Kansas Corporation Commission
Commission Meeting
November 8, 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 8, 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 requested Item No. 4; Docket No. 16-GIME-576-GIE: In the Matter of a General Investigation of Kansas City Power & Light Company's All Electric Residential Rates to be removed from the Consent Agenda. Commissioner Albrecht moved approval of the remaining items on the Consent Agenda: All other listed matters as presented for November 8, 2016 on the two page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Apple seconded the motion.

   The motion was approved.

   Commissioner Apple moved for the approval of Item No. 4; Docket No. 16-GIME-576-GIE: In the Matter of a General Investigation of Kansas City Power & Light Company's All Electric Residential Rates. Chairman Emler seconded the motion.

   The motion was approved. Commissioner Albrecht Dissented.

2. **Noticed:**
   A. **Docket No. 16-WSEE-375-TAR: In the Matter of Westar Energy, Inc. and Kansas Gas and Electric Company Seeking Commission Approval to Implement Changes in their Transmission Delivery Charges Rate Schedules.**

      Commissioner Apple moved for approval of order *#16-3418 - Order Adopting Staff's August 2, 2016 Recommendation*. Commissioner Albrecht seconded the motion.

      The motion was approved.

3. **Discussion/Presentation Item(s):**
   A. Proposed Additional Commission Employee Policies: Presenter Michael Duenes, Assistant General Counsel.

      Commissioner Albrecht moved for approval of the Employee Concealed Handgun Policy; Policy for Purchase of Safety Items and Uniform Clothing; and Policy for Procurement of Promotional Items or Promotional Educational Material (attached). Commissioner Apple seconded the motion.

      The motion was approved.

4. **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 20 minutes. Also called into the Executive Session was Jared Harsin, Director of Human Resources and Neysa Thomas, Director of Finance. Commissioner Albrecht seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:07 a.m. and reconvened in public session at 10:27 a.m.

The Commission took no action following the 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. Also called into the Executive Session was Jared Harsin, Director of Human Resources and Neysa Thomas, Director of Finance. Commissioner Albrecht seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:28 a.m. and reconvened in public session at 10:48 a.m.

The Commission took no action following the Executive Session.

C. 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 15 minutes. Also called into the Executive Session was Jared Harsin, Director of Human Resources and Neysa Thomas, Director of Finance. Commissioner Albrecht seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:49 a.m. and reconvened in public session at 11:04 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 8, 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

Kansas
Corporation Commission

ITEMS OF
Consent Agenda

Approval Date: Tuesday, November 8, 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 seperately 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 Everest Midwest Licensee LLC, Filing for Kansas Video Service Authorization. ***Order Amending Video Service Authorization***	08-EVMT-1088-VSA	
2	In the Matter of an Investigation to Address CenturyLink's CAF II and KUSF Support. ***Order Modifying October 11, 2016 Order Adopting Staff's Report and Recommendation***	16-GIMT-511-GIT	
3	In the Matter of Petition of CenturyLink and Dex Media, Inc. for a Waiver of or Exemption from the Commission's Directive Regarding Distribution of Telephone Directories ***Order Denying Additional Extension***	16-UTDT-568-MIS	
4	In the Matter of a General Investigation of Kansas City Power & Light Company's All Electric Residential Rates. ***Order Granting CURB's Motion to Extend Filing Deadline***	16-GIME-576-GIE	
5	In the matter of the failure of Wildcat Exploration LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Don Breuel #O9 and Don Breuel #O11 in Linn County, Kansas. ***Order Rescinding Penalty***	17-CONS-3044-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

KANSAS CORPORATION COMMISSION
AGENCY EMPLOYEE POLICY

TITLE/SUBJECT: Employee Concealed Handgun Policy
Policy Number: 13-05

Approved by: The Commission Effective Date: November 08, 2016

Purpose:

To provide guidance to employees who are legally qualified to carry a concealed handgun and who choose to carry a concealed handgun in accordance with the Personal and Family Protection Act (K.S.A. 75-7c01 et seq.) in Kansas Corporation Commission (KCC) offices or while performing duties incident to their employment with the KCC.

