

Kansas Corporation Commission
Commission Meeting
February 2, 2017
8:15 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 8:15 a.m. on February 2, 2017 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chairman Apple, Commissioner Albrecht and Commissioner Emler. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Emler moved for approval of the Items on the Consent Agenda dated February 2, 2017 containing pages one through seven and are attached to these Minutes. Commissioner Albrecht seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 16-CONS-4129-CBSO:** *In the Matter of the Application of Hugoton Energy Corporation for an order deleting certain acreage from the Eubank Morrow Oil and Gas Pool, and establishment of a Basic Spacing Order for their Eubank South Morrow Oil and Gas Pool, Haskell County, Kansas.*

Commissioner Albrecht moved for approval of order #17-0280 - *Order to Dissolve Eubank South Morrow Oil and Gas Pool Basic Spacing Order*. Commissioner Emler seconded the motion.

The motion was approved.

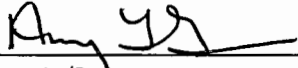
- B. **Docket No. 16-CONS-4130-CBSO:** *In the Matter of the Application of Hugoton Energy Corporation for an order deleting certain acreage from the Eubank Morrow Oil and Gas Pool, and establishment of a Basic Spacing Order for their Eubank South Mississippian-Chester Sand Oil and Gas Pool, Haskell County, Kansas.*

Commissioner Albrecht moved for approval of order #17-0281 - *Order to Dissolve Eubank South Mississippian-Chester Sand Oil and Gas Pool Basic Spacing Order*. Commissioner Emler seconded the motion.

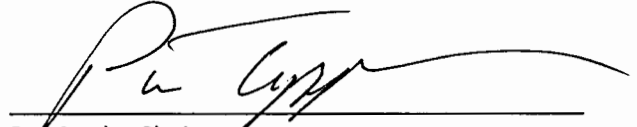
The motion was approved.

There being no further matters before the Commission, Commissioner Emler moved for adjournment of the Commission meeting. Commissioner Albrecht seconded the motion. The motion was approved. The Commission adjourned the February 2, 2017 Commission Meeting at 8:18 a.m.

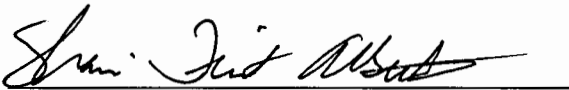
Respectfully submitted,



Amy L. Green
Secretary to the Commission



Pat Apple, Chairman



Shari Feist Albrecht, Commissioner



Jay Scott Emler, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, February 2, 2017

