

**Kansas Corporation Commission**  
**Commission Meeting**  
**November 10, 2016**  
10:00 a.m. 1<sup>st</sup> 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 10, 2016 in the 1<sup>st</sup> 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 10, 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. 16-CONS-4105-CPEN: *In the matter of the failure of Jim Carter dba J Carter Oil ("Operator") to comply with K.A.R. 82-3-407 at the Mudd #1 in Russell County, Kansas.***

Chairman Emler stated he had a request to pass over order #16-3471 - *Shut-In Order*. The matter was passed over.

- B. **Docket No. 17-CONS-3362-CINV: *In the matter of a general investigation into potential Commission rulemaking regarding responsibility for abandoned wells.***

Commissioner Apple moved for approval of order #16-3470 – *Order Opening Investigatory Docket*. Commissioner Albrecht seconded the motion.

The motion was approved.

- C. **Docket No. 15-TKOG-236-COM: *In the Matter of the Complaint Against Texas-Kansas Oklahoma Gas, LLC for an Order for Adjustment and Refund of Unfair, Unreasonable and Unjust Rates for the Sale of the Natural Gas for Irrigation Based on Inaccurate and/or False Pressure Base Measurements, By Circle H Farms, LLC, Richard L. Hanson, Rome Farms, and Stegman Farms Partnership.***

Commissioner Albrecht moved for approval of order #16-3461 - *Order on Petitions for Reconsideration*. Commissioner Apple 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 Albrecht moved for approval of order #16-3468 - *Order Denying Petition for Reconsideration of WKIEC*. Commissioner Apple seconded the motion.

The motion was approved.

- E. **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 Albrecht moved for approval of order #16-3466 - *Order Denying Petition for Reconsideration of WKIEC*. Commissioner Apple seconded the motion.

The motion was approved.

- F. **Docket No. 17-KPPE-092-COM: *In the Matter of the Complaint of Southern Pioneer Electric Company against the Kansas Power Pool Regarding Bypass and Duplication of Service for 34.5kV Delivery to the City of Kingman.***

Commissioner Apple moved for approval of order #16-3465 - *Order Granting Petition for Reconsideration of Discovery Order*. Commissioner Albrecht seconded the motion.

The motion was approved.

3. **Discussion/Presentation Item(s):**

Policy/Procedures for Complying with Kansas Open Records Act: Presenter Dustin Kirk, Deputy General Counsel.

Commissioner Apple moved for approval of the Policy/Procedures for Complying with Kansas Open Records Act (attached). Commissioner Albrecht 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 Albrecht seconded the motion. The motion was approved. The Commission adjourned the November 10, 2016 Commission Meeting at 10:12 a.m.**

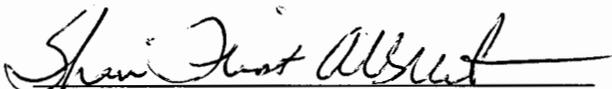
Respectfully submitted,



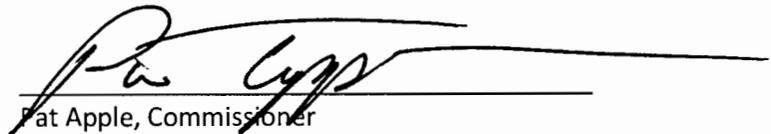
Amy L. Green  
Secretary to the Commission



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner

**KANSAS CORPORATION COMMISSION  
AGENCY EMPLOYEE POLICY**

TITLE/SUBJECT: Policy/Procedures for Complying with Kansas Open Records Act.

Policy Number: 16-08

Approved by: The Commission Effective Date: November 10, 2016

Policy:

It is the policy of the State of Kansas that records be open to the public. K.S.A. 45-216. The following is the procedure the Kansas Corporation Commission (KCC or Commission) shall implement in response to the Kansas Open Records Act (KORA), K.S.A 45-201 *et seq.*

Official Custodian of Records and Local Freedom of Information Officer:

The Official Custodian of Records (OCR) is responsible for the maintenance of public records and for receiving and responding to requests for KCC records. The Local Freedom of Information Officer (LFIO) is responsible for developing educational information, including a KORA brochure, and assisting the public generally with KORA inquiries and procedures.

The OCR and LFIO shall be the Secretary to the Commission. Should the Secretary be absent or the position vacant for any extended period of time, the Commission shall designate another employee to serve as the OCR/LFIO in the interim.

Procedures:

1. KORA requests shall be received either through the KCC website or mailed to:

Attn: OPEN RECORDS REQUEST  
Custodian of Records  
Kansas Corporation Commission  
1500 SW Arrowhead Rd.  
Topeka, KS 66604-4027

2. The OCR/LFIO shall receive all incoming KORA requests, respond and process the same in accordance with the law. The OCR/LFIO shall act upon all requests as soon as possible, with some response being made to the requestor no later than the end of the third business day following the date the request is received. *See* K.S.A. 45-218(d).
3. Any request received after 5:00 p.m. on any business shall be deemed received on the following business day.