Policy:

KCC employees who are legally qualified to carry concealed handguns are permitted to carry concealed handguns subject to the following conditions:

1. It is the employee's responsibility to abide by state and federal law at all times.
2. Handguns must be completely concealed and carried in a safe and appropriate manner at all times.
3. No obvious display of concealed handguns will be tolerated.
4. If the KCC is not the sole tenant of the building, KCC employee concealed carry shall be governed by and in accordance with building policy.
5. Applicable signage allowing or restricting the carrying of firearms is attached to this policy as Attachment A.
6. Any questions regarding the applicability of this policy or of concealed carry laws shall be directed to the Human Resources Director.

Originated: July 3, 2013
Updated: January 2015
Updated: October 2015
Updated: November 2016

Private Buildings

	Concealed Carry Allowed	Concealed Carry Prohibited
Open Carry Allowed	No sign required.	
Open Carry Prohibited		

Exempt State or Municipal Buildings

	Concealed Carry Allowed	Concealed Carry Prohibited
Open Carry Allowed	No sign required.	
Open Carry Prohibited		

KANSAS CORPORATION COMMISSION
AGENCY EMPLOYEE POLICY

TITLE/SUBJECT: **Policy for Purchase of Safety Items and Uniform Clothing**

Policy Number: 16-06

Approved by: The Commission Effective Date: November 08, 2016

Purpose: To implement a clear and consistent policy for the Kansas Corporation Commission (KCC) to administer the purchase or reimbursement of safety items or uniform clothing. The KCC may provide uniform clothing to employees that typically work outside of KCC offices so that they may present themselves in a manner that will promote their professional appearance, as well as increase the professionalism of the Agency itself and further its mission.

Policy: This policy includes three categories of safety items and/or clothing:

A. Safety Items;
B. KCC Furnished Clothing; and
C. Employee Furnished Clothing.

Each division will develop a Safety Items and Clothing Protocol (Protocol) for each position specific category of employee where the division is requesting that the KCC furnish or reimburse items in category A, B, or C. The Protocol will explain why the KCC should furnish the items, the estimated annual cost, the initial quantity of each item requested, and a replacement schedule. The portion of the Protocol dealing with Employee Furnished Clothing requires identifying the maximum reimbursement cost. Each Protocol must be approved by the Chair of the Commission and signed by the Directors of Finance and Human Resources. Employee Furnished Items may be reimbursed by item or by annual stipend.

Safety items and clothing items purchased under this policy may only be used for KCC-related activities.

A. Safety Items: Because the safety of its employees is paramount, the KCC will furnish safety items and replace them when needed. Safety items include, but are not limited to: eye protection, hearing protection, hard hats, traffic safety vests, gloves, flame retardant clothing, first aid kits, fire extinguishers, or H_2S monitors. Employees are responsible for keeping these items in good working order at all times.

B. KCC Furnished Clothing: The KCC may provide uniform clothing to employees that typically work outside of KCC offices.

All KCC Furnished Clothing will have a KCC logo. The KCC Furnished Clothing colors shall be black, dark blue, white, and/or tan and shall be consistent throughout a division. Employee Furnished Clothing with a KCC logo will conform to their adopted Protocol colors if applicable. KCC Furnished Clothing may include: button-front short or long sleeve shirt, cap, jacket, coat or coveralls.

C. Employee Furnished Clothing: Employee Furnished Clothing may include, but is not limited to: protective hard-toed boots, BDU pants or web belt.

***Guidance for Reimbursement of Clothing:** Reimbursement for clothing is permitted if it is: (1) part of an approved Safety Items and Clothing Protocol, and (2) considered an allowable deduction under IRS rules.

