

Kansas Corporation Commission
Commission Meeting
April 27, 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 April 27 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:** Item No. 6 was removed from the Consent Agenda. Docket No. 17-CONS-3516-CUNI: Order Designating Prehearing Officer, Setting Prehearing Conference and Granting Intervention and Protestant Status to Cholla Production, LLC. Commissioner Emler moved for approval of the remaining Items on the Consent Agenda dated April 27, 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. 17-CONS-3442-CPEN:** *In the matter of the failure of Butler Petroleum LLC ("Operator") to comply with K.A.R. 82-3-407 at the Voights #20 A, Burks #1 W, Andenberg-Skaggs #2-W and Andenberg-Skaggs #1-W in Johnson County, Kansas.*

Commissioner Albrecht moved for approval of order #17-1504 - *Order Rescinding Default Order and Amended Default Order*. Commissioner Emler seconded the motion.

The motion was approved.

- B. **Docket No. 17-KCPE-440-TAR:** *In the Matter of Kansas City Power & Light Company Seeking Commission Approval to Implement Changes in their Transmission Delivery Charges Rate Schedules.*

Commissioner Emler moved for approval of order #17-1506 - *Order Acknowledging Effective Date of Transmission Delivery Charge Subject-to-Refund Pursuant to K.S.A. 66-1237*. Commissioner Albrecht seconded the motion.

The motion was approved.

- C. **Docket No. 17-KCPE-447-COM:** *In the Matter of the Formal Complaint Against Kansas City Power & Light by Ruth A. Richardson.*

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

- 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.***

Commissioner Emler moved for approval of order #17-1479 - *Order Recognizing AT&T's Decision to Cease Participation in KLSP and Establishing Procedural Schedule.* Commissioner Albrecht seconded the motion.

The motion was approved.

3. Other matters:

- A. 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 10 minutes. Also called into the Executive Session was Dustin Kirk; Deputy General Counsel and Samuel Smith; Deputy General Counsel. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:05 a.m. and reconvened in public session at 10:15 a.m.

The Commission took no action following the Executive Session.

- B. 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 45 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 10:17 a.m. and reconvened in public session at 11:02 a.m.

The Commission took no action following the 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 30 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 11:02 a.m. and reconvened in public session at 11:32 a.m.

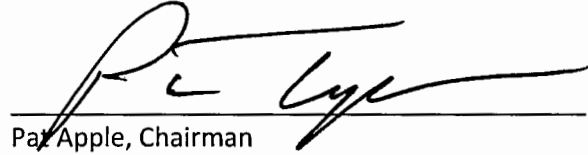
The Commission took no action following the Executive Session.

There being no further matters before the Commission, Commissioner Albrecht moved for adjournment of the Commission meeting. Commissioner Emler seconded the motion. The motion was approved. The Commission adjourned the April 27, 2017 Commission Meeting at 11:33 a.m.

