

**Kansas Corporation Commission**  
**Commission Meeting**  
**February 28, 2017**  
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 February 28, 2017 in the 1<sup>st</sup> 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 28, 2017 containing pages one through nine and are attached to these Minutes. Commissioner Albrecht seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 13-HHIW-460-GIV: *In the Matter of the Investigation of Howison Heights Inc.'s Ability to Provide Sufficient and Efficient Service.***

Commissioner Emler moved for approval of order #17-0720 - *Order Granting Staff's Motion; Granting Howison Heights Inc. Authority to Abandon Service; and Revoking Certificate of Convenience.* Commissioner Albrecht seconded the motion.

The motion was approved.

- B. **Docket No. 16-CONS-564-CINV: *In the matter of the complaint of Merit Energy Company against ONEOK Field Services, LLC to establish just and reasonable charges for gas gathering pursuant to K.A.R. 82-3-802.***

Commissioner Emler moved for approval of order #17-0664 - *Order.* Commissioner Albrecht seconded the motion.

The motion was approved.

- C. **Docket No. 17-CONS-3492-CPEN: *In the matter of the failure of Big Eight Energy, L.L.C. ("Operator") to comply with K.A.R. 82-3-407 at the Scully #5 in Butler County, Kansas.***

Commissioner Albrecht moved for approval of order #17-0730 - *Penalty Order - Big Eight Energy, L.L.C.* Commissioner Emler seconded the motion.

The motion was approved.

- D. **Docket No. 17-SWBT-158-MIS: *In the Matter of the Application of Southwestern Bell Telephone Company d/b/a AT&T Kansas for an Order Confirming Relinquishment of its Eligible Telecommunications Carrier Designation in Specified Areas, and Notice Pursuant to K.S.A. 2015 Supp. 66-2006(d) of Intent to Cease Participation in the Kansas Lifeline Service Program.***

Chairman Apple had a request to pass over this item on the Agenda. There were no objections.

**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 20 minutes. Also called into the Executive Session was Dustin Kirk, Deputy General Counsel and Jared Harsin, Human Resources Director. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:07 a.m. and reconvened in public session at 10:27 a.m.

The Commission took no action following the 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 15 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 10:29 a.m. and reconvened in public session at 10:44 a.m.

The Commission took no action following the Executive Session.

- C. 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 15 minutes. Also called into the Executive Session was Dustin Kirk, Deputy General Counsel. Commissioner Albrecht seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:45 a.m. and reconvened in public session at 11:00 a.m.

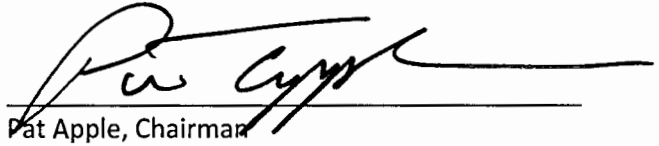
The Commission took no action following the Executive Session.

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 28, 2017 Commission Meeting at 11:01 a.m.