Excerpt from paragraph 28 of IRS Publication 17 (2015) (Attached)

TITLE/SUBJECT: **Policy for Purchase of Safety Items and Uniform Clothing**

Policy Number: 16-06

Template for Safety Items and Clothing Protocol

Division – _____

Position Specific Category of Employees – _____

Need of Safety Items and Clothing Protocol – As stated in Agency Policy 16-06, the safety of our employees is paramount. The KCC will furnish safety items and replace them when needed. Presenting field regulators, which typically work outside of KCC offices, in a uniform manner increases the professionalism of the Agency and furthers its mission. The Specific Category of Employees listed above meets the requirements of this KCC policy.

Please list any relevant information about the specific category of employee _____

_____

_____

Division Colors: _____

A. Safety Items:

Item	Qty.	Estimated Cost of Each	Replacement Schedule	# of Employees	Est. Annual Cost Per Employee	Estimated Annual Division Cost

B. KCC Furnished Clothing:

Item	Qty.	Estimated Cost of Each	Replacement Schedule	# of Employees	Est. Annual Cost Per Employee	Estimated Annual Division Cost

C. Employee Furnished Clothing:

Item	Qty.	Maximum Reimbursement Cost	Replacement Schedule	# of Employees	Est. Annual Cost Per Employee	Estimated Annual Division Cost

Date: _____

_____

Chair of the Commission

_____

Director of Finance

_____

Director of Human Resources

Originated: _____

Updated: November 2016

Excerpt from paragraph 28 of IRS Publication 17 (2015)

Work Clothes and Uniforms

You can deduct the cost and upkeep of work clothes if the following two requirements are met.

- You must wear them as a condition of your employment.
- The clothes aren't suitable for everyday wear.

It isn't enough that you wear distinctive clothing. The clothing must be specifically required by your employer. Nor is it enough that you don't, in fact, wear your work clothes away from work. The clothing must not be suitable for taking the place of your regular clothing.

Examples of workers who may be able to deduct the cost and upkeep of work clothes are: delivery workers, firefighters, health care workers, law enforcement officers, letter carriers, professional athletes, and transportation workers (air, rail, bus, etc.).

However, work clothing consisting of white cap, white shirt or white jacket, white bib overalls, and standard work shoes, which a painter is required by his union to wear on the job, isn't distinctive in character or in the nature of a uniform. Similarly, the costs of buying and maintaining blue work clothes worn by a welder at the request of a foreman aren't deductible.

Protective clothing. You can deduct the cost of protective clothing required in your work, such as safety shoes or boots, safety glasses, hard hats, and work gloves. Examples of workers who may be required to wear safety items are: carpenters, cement workers, chemical workers, electricians, fishing boat crew members, machinists, oil field workers, pipe fitters, steamfitters, and truck drivers.

KANSAS CORPORATION COMMISSION
AGENCY EMPLOYEE POLICY

TITLE/SUBJECT: Procurement of Promotional Items or Promotional Educational Material
Policy Number: 16-07

Approved by: The Commission Effective Date: November 08, 2016

Purpose:

To prohibit the purchase of promotional items and establish a uniform policy for procuring educational materials.

Policy:

The Commission shall not purchase **promotional items**.

Promotional items are gifts or advertising - including pens, cups, key chains, baseball caps, paperweights, magnets, t-shirts, balloons, golf balls or other similar merchandise commonly used in advertising.

Promotional educational material may be purchased for distribution to targeted recipients, but must be approved by the Chair of the Commission prior to placing an order.

Promotional educational material is designed to provide information as part of a learning activity. Examples include brochures, bookmarks, informational cubes, or other materials with information about specific programs. Only materials allowed as federal grant expenses under 2 C.F.R. § 225 may be considered for procurement.

Prohibited advertising and public relations costs include costs of promotional items and memorabilia, including models, gifts, and souvenirs; and advertising and public relations designed solely to promote the governmental unit.

Originated: November 2016