

Kansas Corporation Commission
Commission Meeting
November 22, 2016
10:00 a.m. 1st floor hearing room
KCC Offices, 1500 Arrowhead, Topeka, Kansas

MINUTES

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on November 22, 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 22, 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. 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.***

Commissioner Apple moved for approval of order #16-3609 – *Order to Shut-In and Show Cause*. Commissioner Albrecht seconded the motion.

The motion was approved.

- B. **Docket No. 16-TRAM-548-PEN: *In the Matter of the Investigation of Pine Landscape Center 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.***

Chairman Emler recused himself. After initial discussion, this matter was deferred for action until December 1, 2016 at the regularly scheduled Business Meeting.

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

- A. **Affirmative Action Plan for Equal Employment Opportunity.** Presenter: Jared Harsin, Human Resources Director.

Commissioner Albrecht moved for approval of the policy #16-09 Affirmative Action Plan for Equal Employment Opportunity. 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, Human Resources Director. Commissioner Albrecht seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:13 a.m. and reconvened in public session at 10:33 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 10 minutes. Also called into the Executive Session was Jared Harsin, Human Resources Director. Commissioner Albrecht seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:34 a.m. and reconvened in public session at 10:44 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 22, 2016 Commission Meeting at 10:45 a.m.

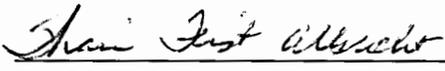
Respectfully submitted,



Amy L. Green
Secretary to the Commission



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, November 22, 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 BCI Allegiance, LLC Filing for Kansas Video Service Authorization. <i>Order Amending Video Service Authorization</i>	13-BCAT-666-VSA	
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 USOC of Nebraska Kansas LLC and Kansas #15 LP dba US Cellular</i>	16-GIMT-067-GIT	
3	In the Matter of the Application for Approval of an Interconnection, Collocation and Resale Agreement Between United Telephone Company of Eastern Kansas d/b/a CenturyLink; United Telephone Company of Kansas d/b/a CenturyLink; United Telephone Company of Southcentral Kansas d/b/a CenturyLink; Embarq Missouri, Inc. d/b/a CenturyLink and Comcast Phone of Kansas, LLC d/b/a Comcast Digital Phone Pursuant to the Telecommunications Act of 1996 <i>Order Nunc Pro Tunc Correcting Order</i>	17-UTDT-077-IAT	

Consent Agenda

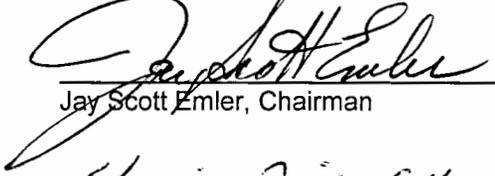
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	<p>In the Matter of the Joint Application of ITC Great Plains, LLC, and its Parent Company, ITC Holdings Corp., Together With Fortis Inc., Fortis US Inc., ITC Investment Holdings Inc. and Element Acquisition Sub, Inc. for Order Approving the Acquisition by Fortis Inc. of the Majority of All Classes of the Stock of ITC Holdings Corp., and its Subsidiary Companies, Including ITC Great Plains, LLC.</p> <p><i>Order Closing Docket and Opening Compliance Docket</i></p>	16-ITCE-512-ACQ	
5	<p>In the Matter of the Application for Kansas City Power & Light Company to Make Certain Changes in Its Charges for Electric Service.</p> <p><i>Order Designating Prehearing Officer and Granting Intervention to CURB</i></p>	17-KCPE-201-RTS	
6	<p>In the Matter of the Application for Kansas City Power & Light Company to Make Certain Changes in Its Charges for Electric Service.</p> <p><i>Suspension Order, Protective Order, and Discovery Order</i></p>	17-KCPE-201-RTS	
7	<p>In the Matter of the Application of Aquila, Inc. for an Order to Permit the Company Establish Rates for a Weather Normalization Adjustment.</p> <p><i>Order Accepting and Approving Weather Normalization and Adjustment Factor</i></p>	03-AQLG-1076-TAR	
8	<p>In the Matter of the Investigation of Rutz Construction LLC of Enterprise, 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.</p> <p><i>Order Approving Stipulated Settlement Agreement</i></p>	17-TRAM-094-PEN	
9	<p>In the Matter of the Emergency Suspension of Operating Authority of Mid-America Equipment, Inc. of Benton, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations.</p> <p><i>Order Reinstating Motor Carrier Operating Authority</i></p>	17-TRAM-130-OOS	
10	<p>In the Matter of the Emergency Suspension of Operating Authority of Red Castle, LLC of Hesston, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations.</p> <p><i>Order Reinstating Motor Carrier Operating Authority</i></p>	17-TRAM-132-OOS	
11	<p>In the Matter of the Emergency Suspension of Operating Authority of KC & Sons Trucking, LLC of Raytown, Missouri for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations.</p> <p><i>Emergency Suspension of Operating Authority Order</i></p>	17-TRAM-212-OOS	