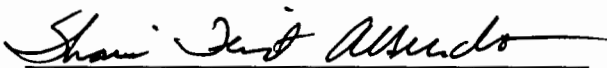
Respectfully submitted,



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, April 27, 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 the Complaint Against City of Garden City, Kansas (Respondent), for an Order Declaring that Garden City is Illeg: Servicing Conestoga Energy Partners, LLC, in Wheatland Electric Cooperative, Inc.'s Certified Service Territory and an Order to Cease, by Wheatland Electric Cooperative, Inc. (Complainant). Order Designating Prehearing Officer, Protective Order and Discovery Order	17-GDCE-370-COM	
2	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 Admission of James W. Bixby Pro Hac Vice	17-SPPE-117-GIE	
3	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. Order Granting Cox Kansas Telecom, LLC's Petition to Intervene	17-SWBT-158-MIS	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Emergency Suspension of Operating Authority of Peer Enterprise, LLC of Wichita, 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-319-OOS	
5	In the Matter of the Audit of Rainbow Communications, L.L.C. by the Kanas Universal Service Fund (KUSF) Administrator Pursua to K.S.A 2015 Supp. 66-2010(b) for KUSF Operating Year 19, Fiscal Year March 2015-February 2016 Order Adopting Audit Report and Closing Docket	17-RCOT-027-KSF	
6	In the matter of the application of Lario Oil & Gas Company for an order authorizing the unitization and unit operations of the Feiertag Unit in Scott County, Kansas. Order Desig. Prehearing Officer, Setting Prehearing Conf., and Granting Intervention and Protestant Status to Cholla	17-CONS-3516-CUNI	✓
7	In the matter of the failure of MaxCrude, LLC ("Operator") to report activity that occurred during the 2016 calendar year in complia with K.A.R. 82-3-409. Penalty Order - MaxCrude, LLC	17-CONS-3587-CPEN	
8	In the matter of the failure of Clarence Lyons Jr. ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Clarence Lyons Jr.	17-CONS-3588-CPEN	
9	In the matter of the failure of Oil Properties, LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Oil Properties, LLC	17-CONS-3589-CPEN	
10	In the matter of the failure of David A. Wilson ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - David A. Wilson	17-CONS-3590-CPEN	
11	In the matter of the failure of J. W. Wilson dba DWARF Oil Company ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82 3 409. Penalty Order - J. W. Wilson dba DWARF Oil Company	17-CONS-3591-CPEN	
12	In the matter of the failure of Wirtz Oil, LLC ("Operator") to report activity that occurred during the 2016 calendar year in complian with K.A.R. 82-3-409. Penalty Order - Wirtz Oil, LLC	17-CONS-3592-CPEN	
13	In the matter of the failure of Colorado Interstate Gas Co., LLC ("Operator") to report activity that occurred during the 2016 calend year in compliance with K.A.R. 82 3 409. Penalty Order - Colorado Interstate Gas Co., LLC	17-CONS-3593-CPEN	

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ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the matter of the failure of MKJ Oil Co LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - MKJ Oil Co LLC	17-CONS-3594-CPEN	
15	In the matter of the failure of John E. Leis ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - John E. Leis	17-CONS-3595-CPEN	
16	In the matter of the failure of Prolific Resources LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Prolific Resources LLC	17-CONS-3596-CPEN	
17	In the matter of the failure of Wilson County Holdings LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Wilson County Holdings LLC	17-CONS-3597-CPEN	
18	In the matter of the failure of Stewart Producers, Inc. ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Stewart Producers, Inc.	17-CONS-3598-CPEN	
19	In the matter of the failure of Entransco Energy, LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Entransco Energy, LLC	17-CONS-3599-CPEN	
20	In the matter of the failure of K3 Oil & Gas Operating Company ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - K3 Oil & Gas Operating Company	17-CONS-3600-CPEN	
21	In the matter of the failure of Reliance Oil, LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Reliance Oil, LLC	17-CONS-3601-CPEN	
22	In the matter of the failure of Woodway Oil & Gas I, LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Woodway Oil & Gas I, LLC	17-CONS-3602-CPEN	
23	In the matter of the failure of R & B Oil & Gas, Inc. ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - R & B Oil & Gas, Inc.	17-CONS-3603-CPEN	
24	In the matter of the failure of Enterprise Inc ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Enterprise Inc	17-CONS-3604-CPEN	

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25	In the matter of the failure of Gus & Annie Myers ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Gus & Annie Myers	17-CONS-3605-CPEN	
26	In the matter of the failure of Redtail Investments LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Redtail Investments LLC	17-CONS-3606-CPEN	
27	In the matter of the failure of Kansas Energy Resources, LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Kansas Energy Resources, LLC	17-CONS-3607-CPEN	
28	In the matter of the failure of Buffalo Oil & Gas, LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Buffalo Oil & Gas, LLC	17-CONS-3608-CPEN	
29	In the matter of the failure of HRM Resources II, LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - HRM Resources II, LLC	17-CONS-3609-CPEN	
30	In the matter of the failure of Quad Operating, LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Quad Operating, LLC	17-CONS-3610-CPEN	
31	In the matter of the failure of Petroleum Resource Management Company ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Petroleum Resource Management Company	17-CONS-3611-CPEN	
32	In the matter of the failure of Llano Energy Partners LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Llano Energy Partners LLC	17-CONS-3612-CPEN	
33	In the matter of the failure of OLAK Energy Production, LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - OLAK Energy Production, LLC	17-CONS-3613-CPEN	
34	In the matter of the failure of Everado Rodriguez ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Everado Rodriguez	17-CONS-3614-CPEN	
35	In the matter of the failure of Clark Energy, LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Clark Energy, LLC	17-CONS-3615-CPEN	

