

Kansas Corporation Commission
Commission Meeting
February 9, 2017
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 February 9, 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 9, 2017 containing pages one through five and are attached to these Minutes. Commissioner Albrecht seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 14-GIMT-118-CPL: *In the Matter of the Quality of Service Report Filings for Local Exchange Carriers.***

Commissioner Albrecht moved for approval of order #17-0395 - *Order Assessing Penalty Upon CenturyLink*; with the exception of footnote six being removed. Commissioner Emler seconded the motion.

The motion was approved.

3. **Other matters:**

- A. Chairman Apple 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, Human Resources Director; and Dustin Kirk, Deputy General Counsel. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:09 a.m. and reconvened in public session at 10:24 a.m.

The Commission took no action following this Executive Session.

- B. Chairman Apple moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319 (b)(2,) for consultation with an attorney, to obtain legal advice for a period of 30 minutes. Also called into the Executive Session was Dustin Kirk, Deputy General Counsel. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:26 a.m. and reconvened in public session at 10:56 a.m.

The Commission took no action following this Executive Session.

- C. Chairman Apple 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 Dustin Kirk, Deputy General Counsel. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:58 a.m. and reconvened in public session at 11:18 a.m.

The Commission took no action following this Executive Session.

- D. Chairman Apple 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. Commissioner Albrecht seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 11:19 a.m. and reconvened in public session at 11:34 a.m.

The Commission took no action following this Executive Session.

- E. Chairman Apple 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. Commissioner Albrecht seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 11:35 a.m. and reconvened in public session at 11:50 a.m.

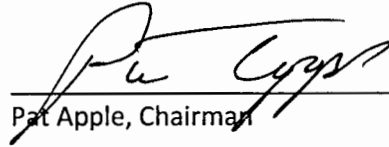
The Commission took no action following this Executive Session.

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 9, 2017 Commission Meeting at 11:51 a.m.

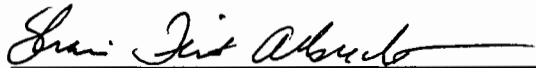
Respectfully submitted,



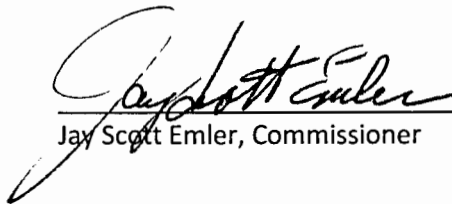
Amy L. Green
Secretary to the Commission



Pat Apple, Chairman



Shari Feist Albrecht, Commissioner



Jay Scott Emler, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, February 9, 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 and the Affordable Local Service Rate for Rate-of-Return Regulated Carriers for the Twenty-First Year of the Kansas Universal Service Fund, Effective March 1, 2017. <i>Order Approving Revised Tariff</i>	17-GIMT-008-GIT	
2	In the Matter of Home Telephone Company Filing Tariff Revisions to Add Access Line Rate Increase <i>Order Approving Revised Tariff</i>	17-HOMT-295-TAR	
3	In the Matter of Rural Telephone Service Co, Inc. dba Nex-Tech Filing Tariff Revisions to Add Access Line Rate Increase <i>Order Approving Revised Tariff</i>	17-RRLT-300-TAR	
4	In the Matter of Craw-Kan Telephone Cooperative, Inc. Filing Tariff Revisions to its Local Rate Increase <i>Order Approving Tariff Revision</i>	17-CRKT-303-TAR	
5	In the Matter of Blue Valley Tele-Communications, Inc. Filing Tariff Revisions to its Local Rate Increase <i>Order Approving Revised Tariff</i>	17-BLVT-304-TAR	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
6	In the Matter of Madison Telephone LLC Filing Tariff Revisions to its Local Rate Increase <i>Order Approving Revised Tariff</i>	17-MDTT-308-TAR	
7	In the Matter of United Telephone Association Filing Tariff Revisions to its Local Rate Increase <i>Order Approving Revised Tariff</i>	17-UTAT-310-TAR	
8	In the Matter of Peoples Telecommunications LLC Filing Tariff Revisions to its Local Rate Increase <i>Order Approving Revised Tariff</i>	17-PLTT-312-TAR	
9	In the Matter of H&B Communications, Inc. Filing Tariff Revisions to its Local Service Rates <i>Order Approving Revised Tariff</i>	17-H&BT-313-TAR	
10	In the Matter of the Application of Rainbow Communications, LLC Application for Video Service Authorization <i>Order Granting Video Service Authorization</i>	17-RCOT-321-VSA	
11	In the Matter of Gorham Telephone Company Filing Tariff Revisions to Add a New Bundled Service <i>Order Approving Tariff Revisions</i>	17-GRHT-327-TAR	
12	In the Matter of the Elkhart Telephone Company Filing Tariff Revisions to Bundles Services to Reflect Local Rate Increase and Changes in Programming for Non-Regulated Services. <i>Order Approving Tariff Revisions</i>	17-ELKT-330-TAR	
13	In the Matter of Wheat State Telephone Company Filing Tariffs Revisions to Bundles Services Prices <i>Order Approving Tariff Revisions</i>	17-WHST-332-TAR	
14	In the Matter of The Southern Kansas Telephone Company, Inc. Filing Tariff Revisions to Reflect Local Rate Increase. <i>Order Approving Tariff Revisions</i>	17-SNKT-345-TAR	
15	In the Matter of the Complaint Against Westar Energy by Jerome George Kahn <i>Order Adopting Staff's Memorandum</i>	17-WSEE-279-COM	
16	In the Matter of the Application of Atmos Energy for Approval of the Commission for Gas System Reliability Surcharge per K.S.A. 66-2201 through 66-2204 <i>Order Adopting Staff's Report and Recommendation</i>	17-ATMG-141-TAR	
17	In the Matter of the Joint application of Green Acres Mobile Home Park LLC (GA) and Desperado Series Three LLC and MAM Investments Three LLC (DM), Joint Applicants, for an Order Approving the Transfer to DM of GA's Certificates/Licenses for the Operation of a Public Water Utility and for Other Related Relief <i>Order Granting Stay</i>	17-STMW-040-ACQ	

