

Kansas Corporation Commission
Commission Meeting
August 16, 2016
10:00 a.m. 1st floor hearing room
KCC Offices, 1500 Arrowhead, Topeka, Kansas

MINUTES

The Commission convened the regular scheduled open meeting of the Commission at 10:00 a.m. on August 16, 2016 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chairman Emler, and Commissioner Apple. Commissioner Albrecht was not in attendance. 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 16, 2016 on the six page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Emler seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 16-KCPE-593-ACQ: *In the Matter of the Joint Application of Great Plains Energy Incorporated, Kansas City Power & Light Company and Westar Energy, Inc. for Approval of the Acquisition of Westar Energy, Inc. by Great Plains Energy Incorporated.***

Commissioner Apple moved for approval of order #16-2621 - *Order Granting Intervention to Occidental Chemical Corporation*. Commissioner Emler seconded the motion.

The motion was approved.

- B. **Docket No. 16-KCPE-593-ACQ: *In the Matter of the Joint Application of Great Plains Energy Incorporated, Kansas City Power & Light Company and Westar Energy, Inc. for Approval of the Acquisition of Westar Energy, Inc. by Great Plains Energy Incorporated.***

Commissioner Apple moved for approval of order #16-2629 - *Order Granting Intervention to IBEW 225 and IBEW 1523*. Commissioner Emler seconded the motion.

The motion was approved.

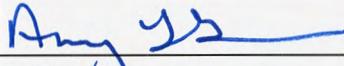
- C. **Docket No. 16-KCPE-593-ACQ: *In the Matter of the Joint Application of Great Plains Energy Incorporated, Kansas City Power & Light Company and Westar Energy, Inc. for Approval of the Acquisition of Westar Energy, Inc. by Great Plains Energy Incorporated.***

Commissioner Apple moved for approval of order #16-2653 - *Order Granting Petition to Intervene of Midwest Energy, Inc.* Commissioner Emler seconded the motion.

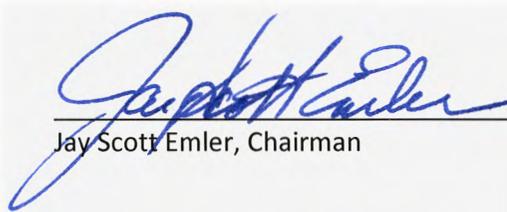
The motion was approved.

There being no further matters before the Commission, Commissioner Apple moved for adjournment of the Commission meeting. Commissioner Emler seconded the motion. The motion was approved. The Commission adjourned the August 16, 2016 Commission Meeting at 10:04 a.m.

