

Kansas Corporation Commission
Commission Meeting
April 26, 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 10:01 a.m. on April 26, 2016 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 SW Arrowhead, Topeka, Kansas.

Present: Chairman Emler and Commissioner Apple. Commissioner Albrecht appeared by phone. 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 April 26, 2016 on the 8 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Albrecht seconded the motion. Motion was approved.

2. **Noticed:**

- A. **Docket No. 15-CONS-770-CMSC, *In the Matter of an Order Reducing Saltwater Injection Rates into the Arbuckle Formation, Applicable to Wells in Defined Areas of Increase Seismic Activity in Harper and Sumner Counties.***

Commissioner Apple moved for approval of order #16-1441-*Order Directing Parties to Supplement Record* Commissioner Albrecht seconded the motion. Motion was approved.

- B. **Docket No. 16-CONS-3876-CMSC, *In the matter of a Compliance Agreement between Steven A. Leis and Commission Staff regarding bringing the twenty-eight wells in Woodson County into compliance with K.A.R. 82-3-111.***

Commissioner Apple moved for approval of order #16-1427 – *Order Granting Intervention of LD and Cheryl McCormick, Granting Reconsideration, Designating a Prehearing Officer, and Scheduling a Prehearing Conference.* Commissioner Albrecht seconded the motion. Motion was approved.

- C. **Docket No. 16-ATMG-079-RTS, *In the Matter of the Application of Atmos Energy Corporation for Adjustment of its Natural Gas Rates in the State of Kansas.***

Commissioner Apple moved for approval of order #16-1430 - *Order on Reconsideration.* Commissioner Emler seconded the motion. Motion was approved. Commissioner Albrecht dissented.

- D. **Docket No. 16-MKEE-023-TAR, *In the Matter of the Joint Application of Mid-Kansas Electric Company, The Victory Electric Cooperative Association, Inc., and Western Cooperative Electric Association, Inc., for Approval of Individual 34.5kV Formula-Based Rates.***

Commissioner Apple moved for approval of order #16-1439 - *Order Granting Petition for Clarification.* Commissioner Albrecht seconded the motion. Motion was approved.

- E. **Docket No. 15-WSEE-532-MIS, *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.***

Commissioner Apple moved for approval of order #16-1404 - *Order Approving Interim Budget.* Commissioner Albrecht seconded the motion. Motion was approved.

- F. **Docket No. 16-GIMT-468-GIT. *In the Matter of an Investigation to Determine Intrastate Access Revenue Due to Rural Local Exchange Carriers.***

Commissioner Apple moved for approval of order #16-1464 - *Order Opening Docket to Determine Intrastate Access Revenues Due to Rural Local Exchange Carriers.* Commissioner Albrecht seconded the motion. Motion was approved.

- G. **Docket No. 16-GIMT-067-GIT, *In the Matter of an Investigation to Determine the Assessment Rate for the Twentieth Year of the Kansas Universal Service Fund, Effective March 1, 2016.***

Commissioner Apple moved for approval of order #16-1465 - *Order Denying RLECs' Petition for Reconsideration of Order Denying Motion for Determination and Recovery of Lost Intrastate Access Revenues.* Commissioner Albrecht seconded the motion. Motion was approved.

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 April 26, 2016 Commission Meeting at 10:23 a.m.