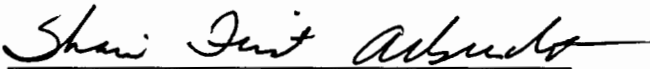
Respectfully submitted,



Amy L. Green  
Secretary to the Commission



Pat Apple, Chairman



Shari Feist Albrecht, Commissioner



Jay Scott Emler, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Tuesday, February 28, 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 Order to Show Cause issued to Curtis Abbey ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3144-CSHO	
2	In the matter of an Order to Show Cause issued to Allison Operating Co., L.C. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3145-CSHO	
3	In the matter of an Order to Show Cause issued to Ashton Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3146-CSHO	
4	In the matter of an Order to Show Cause issued to Awesome Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3147-CSHO	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the matter of an Order to Show Cause issued to B & N Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3148-CSHO	
6	In the matter of an Order to Show Cause issued to B & S Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3149-CSHO	
7	In the matter of an Order to Show Cause issued to B.E.C. Oil Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3150-CSHO	
8	In the matter of an Order to Show Cause issued to James Valentine Bauer III ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3152-CSHO	
9	In the matter of an Order to Show Cause issued to Bird and Hanley ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3154-CSHO	
10	In the matter of an Order to Show Cause issued to Joe Blanchard Jr. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3155-CSHO	
11	In the matter of an Order to Show Cause issued to Bobbi Jo Smith ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3156-CSHO	
12	In the matter of an Order to Show Cause issued to Bollinger Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3157-CSHO	
13	In the matter of an Order to Show Cause issued to M A Bollinger ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3158-CSHO	
14	In the matter of an Order to Show Cause issued to Brecheisen Oil Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3159-CSHO	
15	In the matter of an Order to Show Cause issued to Gwendolyn Bronson ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3160-CSHO	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
16	In the matter of an Order to Show Cause issued to Buman Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3161-CSHO	
17	In the matter of an Order to Show Cause issued to Burris Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3162-CSHO	
18	In the matter of an Order to Show Cause issued to Ron A. Campbell dba R C Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3163-CSHO	
19	In the matter of an Order to Show Cause issued to John T. Casady ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3164-CSHO	
20	In the matter of an Order to Show Cause issued to Cascade Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3165-CSHO	
21	In the matter of an Order to Show Cause issued to CEC 2000 Trust ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3166-CSHO	
22	In the matter of an Order to Show Cause issued to CFA Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3167-CSHO	
23	In the matter of an Order to Show Cause issued to James L. Cheever ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3168-CSHO	
24	In the matter of an Order to Show Cause issued to Civer Leaf Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3169-CSHO	
25	In the matter of an Order to Show Cause issued to Carl Wayne Cody ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3170-CSHO	
26	In the matter of an Order to Show Cause issued to Gary P. Conklin ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3171-CSHO	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
27	In the matter of an Order to Show Cause issued to Coyote Oil Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3172-CSHO	
28	In the matter of an Order to Show Cause issued to Criger Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3173-CSHO	
29	In the matter of an Order to Show Cause issued to C. A. Crouch dba Kansas Energy Res. Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3174-CSHO	
30	In the matter of an Order to Show Cause issued to John T. Davis dba Davis Drilling & Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3175-CSHO	
31	In the matter of an Order to Show Cause issued to Dennis E. De Young ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3176-CSHO	
32	In the matter of an Order to Show Cause issued to Glenn M. Drotts dba G-D Oil Operations ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3177-CSHO	
33	In the matter of an Order to Show Cause issued to Robert Edwards ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3178-CSHO	
34	In the matter of an Order to Show Cause issued to Eurisko ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3179-CSHO	
35	In the matter of an Order to Show Cause issued to Fair Banks Enterprises ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3180-CSHO	
36	In the matter of an Order to Show Cause issued to Gary W. Falkin dba G. W. Energy ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3181-CSHO	
37	In the matter of an Order to Show Cause issued to Jack Finney ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3182-CSHO	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
38	In the matter of an Order to Show Cause issued to John W. Gehrke Sr. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3183-CSHO	
39	In the matter of an Order to Show Cause issued to Harper Production Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3185-CSHO	
40	In the matter of an Order to Show Cause issued to Harvest Energy Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3186-CSHO	
41	In the matter of an Order to Show Cause issued to Charles G. Hohman ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3187-CSHO	
42	In the matter of an Order to Show Cause issued to Ronnie J. Hon - Oil & Gas ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3188-CSHO	
43	In the matter of an Order to Show Cause issued to Robert Hopkins ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3189-CSHO	
44	In the matter of an Order to Show Cause issued to Jack Rabbit Oil ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3191-CSHO	
45	In the matter of an Order to Show Cause issued to Gary Jackson Drilling Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3192-CSHO	
46	In the matter of an Order to Show Cause issued to Cal Jones ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3194-CSHO	
47	In the matter of an Order to Show Cause issued to Pamela Jones dba Jones and Sons Well Service ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3195-CSHO	
48	In the matter of an Order to Show Cause issued to Gerald Keys Oil Production & Explor. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <i>Default Order</i>	17-CONS-3197-CSHO	