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 Budget Prepay, Inc.</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 Matrix Telecom, Inc.</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 ACN Communication Services, 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 Flash Wireless, LLC</i>	16-GIMT-067-GIT	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of The Southern Kansas Telephone Company, Inc. Filing Tariff Revisions to Add Access Line Rate Increase <i>Order Approving Revised Tariff</i>	17-SNKT-284-TAR	
6	In the Matter of Wamego Telecommunications Filing Tariff Revisions to Add Access Line Rate Increase <i>Order Approving Revised Tariff</i>	17-WTCT-285-TAR	
7	In the Matter of Wilson Telephone Company Filing Tariff Revisions to Add Access Line Rate Increase <i>Order Approving Revised Tariff</i>	17-WLST-286-TAR	
8	In the Matter of Wheat State Telephone Company Filing Tariff Revisions to Add Access Line Rate Increase <i>Order Approving Revised Tariff</i>	17-WHST-287-TAR	
9	In the Matter of Gorham Telephone Company Filing Tariff Revisions to Add Access Line Rate Increase <i>Order Approving Revised Tariff</i>	17-GRHT-288-TAR	
10	In the Matter of Rainbow Telecommunications Association Filing Tariff Revisions to its Local Service Rates <i>Order Approving Revised Tariff</i>	17-RNBT-291-TAR	
11	In the Matter of S&T Telephone Cooperative Associations Filing Tariff Revisions to its Local Service Rates <i>Order Approving Revised Tariff</i>	17-S&TT-292-TAR	
12	In the Matter of Cunningham Telephone Company Filing Tariff Revisions to Add Access Line Rate Increase <i>Order Approving Revised Tariff</i>	17-CNHT-293-TAR	
13	In the Matter of Elkhart Telephone Company Filing Tariff Revisions to Add Access Line Rate Increase <i>Order Approving Revised Order</i>	17-ELKT-294-TAR	
14	In the Matter of LaHarpe Telephone Company Filing Tariff Revisions to Add Access Line Rate Increase <i>Order Approving Revised Tariff</i>	17-LHPT-296-TAR	
15	In the Matter of Mutual Telephone Company Filing Tariff Revisions to Add Access Line Rate Increase <i>Order Approving Revised Tariff</i>	17-MTLT-297-TAR	
16	In the Matter of South Central Telephone Association, Inc. Filing Tariff Revisions to Add Access Line Rate Increase <i>Order Approving Revised Tariff</i>	17-SCNT-298-TAR	
17	In the Matter of Tri-County Telephone Association, Inc. Filing Tariff Revisions to its Local Rate Increase <i>Order Approving Revised Tariff</i>	17-TRCT-302-TAR	
18	In the Matter of Columbus Communications Systems LLC Filing Tariff Revisions to its Local Rate Increase <i>Order Approving Revised Tariff</i>	17-COST-307-TAR	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
19	In the Matter of a General Investigation for the Purpose of Investigating Whether Annual or Periodic Cost/Benefit Reporting by the SPP and Kansas Electric Utilities that Participate in SPP is in the Public Interest. Order Granting Intervention to CURB	17-SPPE-117-GIE	
20	In the Matter of the Application of Westar Energy, Inc. for Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility Specifically in Portions of Sections 3, 4, & 34 Township 2 South and 3 South, Range 14 East: Nemaha County, KS Certificate	17-WSEE-264-COC	
21	In the Matter of the Application of Prairie Land Electric Cooperative, Inc. Seeking Commission Approval for 2017 Ad Valorem Tax Surcharge Rider Tariff. Order Approving Ad Valorem Tax Surcharge Tariff	17-PLCE-274-TAR	
22	In the Matter of the Application of The Empire District Electric Company for Approval of its Asbury Environmental and Riverton Cost Recovery ("AERR") Rider to Replace the Existing Asbury Environmental Cost Recovery ("AECR") Rider Protective Order and Discovery Order; Order Granting CURB's Petition to Intervene	17-EPDE-280-TAR	
23	In the Matter of the Investigation of JSB Landservices, LLC of Colwich, 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 Reinstating Intrastate Motor Carrier Operations	17-TRAM-120-PEN	
24	In the Matter of the Investigation of TS Construction General Contractors, Inc. of Yates Center, 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-316-PEN	
25	In the Matter of the Emergency Suspension of Operating Authority of Bissen Construction, LLC of Overland Park, 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	16-TRAM-457-OOS	
26	In the Matter of the Emergency Suspension of Operating Authority of Hardrock Concrete, LLC of Overland Park, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Emergency Suspension of Operating Authority Order	17-TRAM-337-OOS	
27	In the Matter of the Emergency Suspension of Operating Authority of Travis Lovgren, d/b/a Lov-Gun Trucking of Kansas City, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Emergency Suspension of Operating Authority Order	17-TRAM-338-OOS	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
28	In the Matter of the Emergency Suspension of Operating Authority of Larson Farms Enterprises, LLC of Garden City, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Emergency Suspension of Operating Authority Order	17-TRAM-339-OOS	
29	In the Matter of the Investigation of Kelsy 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. Order Approving Stipulated Settlement Agreement	17-GIMM-133-KHP	
30	In the matter of an Order to Show Cause issued to IGWT, Inc. ("Operator") regarding responsibility under K.S.A. 55-179 for Wernli #5, #7, #8 and #9 wells on the Wernli lease in Greenwood County, Kansas. Order Continuing Procedural Schedule	17-CONS-3099-CSHO	
31	In the matter of an Order to Show Cause issued to Rodger D. Wells dba Pioneer Resources ("Operator") for its failure to comply with either K.A.R. 82-3-400 or K.A.R. 82-3-409 regarding injection that took place during the 2015 calendar year. Order Setting Procedural Schedule	17-CONS-3372-CSHO	
32	In the matter of the failure of Benjamin M. Giles ("Operator") to comply with K.A.R. 82-3-111 at the Clearwater #2 and Clearwater #3 wells in Butler County, Kansas. Order Approving Settlement Agreement	17-CONS-3100-CPEN	
33	In the matter of the failure of Benjamin M. Giles ("Operator") to comply with K.A.R. 82-3-111 at the Ray #A-1, Ray C #1, Ray C #2 and Seidl #1 OWWO wells in Butler County, Kansas. Order Setting Procedural Schedule	17-CONS-3329-CPEN	
34	In the matter of the failure of Sirius Energy Corp. ("Operator") to comply with K.A.R. 82-3-407 at 15 wells on the Parks, Craig, Katzer, Sartin and Vilmer Leases in Anderson and Neosho Counties, Kansas. Order Approving Settlement Agreement	17-CONS-3367-CPEN	
35	In the matter of the failure of Circle Star Operating Corp ("Operator") to comply with K.A.R. 82-3-111 at the Lynd Family Trust #36 and Lynd Family Trust #36-2 wells in Trego County, Kansas. Penalty Order - Circle Star Operating Corp	17-CONS-3462-CPEN	
36	In the Matter of the Notice of Denial of License Renewal Application to Northstar Investments, Inc. Order Rescheduling Prehearing Conference and Approving Motion to Withdraw Req. for Exten. Time for Add'l. Discovery	17-CONS-3425-CMSC	
37	In the matter of a Compliance Agreement between CFM66 LLC and Commission Staff regarding bringing three wells in McPhers County into compliance with K.A.R. 82-3-111. Order Approving Compliance Agreement	17-CONS-3437-CMSC	