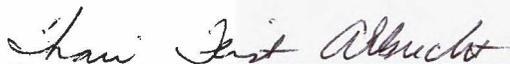
Respectfully submitted,



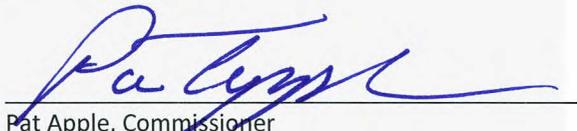
Amy L. Green
Secretary



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, April 26, 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 Cable One, Inc. Filing for Kansas Video Service Authorization. <i>Order Amending Video Service Authorization</i>	10-COIC-696-VSA	
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 Traffic Factors Sprint Spectrum</i>	15-GIMT-073-GIT	
3	In the Matter of an Investigation to Determine the Assessment Rate for the Twentieth Year of the Kansas Universal Service Fund, Effective March 1, 2016. <i>Order Approving Traffic Factors Verizon Wireless</i>	16-GIMT-067-GIT	
4	In the Matter of the Cancellation of All Operating Certificates of Convenience and Authority Previously Granted to Nextlink Wireless, LLC <i>Order Cancelling Certificates</i>	16-LMDT-394-CCS	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of a General Investigation for TeleBlend, LLC to Show Cause Why this Commission Should Not Initiate Sanctions and Fines and/or Refer the Company to the Attorney General's Office for Non-Compliance with Commission Orders and Kansas Statutes. Order To Show Cause	16-GIMT-443-SHO	
6	In the Matter of the Application of Southwestern Bell Telephone Company Petition for Commission Review of a NANPA or PA Decision to Withhold Growth Numbering Resources Following the Expedited Review Process for the Assignment of Numbering Resources in the Kansas City Rate Center. Order Overturning Pooling Administrator Decision and Directing Assignment of Requested Numbers	16-SWBT-449-MIS	
7	In the Matter of Teleport Communications America, LLC Petition for Commission Review of a NANPA or PA Decision to Withhold Growth Numbering Resources Following the Expedited Review Process for the Assignment of Numbering Resources in the Wichita, Kansas, Rate Center. Order Overturning Pooling Administrator Decision and Directing Assignment of Requested Numbers	16-TCAT-451-MIS	
8	In the Matter of the Application of Elkhart Telephone Company Filing Tariff Revisions to its Bundled Services. Order Approving Tariff Revisions	16-ELKT-463-TAR	
9	In the Matter of the Application of The Empire District Electric Company for Approval of its Annual Energy Cost Adjustment ("ACA") Filing. Order Approving Annual Energy Cost Adjustment	15-EPDE-228-ACA	
10	In the Matter of the Application of Wheatland Electric Cooperative, Inc. for Approval to Make Certain Changes in Charges for Electric Service. Order Granting Joint Motion to Modify Procedural Schedule	16-WHLE-305-RTS	
11	In the Matter of the Application of Kansas City Power & Light Company For Approval of Its Demand-Side Management Portfolio Pursuant to the Kansas Energy Efficiency Investment Act ("KEEIA"), K.S.A. 66-1283. Suspension Order, Protective Order, Discovery Order and Order Granting CURB Intervention	16-KCPE-446-TAR	
12	In the Matter of the Application of Atmos Energy for an Order to Permit the Company Establish Rates for a Weather Normalization Adjustment. Order Accepting and Approving Weather Normalization Adjustment Factor	03-ATMG-539-TAR	
13	In the Matter of the Application of Aquila, Inc. for an Order to Permit the Company Establish Rates for a Weather Normalization Adjustment. Order Accepting and Approving Weather Normalization Adjustment Factor	03-AQLG-1076-TAR	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	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. Order Granting Black Hill's Motion to Amend Procedural Schedule and Extend 240-Day Period Under K.S.A. 66-117	16-BHCG-171-TAR	
15	In the Matter of the Application of Freedom Pipeline, LLC for Commission Approval of the Gas Purchase and Sales Agreements Between Freedom Pipeline and Its Member-Owners. Suspension Order	16-FRPG-452-CON	
16	In the Matter of the Application of Atmos Energy's Schedule III - Schedule of Customer Advances for Construction of Mains and Company Service Lines. Suspension Order	16-ATMG-459-TAR	
17	In the Matter of the Application of Plains Pipeline, L.P. Pursuant to K.A.R. 82-10-2 for Approval of K.C.C. No. 5.10.0 Order Approving Tariff Revisions	16-PPLP-205-TAR	
18	In the Matter of the Emergency Suspension of Operating Authority of Jose Orellana, d/b/a Orellanas Roofing 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	14-TRAM-544-OOS	
19	In the Matter of the Emergency Suspension of Operating Authority of Zima Trucking, LLC of Garden City, 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-415-OOS	
20	In the Matter of the Emergency Suspension of Operating Authority of Carlos Roberto Lopez Pineda, d/b/a CRL Construction of Prairieville, 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-456-OOS	
21	In the Matter of the Emergency Suspension of Operating Authority of Bissen Construction, LLC 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-457-OOS	
22	In the Matter of the Emergency Suspension of Operating Authority of JD Excavating, Inc. of Bonner Springs, 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-458-OOS	

