

**Kansas Corporation Commission
Commission Meeting
February 16, 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 16, 2017 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chairman Apple, and Commissioner Emler. Commissioner Albrecht was not in attendance. The following were considered by the Commission:

1. **Consent Agenda:** Item Number 6 was removed from the Consent Agenda. Docket No. 16-WSEE-421-ACA: *In the Matter of the Joint Application of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval of their Annual Energy Costs Correction Adjustment Factor: Protective Order and Discovery Order; Order Granting CURB Intervention.* Commissioner Emler moved for approval of the remaining items on the Consent Agenda dated February 16, 2017 containing pages one through four and are attached to these Minutes. Commissioner Apple seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 17-CONS-3012-CUNI:** *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.*

Commissioner Emler moved for approval of order #17-0490 - *Order Granting Unitization.* Commissioner Apple seconded the motion.

The motion was approved.

- B. **Docket No. 17-WSEE-147-RTS:** *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.*

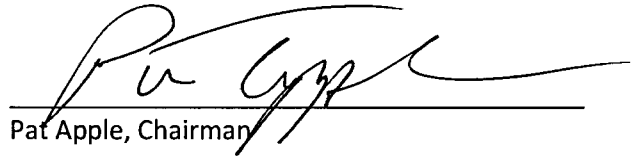
Chairman Apple requested to pass over order #17-0504 - *Order Denying Motion for Admission Pro Hac Vice and Waiver of Certain Out-of-State Attorney Requirements.* There were no objections.

There being no further matters before the Commission, Commissioner Emler moved for adjournment of the Commission meeting. Commissioner Apple seconded the motion. The motion was approved. The Commission adjourned the February 16, 2017 Commission Meeting at 10:02 a.m.

Respectfully submitted,



Amy L. Green
Secretary to the Commission



Pat Apple, Chairman

Absent

Shari Feist Albrecht, Commissioner



Jay Scott Emler, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, February 16, 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 Factor Utilized by T-Mobile Central LLC</i>	16-GIMT-067-GIT	
2	In the Matter of United Telephone Companies of Kansas Filing Tariff Revisions to Eliminate \$1 from Tribal Calculations <i>Order Approving Tariff Revisions</i>	17-UTDT-346-TAR	
3	In the Matter of the Application of The Empire District Electric Company for Approval of its Annual Energy Cost Adjustment <i>Order Approving Annual Energy Cost Adjustment</i>	16-EPDE-260-ACA	
4	In the Matter of the General Investigation to Examine Issues Surrounding Rate Design for Distributed Generation Customers <i>Order Setting Procedural Schedule</i>	16-GIME-403-GIE	
5	In the Matter of the Joint Application of The Empire District Electric Company, Liberty Sub Corp. and Liberty Utilities (Central) Co. for Approval of an Agreement and Plan of Merger and for Other Related Relief <i>Order on Clarification</i>	16-EPDE-410-ACQ	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
6	In the Matter of the Joint Application of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval of their Annual Energy Costs Correction Adjustment Factor. Order Approving Annual Energy Cost Adjustment	16-WSEE-421-ACA	✓
7	In the Matter of the Application of Westar Energy, Inc. to Cease Transacting the Business of an Electric Public Utility Specifically in a Portion of Section 17, Township 6, South Range 8 East, In Pottawatomie County, Kansas. Order to Cease Operations	17-WSEE-314-CCS	
8	In the Matter of the Application of Bluestem Electric Cooperative, Inc. for Certificate of Convenience and Authority to Transact the Business of a Public Utility in the State of Kansas a Portion of Section 17, Township 06 South, Range 08 East, in Pottawatomie County, Kansas Certificate	17-BECE-317-COC	
9	In the Matter of the Investigation of Benfer Enterprises II, LLC of Independence, 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 Setting Hearing	17-GIMM-269-KHP	
10	In the Matter of the Investigation of Emmanuel Francois, d/b/a NLSF Communications of Cypress, Texas, 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 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). Penalty Order	17-DPAX-359-PEN	
11	In the Matter of the Investigation of Josh Marshall, d/b/a Outlaw Concrete of Pleasant Hill, 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 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). Penalty Order	17-DPAX-360-PEN	
12	In the Matter of the Investigation of GCS Concrete Services, LLC of Overland Park, 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 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). Penalty Order	17-DPAX-361-PEN	
13	In the Matter of the Investigation of Carson Development, Inc. of Overland Park, 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 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). Penalty Order	17-DPAX-362-PEN	

Consent Agenda

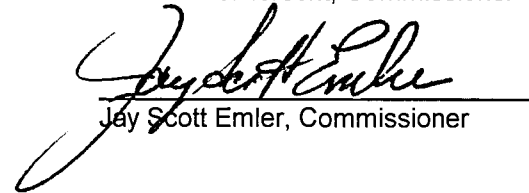
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the matter of the application of Chaparral Energy, LLC for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its CSMU 603 (MR NEU B 2) well, located in the NE/4 of Section 34-31S-35W, Stevens Co., KS. <i>Order Granting Application</i>	17-CONS-3404-CEXC	
15	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 Leona Unit #7-1 well located in the E/2 SW SE of Sec 1, T27S, R33W Haskell County, Kansas. <i>Order Granting Application</i>	17-CONS-3477-CEXC	
16	In the matter of a Compliance Agreement between Gateway Resources LLC and Commission Staff regarding bringing the Nath #1A in Butler County into compliance with K.A.R. 82-3-111. <i>Order Approving Compliance Agreement</i>	17-CONS-3444-CMSC	

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

For the Commission :


Pat Apple, Chairman

Absent
Shari Feist Albrecht, Commissioner


Jay Scott Emler, Commissioner

Attest: 
Amy L. Green
Secretary to the Commission