Consent Agenda

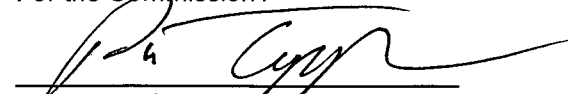
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
38	In the matter of the failure of Jerald Bollinger ("Operator") to comply with K.A.R. 82-3-117 at the R and R Farms Inc #2 well in Anderson County, Kansas. Penalty Order - Jerald Bollinger	17-CONS-3463-CPEN	
39	In the matter of the failure of Hart Energies, LLC ("Operator") to comply with K.A.R. 82-3-117 at the Chain Ranch 'A' #1 and Darla SWDW #1 wells in Barber County, Kansas. Penalty Order - Hart Energies, LLC	17-CONS-3464-CPEN	
40	In the matter of the failure of Lost Creek Oil, Inc. ("Operator") to comply with K.A.R. 82-3-117 at the Hance B #1 well in Rooks County, Kansas. Penalty Order - Lost Creek Oil, Inc.	17-CONS-3465-CPEN	
41	In the matter of the failure of Multiplex Resources, Inc. ("Operator") to comply with K.A.R. 82-3-117 at the Cannon #1-4 well in Alle County, Kansas. Penalty Order - Multiplex Resources, Inc.	17-CONS-3466-CPEN	
42	In the matter of the failure of Ron-Bob Oil LLC ("Operator") to comply with K.A.R. 82-3-117 at the Marie F. Yohon #6 well in Woodson County, Kansas. Penalty Order - Ron-Bob Oil LLC	17-CONS-3467-CPEN	
43	In the matter of the failure of SCZ Resources, LLC ("Operator") to comply with K.A.R. 82-3-117 at the Baker #C 15 12 and Baker # 17 wells in Miami County, Kansas. Penalty Order - SCZ Resources, LLC	17-CONS-3468-CPEN	
44	In the matter of the failure of SM Oil & Gas, Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Fulsom "E" #14-1, Fulsom "B" #15-1, Fulsom "B" #15-2, Fulsom "B" #16-1 and Fulsom "B" #16-2 in Chautauqua County, Kansas. Penalty Order - SM Oil & Gas, Inc.	17-CONS-3469-CPEN	
45	In the matter of the failure of NPF Energy Corporation ("Operator") to comply with K.A.R. 82-3-603 at the Brainerd Tank Battery, Quinn Tank Battery, and Toews A #1 well in Butler County, Kansas. Order Designating Prehearing Officer and Setting Prehearing Conference	17-CONS-3406-CPEN	
46	In the matter of the failure of John Horton to comply with K.A.R. 82-3-400 at the Casement #1 well in Chautauqua County, Kansas. Penalty Order - John Horton	17-CONS-3470-CPEN	
47	In the matter of the application of Charles E. See dba See Oil to amend injection permit E-11,453 by adding repressuring wells, S-101, S-104, and S-105 at the Burge Lease, Section 2, Township 28, Range 23 East, Crawford County, Kansas. Order Designating Prehearing Officer and Setting Prehearing Conference	17-CONS-3461-CUIC	
48	In the Matter of the Denial of License Renewal Application to Charles Kremeir dba CK Oil & Gas, LLC. Order Designating Prehearing Officer and Setting Prehearing Conference	17-CONS-3436-CMSC	

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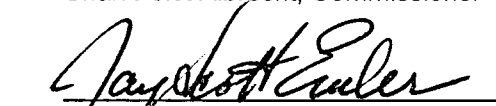
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
49	In the Matter of the Investigation of Hershberger Transport LLC of Maize, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <i>Penalty Order</i>	17-TRAM-333-PEN	
50	In the Matter of the Investigation of Chris Varela, d/b/a CVT of Garden City, 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. <i>Penalty Order</i>	17-TRAM-335-PEN	
51	In the Matter of the Investigation of Benjamin N. Bellar, d/b/a Bellar Trucking of Howard, 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. <i>Penalty Order</i>	17-TRAM-341-PEN	


The above-captioned matter(s) were approved by the Commission, unless noted as removed.

For the Commission :


Pat Apple, Chairman


Shari Feist Albrecht, Commissioner


Jay Scott Emler, Commissioner

Attest: 
Amy L. Green
Secretary to the Commission