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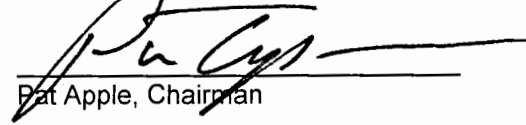
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36	In the matter of the failure of SX54, LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - SX54, LLC	17-CONS-3616-CPEN	
37	In the matter of the failure of NC Oil Company, Inc. ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - NC Oil Company, Inc.	17-CONS-3617-CPEN	
38	In the matter of the failure of Kansas Resource Exploration & Development, LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Kansas Resource Exploration & Development, LLC	17-CONS-3618-CPEN	
39	In the matter of the failure of Bayonet Petroleum LLC ("Operator") to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409. Penalty Order - Bayonet Petroleum LLC	17-CONS-3619-CPEN	
40	In the matter of the failure of Jayhawk Energy Inc. ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - Jayhawk Energy Inc.	17-CONS-3629-CPEN	
41	In the matter of the failure of Hope Company, LLC ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - Hope Company, LLC	17-CONS-3630-CPEN	
42	In the matter of the failure of Bomber Oil Inc. ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - Bomber Oil Inc.	17-CONS-3631-CPEN	
43	In the matter of the failure of JJP Energy, LLC ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - JJP Energy, LLC	17-CONS-3632-CPEN	
44	In the matter of the failure of Butler Petroleum LLC ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - Butler Petroleum LLC	17-CONS-3633-CPEN	
45	In the Matter of the Notice of Denial of License Renewal Application to Tontol, LLC. Order Designating Prehearing Officer and Setting Prehearing Conference	17-CONS-3539-CMSC	
46	In the matter of the failure of American Patriot Oil, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Hamit #20 in Rooks County, Kansas. Penalty Order - American Patriot Oil, LLC	17-CONS-3621-CPEN	
47	In the matter of the failure of Enable Midstream Services LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Line 23-2 RF1039 Station 384+89 #1 in Sumner County, Kansas. Penalty Order - Enable Midstream Services LLC	17-CONS-3622-CPEN	

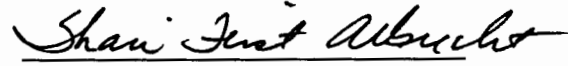
Consent Agenda

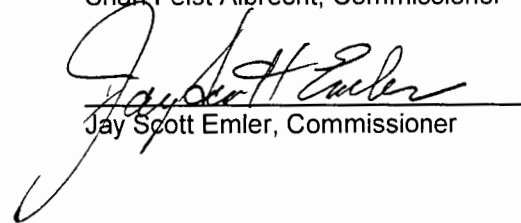
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
48	In the matter of the failure of Red Oak Energy, Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Rita Doidge #1-34 in Wallace County, Kansas. Penalty Order - Red Oak Energy, Inc.	17-CONS-3623-CPEN	
49	In the matter of the failure of Stroke of Luck Energy & Exploration LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Custer Valley #02-1116 in Ellis County, Kansas. Penalty Order - Stroke of Luck Energy & Exploration LLC	17-CONS-3624-CPEN	
50	In the matter of the failure of Merit Energy Company, LLC ("Operator") to comply with K.A.R. 82-3-117 at the Pleasant Prairie Unit #401W well in Haskell County, Kansas. Penalty Order - Merit Energy Company, LLC	17-CONS-3625-CPEN	
51	In the matter of the failure of Salt Creek Resources, LLC ("Operator") to comply with K.A.R. 82-3-602 at the CW Day #7 well in Chautauqua County, Kansas. Penalty Order - Salt Creek Resources, LLC	17-CONS-3626-CPEN	
52	In the matter of the failure of Salt Creek Resources, LLC ("Operator") to comply with K.A.R. 82-3-608 at the CW Day #7 well in Chautauqua County, Kansas. Penalty Order - Salt Creek Resources, LLC	17-CONS-3627-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