

Kansas Corporation Commission  
Commission Meeting  
November 29, 2016  
10:00 a.m. 1<sup>st</sup> 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 29, 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 Apple requested the removal of Item No. 5; Docket No. 17-DPAX-207-PEN: *In the Matter of the Investigation of Harris Milling Company, LLC of Kansas City, Missouri, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-5), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151)* and Item No. 6; Docket No. 17-DPAX-209-PEN: *In the Matter of the Investigation of Garrison Plumbing, Inc. of Olathe, Kansas, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-5), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151)*. Commissioner Apple moved for approval of all remaining items on the Consent Agenda: All other listed matters as presented for November 29, 2016 on the four page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Albrecht seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 16-KCPE-593-ACQ:** *In the Matter of the Joint Application of Great Plains Energy Incorporated, Kansas City Power & Light Company and Westar Energy, Inc. for Approval of the Acquisition of Westar Energy, Inc. by Great Plains Energy Incorporated.*

Commissioner Apple moved for approval of order #16-3629 - *Order Granting Limited Intervention to MJMEUC*. Commissioner Albrecht seconded the motion.

The motion was approved.

- B. **Docket No. 16-KCPE-593-ACQ:** *In the Matter of the Joint Application of Great Plains Energy Incorporated, Kansas City Power & Light Company and Westar Energy, Inc. for Approval of the Acquisition of Westar Energy, Inc. by Great Plains Energy Incorporated.*

Commissioner Apple moved for approval of order #16-3630 - *Order Granting Mtn. for Admission Pro Hac Vice of Healy and Jarrett*. Commissioner Albrecht seconded the motion.

The motion was approved.

- C. **Docket No. 16-KCPE-593-ACQ: *In the Matter of the Joint Application of Great Plains Energy Incorporated, Kansas City Power & Light Company and Westar Energy, Inc. for Approval of the Acquisition of Westar Energy, Inc. by Great Plains Energy Incorporated.***

Commissioner Albrecht moved for approval of order #16-3661 - *Order Granting Limited Intervention to The Sierra Club*. Commissioner Apple seconded the motion.

The motion was approved.

- D. **Docket No. 16-KGSG-491-RTS: *In the Matter of the Application of Kansas Gas Service, a Division of ONE Gas, Inc. for Adjustment of its Natural Gas Rates in the State of Kansas.***

Commissioner Albrecht moved for approval of order #16-3665 - *Order Approving Unanimous Settlement Agreement*. Commissioner Apple seconded the motion.

The motion was approved.

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

- A. **FERC Docket No. EL17-21: *Complaint of Kansas Electric Power Cooperative, Inc. Requesting Fast-Track Processing.***

Commissioner Albrecht moved that the Commission authorize its counsel to intervene in *FERC Docket No. EL17-21* and to file such comments as necessary to protect the interest of Kansas ratepayers. Commissioner Apple seconded the motion.

The motion was approved.

- B. **FERC Docket No: ER16-2720: *NextEra Energy Transmission Southwest, LLC submits tariff filing per 35.1: NextEra Energy Transmission Southwest, LLC Filing to Establish a Formula Rate to be effective 11/30/2016.***

Commissioner Albrecht moved to approve the proposed settlement agreement in *FERC Docket No. ER16-2720* and to authorize FERC counsel to sign the agreement on behalf of the Commission. 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 10 minutes. Commissioner Apple seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:16 a.m. and reconvened in public session at 10:26 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. Commissioner Albrecht seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:27 a.m. and reconvened in public session at 10:37 a.m.

The Commission took no action following the Executive Session.

**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 29, 2016 Commission Meeting at 10:38 a.m.**

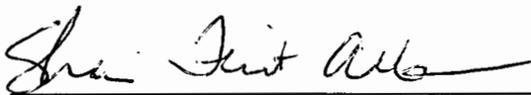
Respectfully submitted,



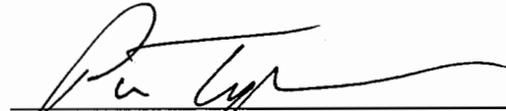
Amy L. Green  
Secretary to the Commission



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Tuesday, November 29, 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 Arbitration Between Level 3 Communications, LLC and SBC Communications, Inc. Pursuant to Section 252(b) of Communications Act of 19934, as Amended by the Telecommunications Act of 1996, for Rates, Terms, and Conditions of Interconnection. <b>Order Approving Interconnection Agreement Modifications</b>	04-L3CT-1046-ARB	
2	In the Matter of the Application for Approval of an Interconnection Agreement Between United Telephone of Kansas, d/b/a Embarq, United Telephone Company of Eastern Kansas, d/b/a Embarq, United Telephone Company of Southcentral Kansas, d/b/a Embarq, United Telephone Company of Southeastern Kansas, d/b/a Embarq and Level 3 Communications, LLC Pursuant to The Telecommunications Act of 1996. <b>Order Approving Amended Interconnection Agreement</b>	07-UTDT-374-IAT	
3	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Rosebud Telephone, LLC <b>Order Approving Amended Interconnection Agreement</b>	11-SWBT-178-IAT	