Consent Agenda

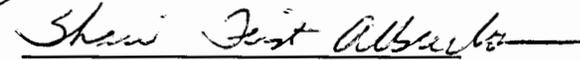
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
12	In the Matter of the Investigation of Kelsey Conard of Wentworth, Missouri, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Order Setting Hearing</i>	17-GIMM-133-KHP	
13	In the matter of the application of Merit Energy Company, LLC to drill the McWilliams E-5 well located in Section 21, Township 24 South, Range 33 West, Finney County, Kansas, as a deviated well pursuant to K.A.R. 82-103A. <i>Order Granting Application</i>	17-CONS-3255-CHOR	
14	In the matter of the application of XTO Energy, Inc. for an order authorizing the installation and use of vacuum pumps on its Winter Trust #1-13, #3-13 and #4-13 wells located in the Southwest quarter (SW/4) of Section 13, Township 30 South, Range 32 West, Haskell County, Kansas. <i>Order Granting Application</i>	17-CONS-3327-CVAC	
15	In the matter of a Compliance Agreement between Colt Energy Inc. and Commission Staff regarding bringing 251 wells into compliance with K.A.R. 82-3-111. <i>Order Approving Compliance Agreement</i>	17-CONS-3370-CMSC	
17	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 <i>Order Granting Petition to Intervene of CURB</i>	17-WSEE-147-RTS	
18	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 <i>Order Designating Prehearing Officer; Protective and Discovery Order</i>	17-WSEE-147-RTS	
19	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 <i>Order Granting Petition to Intervene of USD #259 Sedgwick Co., KS</i>	17-WSEE-147-RTS	

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: Affirmative Action Plan for Equal Employment Opportunity.

Policy Number: 16-09

Approved by: The Commission

Effective Date: November 22, 2016

Purpose:

The Kansas Corporation Commission (KCC) hereby reaffirms its commitment to the principles of non-discrimination, equal employment opportunity, and affirmative action in all programs and activities within the jurisdiction of this agency.

The State of Kansas' Affirmative Action Plan and the participation of each agency is mandated by Executive Order 93-159. The Kansas Corporation Commission's (KCC) Affirmative Action Plan is intended to promote equal employment opportunity within the agency.

Equal Employment Opportunity:

The KCC will provide equal employment opportunity to all persons. Moreover, all personnel transactions shall be made without regard to race, color, gender, sexual orientation, gender identity, religion, national origin, ancestry, age, military/veteran status, disability status or political affiliation, in compliance with all applicable federal and state laws.

The KCC will provide reasonable accommodation to qualified employees and applicants with a physical or mental disability meeting the criteria of the Americans with Disabilities Act (ADA) when informed of the need for an accommodation, unless providing the accommodation would impose an undue burden on the KCC.

The KCC forbids behavior outlined in the KCC Employee Policies on professional conduct and sexual harassment (#15-01 and #15-02 attached) that becomes a condition of employment and/or creates a hostile work environment.

