

Kansas Corporation Commission
Commission Meeting
August 18, 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 18, 2016 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 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 August 18, 2016 on the three page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Apple seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 17-TRAM-060-GIV: *In the Matter of an Investigation Into the Process of the State Corporation Commission of the State of Kansas Approving 2017 Amendments to the Commission's Transportation Rules and Regulations.***

Commissioner Apple moved for approval of order #16-2671 - *Order Opening Docket and Authorizing the Submission of Proposed Amendments to Transportation Rules and Regulations for Approval Pursuant to the Rules and Regulations Filing Act.* Commissioner Albrecht seconded the motion.

The motion was approved.

- B. **Docket No. 16-TRAM-588-MIS: *In the Matter of the State Corporation Commission of the State of Kansas Approving the FY 2017 Uniform Penalty Assessments for the Regulation of Motor Carriers and Persons Operating in Kansas Who Fail to Obey Any Order, Decision or Regulation of the Commission.***

Commissioner Apple moved for approval of order #16-2694 - *Order Designating Guidance Document and Approving Staff's Use of the Transportation Division's Uniform Penalty Assessment Table.* Commissioner Albrecht seconded the motion.

The motion was approved.

- C. **Docket No. 16-VICE-494-TAR: *In the Matter of the Application of The Victory Electric Cooperative Association, Inc. Seeking Commission Approval to Update its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Rate Plan Approved in Docket No. 16-MKEE-023-TAR.***

Commissioner Apple moved for approval of order #16-2690 - *Order on Motion to Compel and Motion to Limit*. Commissioner Albrecht seconded the motion.

The motion was approved.

- D. **Docket No. 16-WSTE-496-TAR: *In the Matter of Application of Western Cooperative Electric Association, Inc. Seeking Commission Approval to Update Its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Rate Plan Approved in Docket No. 16-MKEE-023-TAR.***

Commissioner Apple moved for approval of order #16-2691 - *Order on Motion to Compel*. Commissioner Albrecht seconded the motion.

The motion was approved.

3. **Other matters:**

- A. Chairman Emler 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 30 minutes. Commissioner Apple seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:09 a.m. and reconvened in public session at 10:39 a.m.

The Commission took no action following this Executive Session.

- B. Chairman Emler 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 Apple seconded the motion.

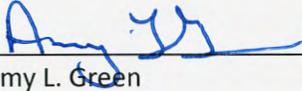
The motion was approved.

The Commission moved into Executive Session at 10:41 a.m. and reconvened in public session at 11:01.

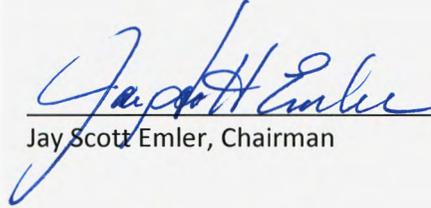
The Commission took no action following this Executive Session.

There being no further matters before the Commission, Commissioner Albrecht moved for adjournment of the Commission meeting. Commissioner Apple seconded the motion. The motion was approved. The Commission adjourned the August 18, 2016 Commission Meeting at 11:02 a.m.

Respectfully submitted,



Amy L. Green
Secretary to the Commission



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, August 18, 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 Audit of Cox Kansas Telecom LLC d/b/a Cox Communications by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order Accepting and Adopting Compliance Report and Closing Docket</i>	16-COXT-027-KSF	
2	In the Matter of the Audit of UnitedTelephone of Kansas d/b/a CenturyLink (LEC) by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order Accepting and Adopting Compliance Report and Closing Docket</i>	16-UTDT-028-KSF	
3	In the Matter of the Audit of Consumer Cellular, Incorporated by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. <i>Order Accepting and Adopting GVNW Consulting Inc.'s Audit Report and Recommendations</i>	16-CSCZ-035-KSF	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With South Central Wireless, Inc. Order Approving Interconnection Agreement	16-SWBT-558-IAT	
5	In the Matter of a General Investigation of Total Call International, 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-TOIC-569-SHO	
6	In the Matter of United Telephone Company of Kansas Filing Revisions to Discontinue Operator Inward Assistance (OIA) Services (Busy Line Verification and Verification with Call Interrupt). Order Approving Tariff Revisions	17-UTDT-053-TAR	
7	In the matter of the failure of Beymer Brothers, a General Partnership dba Beymer & Beymer ("Operator") to comply with K.A.R. 82-3-111 at the Davis #1 in Kearny County, Kansas. Penalty Order - Beymer Brothers, a General Partnership dba Beymer & Beymer	17-CONS-3031-CPEN	
8	In the matter of the failure of CK Oil & Gas LLC ("Operator") to comply with K.A.R. 82-3-111 at the Scully #1-18, Scully "A" #1-1, Scully "A" #1-6, Scully "A" #1-31 and Scully "A" #2-1 wells in Marion County, Kansas. Penalty Order - CK Oil & Gas LLC	17-CONS-3032-CPEN	
9	In the matter of the failure of Legacy Petroleum LLC ("Operator") to comply with K.A.R. 82-3-111 at the McGill #7 in McPherson County, Kansas. Penalty Order - Legacy Petroleum LLC	17-CONS-3034-CPEN	
10	In the matter of an Order to Show Cause issued to David J. Weigel dba 21st Century Oil Operations ("Operator") regarding responsibility under K.S.A. 55-179 for plugging four wells in Russell County, Kansas. Order Denying Motion to Restrict Operator's Right to Testify and Present Evidence	16-CONS-3891-CSHO	
11	In the matter of the failure of Joe Brake dba Brake Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the T Bollinger #RDK-1 in Butler County, Kansas. Order Dismissing Appeal and Request for Hearing	16-CONS-3993-CPEN	
12	In the matter of an Order to Show Cause issued to Kenneth C. Beard dba K.B. Oil & Gas ("Operator") regarding responsibility under K.S.A. 55-179 for plugging the Ross #3 well in Chautauqua County, Kansas. Default Judgement	16-CONS-3988-CSHO	
13	In the matter of the failure of Osborn Heirs Company, LTD ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. Order Continuing Prehearing Conference and Designating Prehearing Officer	16-CONS-4084-CPEN	

Consent Agenda

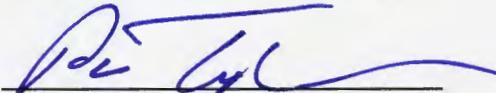
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the matter of the failure of Robert W. Taylor dba Taylor Oil Co. ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. <i>Order Approving Settlement Agreement</i>	16-CONS-4092-CPEN	

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