Consent Agenda

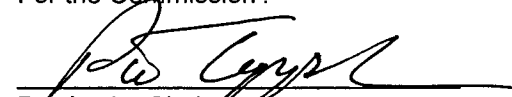
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
18	In the Matter of the Emergency Suspension of Operating Authority of Jose Samuel Lares Garcia, d/b/a SLG Auto Sales of Dodge City, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Order Reinstating Motor Carrier Operating Authority	17-TRAM-140-OOS	
19	In the Matter of the Emergency Suspension of Operating Authority of Aron Kempker, d/b/a/ Kansas City Truck Repair of Kansas City, 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	17-TRAM-322-OOS	
20	In the Matter of the Investigation of Savannah Traders LLC of Overland Park, 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-173-PEN	
21	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. Order Reinstating Intrastate Motor Carrier Operations	17-TRAM-217-PEN	
22	In the Matter of the Investigation of Gordon L. Miller, Jr., d/b/a 501 Tow of Burrton, 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-340-PEN	
23	In the Matter of the Investigation of New Life Trucking, LLC of Princeton, 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-342-PEN	
24	In the Matter of the Notice of Denial of License Renewal Application to Mid-America Pipeline Company, LLC. Order Closing Docket	17-CONS-3407-CMSC	
25	In the Matter of the Notice of Denial of License Renewal Application to Goby Energy, Inc. Order Designating Prehearing Officer and Setting Prehearing Conference	17-CONS-3445-CMSC	
26	In the matter of a Compliance Agreement between Gateway Resources U.S.A. Inc. and Commission Staff regarding bringing the wells in Montgomery County into compliance with K.A.R. 82-3-111. Order Approving Compliance Agreement	17-CONS-3474-CMSC	
27	In the Matter of the Notice of Denial of License Renewal Application to Noble Petroleum, Inc. Order Designating Prehearing Officer and Setting Prehearing Conference	17-CONS-3452-CMSC	

Consent Agenda

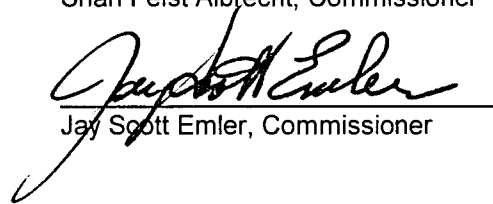
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
28	In the matter of the failure of Tontol, LLC ("Operator") to comply with K.A.R. 82-3-407 at the Fussman #19 in Allen County, Kansas <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	17-CONS-3394-CPEN	
29	In the matter of the failure of Supernova Energy, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Dannebohn #4 in Barton County, Kansas. <i>Penalty Order - Supernova Energy, Inc.</i>	17-CONS-3471-CPEN	
30	In the matter of the failure of Sam W. Mays Jr. LLC dba Mays Oil LLC ("Operator") to comply with K.A.R. 82-3-407 at the Woodbu #3-SWD in Wabaunsee County, Kansas. <i>Penalty Order - Sam W. Mays Jr. LLC dba Mays Oil LLC</i>	17-CONS-3472-CPEN	
31	In the matter of the failure of Carrie Exploration & Development, LLC ("Operator") to comply with K.A.R. 82-3-602 at the Max Well #C-1 well in Rice County, Kansas. <i>Penalty Order - Carrie Exploration & Development, LLC</i>	17-CONS-3478-CPEN	

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