

Kansas Corporation Commission
Commission Meeting
November 3, 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 November 3, 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 November 3, 2016 on the four 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-WSEE-063-STG: *In the Matter of the Application of Westar Energy, Inc. for a Siting Permit for the Construction of a 345 kV Transmission Line in Leavenworth County, Kansas.***

Commissioner Apple moved for approval of order #16-3428 – *Order Cancelling Evidentiary Hearing*. Commissioner Albrecht seconded the motion.

The motion was approved.

3. **Other matters:**

- A. Chairman Emler moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319 (b)(2,) for consultation with an attorney, to obtain legal advice, for a period of 20 minutes. Also called into the Executive Session was Deputy General Counsel, Dustin Kirk; and Assist General Counsel, Michael Duenes. Commissioner Apple seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:03 a.m. and reconvened in public session at 10:23 a.m.

The Commission took no action following the Executive Session.

- B. Chairman Emler moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319 (b)(2,) for consultation with an attorney, to obtain legal advice, for a period of 15 minutes. Also called into the Executive Session was Director of Conservation Division, Ryan Hoffman; Deputy General Counsel, Dustin Kirk;

Assist General Counsel, Michael Duenes and Litigation Counsel, Jon Myers.
Commissioner Apple seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:25 a.m. and reconvened in public session at 10:40 a.m.

The Commission took no action following the Executive Session.

- C. Chairman Emler moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319 (b)(2,) for consultation with an attorney, to obtain legal advice, for a period of 10 minutes. Also called into the Executive Session was Director of Conservation Division, Ryan Hoffman; Deputy General Counsel, Dustin Kirk; Assist General Counsel, Michael Duenes and Litigation Counsel, Jon Myers. Commissioner Albrecht seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:41 a.m. and reconvened in public session at 10:51 a.m.

The Commission took no action following the Executive Session.

- D. Chairman Emler moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319 (b)(2,) for consultation with an attorney, to obtain legal advice, for a period of 10 minutes. Also called into the Executive Session was Director of Conservation Division, Ryan Hoffman; Deputy General Counsel, Dustin Kirk; Assist General Counsel, Michael Duenes and Litigation Counsel, Jon Myers. Commissioner Apple seconded the motion.

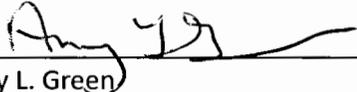
The motion was approved.

The Commission moved into Executive Session at 10:53 a.m. and reconvened in public session at 11:03 a.m.

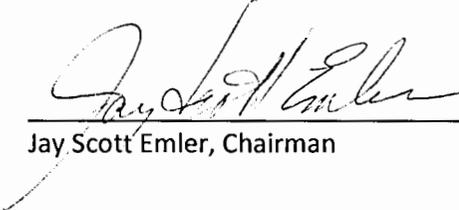
The Commission took no action following the Executive Session.

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 November 3, 2016 Commission Meeting at 11:05 a.m.

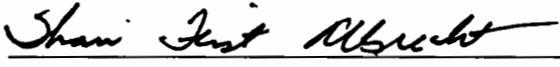
Respectfully submitted,



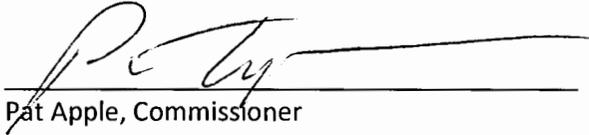
Amy L. Green
Secretary to the Commission



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, November 3, 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 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 for ACN Communication Services LLC</i>	16-GIMT-067-GIT	
2	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 for Flash Wireless LLC</i>	16-GIMT-067-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 for Matrix Telecom LLC</i>	16-GIMT-067-GIT	
4	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 for Senior Tech dba Snapfon</i>	16-GIMT-067-GIT	

Consent Agenda

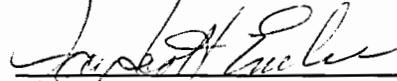
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of an Investigation to Determine the Assessment Rate for the Twentieth Year of the Kansas Universal Service Fund, Effective March 1, 2016. Order Approving Traffic Factors for Budget Prepay Inc.	16-GIMT-067-GIT	
6	In the Matter of the Audit of TWC Digital Phone LLC 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. Order Accepting and Adopting Compliance Report and Closing Docket	16-TWCZ-029-KSF	
7	In the Matter of the Applications of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval to Make Certain Changes in their Charges for Electric Service Suspension Order June 23, 2017	17-WSEE-147-RTS	
8	In the Matter of the Investigation of Abel Tree Service, LLC of Norton, 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-148-PEN	
9	In the Matter of the Investigation of Quality Septic & Sewer, Inc. of Overland Park, 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	17-TRAM-157-PEN	
10	In the Matter of the Emergency Suspension of Operating Authority of Edgar Rodriguez, d/b/a Angel Express of Ulysses, 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	12-TRAM-612-OOS	
11	In the Matter of the Audit of Xtension Service, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A 2015 Supp. 66-2010(b) for KUSF Operating Year 19, Fiscal Year March 2015-February 2016 Order Closing Docket	17-XSIC-033-KSF	
12	In the matter of the application of Agricultural Energy Services, applicant, for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Diamond Sleeper 1-25 well located in the C W NW/4 SE/4 25-33-31W, Seward County, Kansas. Order Approving Settlement Agreement	16-CONS-4029-CEXC	
13	In the matter of the failure of Caroden Energy LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Thelma #1 in Ellsworth County, Kansas. Penalty Order - Caroden Energy LLC	17-CONS-3359-CPEN	

Consent Agenda

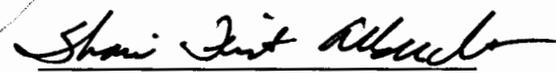
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the matter of the failure of Richlan Drilling, a General Partnership ("Operator") to comply with K.A.R. 82-3-407 at the Driscoll #2 in Russell County, Kansas. <i>Penalty Order - Richlan Drilling, a General Partnership</i>	17-CONS-3360-CPEN	
15	In the matter of an Order to Show Cause issued to Summer Sun Gas L.L.C. ("Operator") regarding responsibility under K.S.A. 55-179 for plugging the Brown #2 well in Chautauqua County, Kansas. <i>Order on Motion to Intervene and for Dismissal or Realignment of Parties</i>	16-CONS-4131-CSHO	
16	In the matter of a Compliance Agreement between L & P Enterprises, LLC and Commission Staff regarding bringing four wells on the Beets lease in Miami County into compliance with K.A.R. 82-3-111. <i>Order Approving Compliance Agreement</i>	17-CONS-3338-CMSC	
17	In the Matter of the Notice of Denial of License Renewal Application to Eastern Kansas Operating, LLC. <i>Order Designating Prehearing Officer & Setting Prehearing Conference</i>	17-CONS-3236-CMSC	
18	In the Matter of the Notice of Denial of License Application to Ad Astra Oil LLC. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	17-CONS-3253-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