**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
49	In the matter of an Order to Show Cause issued to Last Chance Oil Company ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3199-CSHO	
50	In the matter of an Order to Show Cause issued to Roger L. Leenerts dba Tiger Oil Co. ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3200-CSHO	
51	In the Matter of the Quality of Service Report Filings for Local Exchange Carriers. <b>Order Nunc Pro Tunc Correcting Order Assessing Penalty Upon CenturyLink</b>	14-GIMT-118-CPL	
52	In the Matter of Total Access Telecom, Inc. Request to Cancel Certification. <b>Order Cancelling Certificate of Convenience</b>	17-TLAC-315-CCS	
53	In the Matter of S&A Telephone Company Filing Tariff Revisions to its Local Rate Increase <b>Order Approving Revised Tariff</b>	17-S&AT-323-TAR	
54	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Midcontinent Communications, a South Dakota General Partnership <b>Order Approving Interconnection Agreement</b>	17-SWBT-328-IAT	
55	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. <b>Order Granting Extension of Time to File Comments</b>	17-SPPE-117-GIE	
56	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 Granting Second Motion for Pro Hac Vice Admission Matthew Dunne</b>	17-WSEE-147-RTS	
57	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 Granting Petition to Intervene of Secretary of Defense</b>	17-WSEE-147-RTS	
58	In the Matter of the Emergency Suspension of Operating Authority of Spartan Installation and Repair LLC of Lenexa, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b>Emergency Suspension of Operating Authority Order</b>	17-TRAM-378-OOS	
59	In the Matter of the Emergency Suspension of Operating Authority of Full Throttle Truck Repair LLC of Kansas City, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b>Emergency Suspension of Operating Authority Order</b>	17-TRAM-379-OOS	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
60	In the Matter of the Emergency Suspension of Operating Authority of Luke Wood Construction LLC of Leavenworth, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b>Emergency Suspension of Operating Authority Order</b>	17-TRAM-381-OOS	
61	In the Matter of the Investigation of Party Hardy Bus, LLC of Wichita, Kansas, Regarding the Violation(s) of the Motor Carrier Safe Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. <b>Order Suspending Intrastate Motor Carrier Operations</b>	17-TRAM-271-PEN	
62	In the Matter of the Investigation of Dreiling Field Service LLC of Hays, 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-382-PEN	
63	In the Matter of the Investigation of Kulver Chance Ellis, d/b/a KE Trucking of Scott 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. <b>Penalty Order</b>	17-TRAM-385-PEN	
64	In the matter of an Order to Show Cause issued to Edwin L. Daniels dba E. L. Daniels Drilling Contractor ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Default Order</b>	17-CONS-3126-CSHO	
65	In the matter of an Order to Show Cause issued to R. L. Harris ("Operator") regarding responsibility under K.S.A. 55-179 for unplugged wells on an expired license. <b>Order Cancelling Prehearing Conference and Closing Docket</b>	17-CONS-3309-CSHO	
66	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. <b>Order Approving Settlement Agreement</b>	17-CONS-3372-CSHO	
67	In the matter of the failure of Hummon Corporation ("Operator") to comply with K.A.R. 82-3-111 at the Moyer-Campbell (OWWO) #3-16 in Comanche County, Kansas. <b>Penalty Order - Hummon Corporation</b>	17-CONS-3501-CPEN	
68	In the matter of the failure of SandRidge Exploration and Production LLC ("Operator") to comply with K.A.R. 82-3-111 at the Broc 3418 #1-24H in Comanche County, Kansas. <b>Penalty Order - SandRidge Exploration and Production LLC</b>	17-CONS-3502-CPEN	
69	In the Matter of the Emergency Suspension of Operating Authority of Cashins Delivery & Install LLC of Gardner, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b>Emergency Suspension of Operating Authority Order</b>	17-TRAM-390-OOS	

**Consent Agenda**


ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
70	In the matter of the application of Norstar Petroleum Inc., for authorization to impose a vacuum on its Hume Bros Lease located in the NW/4 of Section 34, Township 29 South, Range 41 West, Stanton County, Kansas. <i>Order Setting Procedural Schedule</i>	17-CONS-3403-CVAC	
71	In the Matter of the Emergency Suspension of Operating Authority of Werst Delivery LLC of Eudora, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i>	17-TRAM-391-OOS	
72	In the Matter of a General Investigation to Address Issues Concerning the Kansas Lifeline Service Program. <i>Order on Definition of Universal Service</i>	16-GIMT-575-GIT	
73	In the Matter of the Application of The Empire District Electric Company for Ad Valorem Tax Surcharge Rider Tariff Adjustment for 2017 <i>Order Approving Ad Valorem Tax Surcharge Rider Tariff</i>	17-EPDE-348-TAR	

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