**Consent Agenda**

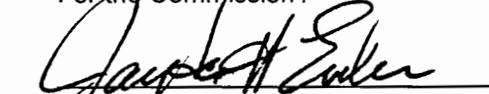
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of ONEOK NGL Pipeline, L.L.C. K.C.C. No. 10.1, Cancellation of Proportional Tariff <b>Order Granting Motion to Amend Application</b>	17-ONEP-186-TAR	
5	In the Matter of the Investigation of Harris Milling Company, LLC of Kansas City, Missouri, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-5), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). <b>Penalty Order</b>	17-DPAX-207-PEN	✓
6	In the Matter of the Investigation of Garrison Plumbing, Inc. of Olathe, Kansas, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-5), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). <b>Penalty Order</b>	17-DPAX-209-PEN	✓
7	In the matter of the failure of Energyquest II, LLC ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. <b>Order Rescinding Penalty Order</b>	16-CONS-4068-CPEN	
8	In the matter of the failure of Webco Oil Company, Inc. ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. <b>Order Rescinding Penalty Order</b>	16-CONS-4097-CPEN	
9	In the matter of the failure of Joe Brake dba Brake Inc. ("Operator") to comply with K.A.R. 82-3-111 at the T Bollinger #RDK-1 in Butler County, Kansas. <b>Default Order</b>	16-CONS-4117-CPEN	
10	In the matter of the application of Becker Oil Corporation for an exemption to the 10 year time limitation of K.A.R. 82-3-111 for its Durler well, API#15-083-21512-00-00, located in the NW/4 of Section 32, Township 32 South, Range 22 West, Hodgeman County, Kansas. <b>Order Granting Application</b>	16-CONS-4132-CEXC	
11	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 Tobias Simpson Unit #6-5 well located in the NE SW SE of Sec 35, T20S, R9W Rice County, Kansas. <b>Order Granting Application</b>	17-CONS-3252-CEXC	
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 Lottie #2 w in the NE SW NE SW of Sec 5, T16S, R30W, Lane County, Kansas. <b>Order Granting Application</b>	17-CONS-3332-CEXC	
13	In the matter of the Application of Bengston Farms, Inc. for an exception to the 10-year limitation of K.A.R. 82-3-111 for its Parker 1A well located in the W 1/2 of Section 33, Township 20 South, Range 6 West, Rice County, Kansas. <b>Order Granting Application</b>	17-CONS-3337-CEXC	

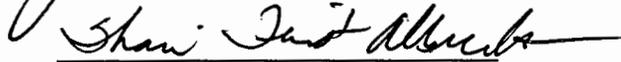
## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the Matter of the Application of Southern Pioneer Electric Company for Permission to Cease Operating as a(n) Electric Public Utility in the State of Kansas. A Portion of Barber County, Kansas. <b>Order</b>	17-SPEE-200-CCS	
15	In the Matter of the Cancellation of All Operating Certificates of Convenience and Authority Previously Granted to Alliance Group Services Inc. <b>Order Cancelling Certificate</b>	17-AGSC-136-CCS	
16	In the Matter of the Application of Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with YMax Communications Corp. <b>Order Approving Amended Interconnection Agreement</b>	07-SWBT-026-IAT	
17	In the Matter of the Application of The City of Kiowa, Kansas for a Certificate of Convenience and Authority to Transact the Business of a(n) Electric Municipal Utility in the State of Kansas. Portion of Barber County, Kansas <b>Certificate</b>	16-KWAE-526-COC	
18	In the Matter of the Notice of Denial of License Renewal Application issued to Champ Petroleum LLC <b>Order Cancelling Prehearing Conference and Closing Docket</b>	17-CONS-3363-CMSC	
19	In the Matter of the Investigation of Cow Town Nutrition LLC of Abilene, 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. <b>Penalty Order</b>	17-TRAM-217-PEN	
20	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 <b>Order Setting Procedural Schedule</b>	17-WSEE-147-RTS	
21	In the Matter of the Application of Twin Valley Telephone, Inc. Filing Lifeline Tariff Changes in Accordance with the Commission's October 18, 2016 Order in Docket No. 16-GIMT-575-GIT <b>Order Approving Tariff Revisions</b>	17-TWVT-223-TAR	
22	In the Matter of the Application of Rural Telephone Service Company, Inc. Filing Lifeline Tariff Changes in Accordance with the Commission's October 18, 2016 Order in Docket No. 16-GIMT-575-GIT <b>Order Approving Tariff Revisions</b>	17-RRLT-222-TAR	

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