3785-CPEN | |
| 35 | In the matter of the failure of Hummon Corporation to comply with K.A.R. 82-3-603 at the Bergner/Acres #1 well in Comanche County, Kansas. Penalty Order - Hummon Corporation | 16-CONS-3842-CPEN | |
| 36 | In the matter of the failure of Agricultural Energy Services ("Operator") to comply with K.A.R. 82-3-111 at the Diamond-Sleeper #1, Carter #1-36 (1) and Carter #2-36 (2) wells in Seward County, Kansas Penalty Order - Agricultural Energy Services | 16-CONS-3844-CPEN | |
| 37 | In the matter of a Compliance Agreement between Mike McClenning dba Production Maintenance Services and Commission Staff regarding bringing the Mid West Mineral #35-3 well in Labette County into compliance with K.A.R. 82-3-111. Order Approval Compliance Agreement | 16-CONS-3843-CMSC | |

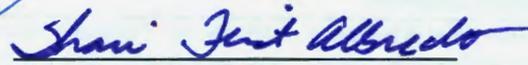
Consent Agenda

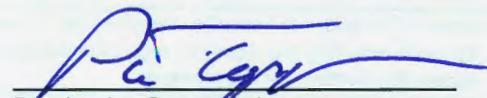
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|----------|---|-------------------|---------|
| 38 | In the matter of a Compliance Agreement between Ace Energy LLC and Commission Staff regarding bringing the Dunne #3 in Butler County into compliance with K.A.R. 82-3-111. <i>Order Approving Compliance Agreement</i> | 16-CONS-3847-CMSC | |

The above-captioned matter(s) were approved by the Commission, unless noted as removed.

For the Commission :


Jay Scott Emler, Chairman


Shari Feist Albrecht, Commissioner


Pat Apple, Commissioner

Attest: 
Amy L. Green
Secretary to the Commission