The KCC will investigate all complaints alleging violations of any part of this policy. Employees shall not be retaliated against for filing a complaint. Complaints will be addressed with the highest level of confidentiality as possible and filing a complaint shall in no way reflect upon an employee's standing within the KCC or the State of Kansas.

All employees of the KCC shall adhere to this policy by supporting a work environment free of discrimination and by developing appropriate and respectful relationships with their co-workers. Management and supervisory personnel share the responsibility for achieving affirmative action goals, and shall actively support programs to ensure equitable representation of females, minorities and persons with disabilities.

Designation of Responsibilities:

A successful Affirmative Action Plan for Equal Employment Opportunity in the KCC is contingent on the efforts of many individuals. This section summarizes the roles of key personnel involved in this process. The duties listed may not be exhaustive of the duties performed.

Appointing Authority/Chair of the KCC.

Responsibility: The Appointing Authority/Chair of the KCC has primary responsibility for ensuring equal employment within the KCC.

Duties:

- To designate an agency Equal Employment Opportunity (EEO) Manager and Americans with Disabilities Act (ADA) Coordinator.
- To make decisions and changes in policy, procedures and accommodations for disabled persons as deemed necessary to facilitate equal employment opportunity.
- To take decisive action on complaints of alleged discrimination.

EEO Manager/ADA Coordinator.

Responsibility: The EEO Manager/ADA Coordinator administers the equal opportunity program for the KCC under the direction of the Appointing Authority/Chair of the KCC.

Duties:

- To update, monitor and evaluate the effectiveness of the KCC's affirmative action plan.
- To disseminate information to managers, supervisors and employees as requested.
- To ensure qualified applicants with disabilities are given reasonable accommodation in all employment related activities.
- To identify and resolve equal employment problems and concerns; investigate complaints of alleged discrimination, and clearly communicate all findings to the Appointing Authority/Chair.

Human Resources Director.

Responsibility: The Human Resources Director shall serve as the EEO Manager/ADA Coordinator and ensure that all human resources programs are in compliance with the KCC's equal opportunity policy.

Duties:

- To develop, maintain and evaluate employment and other related programs to ensure compliance with the KCC and state affirmative action plan and Kansas Administrative Regulations.
- To assist in efforts to address and resolve problems and/or complaints related to equal employment areas.

Managers and Supervisors.

Responsibility: To promote equal employment for all employees.

Duties:

- To assist in identifying and resolving problems and eliminating barriers which inhibit equal employment opportunity.
- To support the objectives and initiatives of the KCC's affirmative action plan.
- To communicate the KCC's equal opportunity commitment to all assigned employees.

Employees.

Responsibility: To support all laws, rules and regulations that govern equal employment opportunity in the workplace.

Duties:

- To abide by KCC and state equal employment laws, rules and administrative regulations and KCC employee policies and procedures.

Dissemination:

The Affirmative Action Plan for Equal Employment Opportunity shall be made available to all employees of the KCC. This section describes how information regarding the Plan will be disseminated, both internally and externally.

Internal Dissemination.

A hard copy of this policy shall be distributed to Commissioners, Division Directors, Litigation Division and the Office of General Counsel.

An electronic copy will be available for all interested parties to view via the KCC Human Resources intranet webpage under the heading "Agency Information" and subheading "KCC Employee Agency Policies". KCC employees may make an appointment to review the Plan with the EEO Manager.

Information about the KCC's equal opportunity policies may be disseminated through one or more of the following additional methods:

- Training and/or orientation sessions;
- Presentations at administrative staff meetings;
- Written communication such as memoranda or articles in the KCC Newsletter;
- Informal communications such as phone calls, e-mails, and meetings; or,
- Conspicuously posted on all official bulletin boards.

External Dissemination.

The KCC's commitment to equal opportunity will be prominently displayed on all employment advertising. Organizations that may provide assistance in achieving equal opportunity will be sent copies of this policy upon request. Members of the general public may obtain a copy of the policy by contacting the EEO Manager (copy charges may apply).