Respectfully submitted,



Amy L. Green
Secretary to the Commission



Jay Scott Emler, Chairman

Absent

Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, August 16, 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 WorldNet, LLC. Order Approving Amended Interconnection Agreement	06-SWBT-369-IAT	
2	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With First Communications, LLC. Order Approving Interconnection Agreement	16-SWBT-566-IAT	
3	In the Matter of the Complaint Against AT&T Kansas Lifeline by Fannie Ssebanakitta Order Closing Docket	16-SWBT-466-COM	
4	In the Matter of a General Investigation of NTS Communications, Inc. to Show Cause Why This Commission Should Not Initiate Sanctions and Fines and Cancel, Suspend and Revoke Any Authority the Carrier Currently Holds Order Dismissing Docket; Penalty	16-NTSC-570-SHO	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	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 Twenty-First Year of the Kansas Universal Service Fund, Effective March 1, 2017. Order Opening Docket; Protective Order Applicable to CURB; Requiring Entries of Appearance to Actively Participate and Establishing Procedural Schedule	17-GIMT-008-GIT	
6	In the Matter of the Application of TW Telecom of Kansas City LLC to Change Its Name to Level 3 Telecom of Kansas City, LLC on All Certificates Previously Granted Order Approving Name Change	17-XMCT-036-CCN	
7	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. Order Granting Petition for Intervention of Natural Resources Defense Council	16-KCPE-446-TAR	
8	In the Matter of the Application of Mid-America Pipeline Company, LLC Filing Tariff Revisions to KCC Tariff No. 18.5.0, Implementing Decreased Rates on FERC Indexing Methodology Order Approving Tariff Revisions	16-MDAP-554-TAR	
9	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 Withdraw Application Without Prejudice	16-BHCG-171-TAR	
10	In the Matter of the Investigation of Terry Morrow, d/b/a Top Line Auto Sales of Junction City, 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 Suspending Intrastate Motor Carrier Operations	13-TRAM-506-PEN	
11	In the Matter of the Investigation of Jesse Folsom, d/b/a Lions Tow of Kansas City, 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 Suspending Intrastate Motor Carrier Operations	15-TRAM-022-PEN	
12	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. Order Approving Stipulated Settlement Agreement	16-TRAM-461-PEN	
13	In the Matter of the Investigation of Midwest Shotcrete Inc, d/b/a Midwest Pools of Pleasanton, 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 Suspending Intrastate Motor Carrier Operations	16-TRAM-536-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the Matter of the Investigation of Mike's testing and Salvage Inc., d/b/a Kelso Well Service of Chase, 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>	17-TRAM-045-PEN	
15	In the Matter of the Investigation of Alltask Delivery and Installation Services, LLC 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. <i>Penalty Order</i>	17-TRAM-048-PEN	
16	In the Matter of the Investigation of Jim Cahoj & Kendal Cahoj, d/b/a 4C Farms of McDonald, 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>	17-TRAM-049-PEN	
17	In the Matter of the Emergency Suspension of Operating Authority of Derby Steel Technologies, LLC of Derby, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Order Reinstating Motor Carrier Operating Authority</i>	16-TRAM-447-OOS	
18	In the Matter of the Emergency Suspension of Operating Authority of McElwain Sprayers, L.L.C. of Wathena, 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>	17-TRAM-047-OOS	
19	In the Matter of the Emergency Suspension of Operating Authority of ODB Offroad & Service, LLC of Parsons, 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>	17-TRAM-055-OOS	
20	In the matter of an Order to Show Cause issued to ADR Operating, Inc. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	16-CONS-4108-CSHO	
21	In the matter of an Order to Show Cause issued to Central States Energy LLC ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	16-CONS-4109-CSHO	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
22	In the matter of an Order to Show Cause issued to J. W. Oil, LLC ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	16-CONS-4110-CSHO	
23	In the matter of an Order to Show Cause issued to John M. Denman Oil Co., Inc. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order Continuing Prehearing Conference and Designating Prehearing Officer</i>	16-CONS-4111-CSHO	
24	In the matter of an Order to Show Cause issued to Kansas Oil Resources LLC ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	16-CONS-4112-CSHO	
25	In the matter of an Order to Show Cause issued to Little Creek Oil, LLC ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	16-CONS-4113-CSHO	
26	In the matter of an Order to Show Cause issued to Lone Wolf New Mexico LLC ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order Closing Docket</i>	16-CONS-4114-CSHO	
27	In the matter of an Order to Show Cause issued to Osborn Energy, L.L.C. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	16-CONS-4115-CSHO	
28	In the matter of an Order to Show Cause issued to PETROX LLC ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Order Continuing Prehearing Conference and Designating Prehearing Officer</i>	16-CONS-4116-CSHO	
29	In the matter of the application of K3 Oil & Gas Operating Company for an Order granting an Exception to the Oil Production Allowable assigned to its Boyer 3-3 located in the NW/4 of Section 3, Township 35 South, Range 4 West, Sumner County, Kansas. <i>Order Granting Application</i>	16-CONS-4134-CALL	
30	In the matter of the application of Berexco LLC for a third exception to the 10-year time limitation of K.A.R. 82-3-111 for its Wellington Unit #101 well located in the SW NW NW of Sec 4 and #104 well located in the NE SE NE of Sec 5, T32S, R1W Sumner County, Kansas. <i>Order Granting Application</i>	17-CONS-3023-CEXC	

Consent Agenda

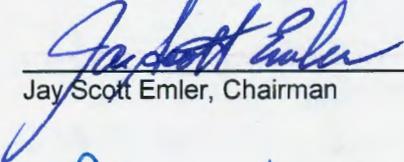
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
31	In the matter of the failure of Fleming Oil, LLC ("Operator") to comply with K.A.R. 82-3-111 at the Semisch #7 and Semisch #10 wells in Butler County, Kansas. Penalty Order - Fleming Oil, LLC	17-CONS-3028-CPEN	
32	In the matter of the failure of Foundation Energy Management LLC ("Operator") to comply with K.A.R. 82-3-126 at the Good #2-16 Tank Battery in Seward County, Kansas. Penalty Order - Foundation Energy Management LLC	17-CONS-3029-CPEN	
33	In the matter of the failure of Enterprise Inc ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. Default Order	16-CONS-4069-CPEN	
34	In the matter of the failure of HPH Kansas LLC ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. Order Rescinding Penalty	16-CONS-4073-CPEN	
35	In the matter of the failure of DHP Investments, Ltd. ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. Order Approving Settlement Agreement	16-CONS-4065-CPEN	
36	In the matter of the failure of Lakeshore Operating, LLC ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. Order Approving Settlement Agreement	16-CONS-4075-CPEN	
37	In the matter of the failure of Nor-West Kansas Oil, L.L.C. ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. Order Approving Settlement Agreement	16-CONS-4082-CPEN	
38	In the matter of the failure of Denis F. Roberts ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. Order Approving Settlement Agreement	16-CONS-4089-CPEN	
39	In the matter of the failure of Wabash Energy Corporation ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. Order Approving Settlement Agreement	16-CONS-4096-CPEN	
40	In the matter of a Compliance Agreement between Energyquest II, LLC and Commission Staff regarding bringing the Thunderbird Ranch #2-A into compliance with K.A.R. 82-3-111. Order Approving Compliance Agreement	17-CONS-3025-CMSC	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
41	In the matter of the application of Daniel Rice for a Well Location Exception for their domestic Gas well located at 21320 Kill Creek, Spring Hill, Johnson County, Kansas. <i>Order Designating Prehearing Officer</i>	16-CONS-3984-CWLE	

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