4. The OCR/LFIO may designate or assign record requests to agency employees or individuals capable of compiling the information in response to said request. Should the OCR/LFIO designate or assign another employee or individual to compile information in response to a KORA request, such information shall be sent to the OCR/LFIO for dissemination upon completion.
5. Litigation Counsel for the Utilities and Transportation Division shall assist those Divisions in compiling or resolving issues or questions that may arise from a KORA request directed to those Divisions. Litigation Counsel for the Conservation Division shall assist the Conservation Division in compiling or resolving issues or questions that may arise from a KORA request directed to the Conservation Division.
6. The Office of General Counsel shall oversee the general KORA process and serve as the KCC's Counsel for any KORA dispute. The Office of General Counsel shall review all incoming records requests and responses and advise the OCR/LFIO in accordance with the law.
7. The OCR/LFIO shall work with the KCC Division of Public Affairs and Consumer Protection to develop a KORA brochure to be available to the public and such other information as may be necessary to educate the public and assist in resolving KORA inquiries and disputes. Such information shall be publicly available through the KCC website and upon request.
8. The KCC shall be under no obligation to create a public record in order to fulfill a KORA request. The KCC has no obligation to answer questions, research, re-write or otherwise assist in developing or drafting a KORA request. Any requested analysis or explanation of Commission business shall be evaluated outside of the Act as KORA is not applicable to such request.
9. Persons wishing to review or examine records in person may do so at the KCC office where such records are maintained provided adequate notice is given in order to accommodate such request. Records may be reviewed or examined between 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding legal holidays.
10. Any request consisting of less than twenty pages and two hours of staff time will be provided at no cost. If the request requires documents or time in excess of either of these parameters, or two or more requests are received from the same requestor within one calendar year, the fee schedule attached to this policy shall apply. All fees shall be estimated, billed and collected in advance of complying with any KORA request.
11. This Policy shall supersede and replace any and all policies on the subject matter previously approved.

Originated: November 10, 2016

Open Records Request Fee Schedule:

- \$.25 per 8.5 x 11 black and white paper or electronic copies.
- \$1.20 per fax page.
- \$12.00 per hour of clerical staff time billed in quarter hour increments.
- \$15.00 per hour of technical staff time billed in quarter hour increments.
- \$26.00 per hour of legal staff time billed in quarter hour increments.
- Postage, packaging and shipping costs shall be billed at actual cost.
- Additional charges shall apply for documents or format requests not addressed herein.



# ITEMS OF Consent Agenda

Approval Date: Thursday, November 10, 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

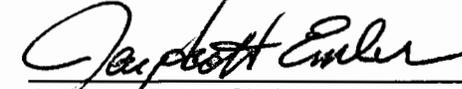
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of the Application of Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with New Edge Network, Inc. <b><i>Order Approving Interconnection Agreement Modifications</i></b>	06-SWBT-414-IAT	
2	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Peerless Network of Kansas, LLC <b><i>Order Approving Amended Interconnection Agreement</i></b>	13-SWBT-686-IAT	
3	In the Matter of the Application of IM Telecom, LLC d/b/a Infiniti Mobile for Designation as an Eligible Telecommunications Carrier in the State of Kansas. <b><i>Order Granting Motion for Extension of Time</i></b>	16-IMTT-362-ETC	

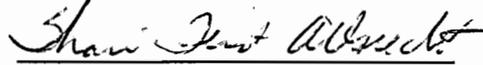
**Consent Agenda**

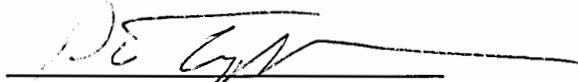
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Emergency Suspension of Operating Authority of Collins Omondi, d/b/a DJO Trucking of Derby, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b><i>Order Reinstating Motor Carrier Operating Authority</i></b>	17-TRAM-107-OOS	
5	In the Matter of the Emergency Suspension of Operating Authority of Evergreen Living Innovations, Inc. of Olathe, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b><i>Order Reinstating Motor Carrier Operating Authority</i></b>	17-TRAM-118-OOS	
6	In the Matter of the Emergency Suspension of Operating Authority of Guetterman Outdoor, Inc. of Springhill, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b><i>Emergency Suspension of Operating Authority Order</i></b>	17-TRAM-187-OOS	
7	In the Matter of the Emergency Suspension of Operating Authority of Salgado Lopez Cable, LLC of Kansas City, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b><i>Emergency Suspension of Operating Authority Order</i></b>	17-TRAM-188-OOS	
8	In the matter of the failure of D Oil, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Younger B #4 in Ellis County, Kansas. <b><i>Order Rescinding Penalty</i></b>	17-CONS-3334-CPEN	
9	In the matter of the failure of Pratt Well Service, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Gibbons-Hughes #2 in Kiowa County, Kansas. <b><i>Penalty Order - Pratt Well Service, Inc.</i></b>	17-CONS-3364-CPEN	
10	In the matter of the failure of Enterra Resources, LLC ("Operator") to comply with K.A.R. 82-3-126 at the Brown I Tank Battery in Morton County, Kansas. <b><i>Penalty Order - Enterra Resources, LLC</i></b>	17-CONS-3365-CPEN	
11	In the matter of the application of Unit Petroleum Company for an order approving the unitization and unit operations of the Langdon Waterflood Unit in Reno County, Kansas. <b><i>Order Granting Intervention and Protestant Status to Tapstone Energy</i></b>	17-CONS-3012-CUNI	
12	In the matter of the application of Berexco LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Buehler #3 well located in the NW SW NE of Sec 18, T16S, R10W Ellsworth County, Kansas. <b><i>Order Granting Application</i></b>	17-CONS-3250-CEXC	

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