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ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
23	In the Matter of the Investigation of Joe Polidore, d/b/a Frog Freight of Ottawa, 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-354-PEN	
24	In the Matter of the Investigation of Davis Construction, LLC of Columbus, 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-450-PEN	
25	In the Matter of the Investigation of Todd Miller Trucking, Inc. of Wathena, 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-453-PEN	
26	In the Matter of the Investigation of Aaron Haden, d/b/a MAJAC of Eudora, 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-460-PEN	
27	In the Matter of the Investigation of Stuart Salvage Inc of Lyons, 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-461-PEN	
28	In the Matter of the Investigation of Brandon Wood, d/b/a Brandon Woods At Alvamar of Lawrence, 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-462-PEN	
29	In the Matter of the Investigation of Gymworks LLC of Salina, 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-465-PEN	
30	In the Matter of the Investigation of Adams Trucking LLC of Coffeyville, 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-467-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
31	<p>In the matter of the application of Canaday Oil Corporation for an exception to the 10-year time limitation of K.A.R. 82-3-111 For its Byerly # 1-17 Well located in the Northwest Quarter (NW/4) of Section 17, Township 30 South, Range 24 West, Clark County, Kansas. Order Granting Application</p>	16-CONS-3868-CEXC	
32	<p>In the matter of the application of John C Ginther Oil, LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Schaefer No. 1 well located in the SE/4, NW/4, SE/4 of Section 17, Township 14 South, Range 18 West, Ellis County, Kansas. Order Granting Application</p>	16-CONS-3894-CEXC	
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 05-25S-32W (SE/4), Section 04-25S-32W (SW/4), Section 09-25S-32W (NW/4), Section 08-25S-32W (NE/4) in Finney County, Kansas (ATU 29X). Order Granting Application</p>	16-CONS-3879-CUNI	
34	<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 07-25S-32W (SE/4), Section 08-25S-32W (SW/4), Section 17-25S-32W (NW/4), Section 18-25S-32W (NE/4) in Finney County, Kansas (ATU 32X). Order Granting Application</p>	16-CONS-3880-CUNI	
35	<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 08-25S-32W (SE/4), Section 09-25S-32W (SW/4), Section 16-25S-32W (NW/4), Section 17-25S-32W (NE/4) in Finney County, Kansas (ATU 33X). Order Granting Application</p>	16-CONS-3881-CUNI	
36	<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 31-25S-34W (SW/4) in Finney County, Kansas, Section 01-26S-35W (NW/4), Section 02-26S-35W (NE/4), Section 36-25S-35W (SE/4) in Kearny County, Kansas (ATU 74X). Order Granting Application</p>	16-CONS-3882-CUNI	
37	<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 24-26S-34W (SE/4), Section 19-26S-33W (SW/4), Section 30-26S-33W (NW/4), Section 25-26S-34W (NE/4) in Finney County, Kansas (ATU 106X). Order Granting Application</p>	16-CONS-3883-CUNI	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
38	<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 20-31S-35W (SE/4), Section 21-31S-35W (SW/4), Section 28-31S-35W (NW/4), Section 29-31 S-35W (NE/4) in Stevens County, Kansas (ATU 234X).</p> <p>Order Granting Application</p>	16-CONS-3885-CUNI	
39	<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 26-31S-37W (SE/4), Section 25-31S-37W (SW/4), Section 36-31S-37W (NW/4), Section 35-31S-37W (NE/4) in Stevens County, Kansas (ATU 236X).</p> <p>Order Designating Prehearing Officer and Setting Prehearing Conference</p>	16-CONS-3886-CUNI	
40	<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 28-32S-36W (SE/4), Section 27-32S-36W (SW/4), Section 34-32S-36W (NW/4), Section 33-32S-36W (NE/4) in Stevens County, Kansas (ATU 307X).</p> <p>Order Granting Application</p>	16-CONS-3887-CUNI	
41	<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 31-24S-32W (SE/4), Section 32-24S-32W (SW/4), Section 05-25S-32W (NW/4), Section 06-25S-32W (NE/4) in Finney County, Kansas (ATU 24X).</p> <p>Order Granting Application</p>	16-CONS-3878-CUNI	
42	<p>In the matter of an Order to Show Cause issued to Parwest Land Exploration, Inc. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license.</p> <p>Order Closing Docket</p>	16-CONS-3825-CSHO	
43	<p>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</p> <p>Order Approving Settlement Agreement</p>	16-CONS-3844-CPEN	
44	<p>In the matter of the failure of Supernova Energy, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Harrel D #3, Harrell D #7, Harrell D #8, Keyes B #1, Keyes B #2, Keyes B #4, Larrison #3, Mason #2A, Mason #3, Mason #4, Sanders #5 and Sanders #6 wells in Pratt and Stafford County, Kansas.</p> <p>Penalty Order - Supernova Energy, Inc.</p>	16-CONS-3982-CPEN	
45	<p>In the matter of the failure of Casillas Petroleum Corp ("Operator") to comply with K.A.R. 82-3-111 at the Hibbert #1-2 in Finney County, Kansas.</p> <p>Penalty Order - Casillas Petroleum Corp</p>	16-CONS-3983-CPEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
46	In the matter of the failure of Tailwater, Inc. to comply with K.A.R. 82-3-103 at the N. Kempnick #7-IWM, West Wittman #1-IWM, and West Wittman #3-IWM wells in Anderson County, Kansas. <i>Penalty Order</i>	16-CONS-3985-CPEN	
47	In the matter of a Compliance Agreement between Suerte Oil Company and Commission Staff regarding bringing ten wells in Elk County into compliance with K.A.R. 82-3-111. <i>Order Approving Compliance Agreement</i>	16-CONS-3975-CMSC	
48	In the matter of a Compliance Agreement between R. R. Abderhalden and Commission Staff regarding bringing 87 wells into compliance with K.A.R. 82-3-111. <i>Order Approving Compliance Agreement</i>	16-CONS-3978-CMSC	
49	In the matter of the application of Whitaker Companies, Inc. for a permit to authorize the disposal of saltwater into the Arbuckle formation at the Korte Farms D-3 well, located in Section 7, Township 24 South, Range 19 East, Allen County, Kansas. <i>Order Designating Prehearing Officer & Setting Prehearing Conference</i>	16-CONS-3986-CUIC	

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