

**Kansas Corporation Commission**  
**Commission Meeting**  
**May 11, 2017**  
10:00 a.m. 1<sup>st</sup> Floor Hearing Room  
KCC Offices, 1500 SW Arrowhead, Topeka, Kansas

**MINUTES**

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on May 11, 2017, in the 1<sup>st</sup> Floor Hearing Room of the Kansas Corporation Commission, 1500 SW Arrowhead, Topeka, Kansas.

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

Chairman Apple moved to amend the Notice of Business Meeting to add 1. A. Recognition of Employee of the Quarter and 1. B. Appointment of Secretary to the Commission. Commissioner Emler seconded the motion.

The motion was approved.

1. A. **Recognition of Employee of the Quarter:** Suzanne Balandra-Gonzales, Jon Bolinder, Beth Hendrix and Vicki Jacobsen were acknowledged for their service to the Kansas Corporation Commission.

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- B. **Appointment of Secretary to the Commission:** Chairman Apple moved to appoint Lynn Retz Secretary to the Commission. Commissioner Albrecht seconded the motion.

The motion was approved.

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- C. **Consent Agenda:** Commissioner Emler moved for approval of the items on the Consent Agenda, dated May 11, 2017, containing pages one through four, and are attached to these Minutes. Commissioner Albrecht seconded the motion.

The motion was approved.

2. **Noticed Item(s):**

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- A. **Docket No. 17-TFWZ-237-ETC**

*In the Matter of the Application of TracFone Wireless, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Kansas for the Limited Purpose of Offering Lifeline Services to Qualified Households.*

Commissioner Emler moved for approval of order #17-1590 – Order Dismissing TraxFone’s ETC Application. Commissioner Albrecht seconded the motion.

The motion was approved.

**B. Docket No. 17-CONS-3398-CPEN**

**In the matter of the failure of MEM Partnership LP, a General Partnership("Operator") to comply with K.A.R. 82-3-111 at the Cooley #1 in Graham County, Kansas.**

Commissioner Emler moved for approval of order 17-1601 – Order on Representation and Procedural Schedule. Commissioner Albrecht 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 K.S.A. 75-4319(b)(1), to protect the privacy of the individual(s) involved, for a period of 30 minutes. Called into Executive Session were Jared Harsin, Human Resources Director and Dustin Kirk, Deputy General Counsel and Chief Administrative Counsel. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:13 a.m. and reconvened in public session at 10:43 a.m.

- B. Chairman Apple moved to meet in Executive Session for Personnel matters of non-elected personnel, pursuant to K.S.A. 75-4319(b)(1), to protect the privacy of the individual(s) involved, for a period of 5 minutes. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:45 a.m. and reconvened in public session at 10:50 a.m.

- C. Chairman Apple moved to meet in Executive Session for Personnel matters of non-elected personnel, pursuant to K.S.A. 75-4319(b)(1), to protect the privacy of the individual(s) involved, for a period of 10 minutes. Commissioner Albrecht seconded the motion.


The motion was approved.


The Commission moved into Executive Session at 10:51 a.m. and reconvened in public session at 11:01 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 May 11, 2017 Commission Meeting at 11:02 a.m.

Respectfully submitted,

  
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Neysa Thomas  
Acting Secretary to the Commission

  
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Pat Apple, Chairman

  
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Shari Feist Albrecht, Commissioner

  
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Jay Scott Emler, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Thursday, May 11, 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 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. <i>Order Granting Admission of Tessie Kentner and Kandl N. Hughes Pro hac Vice</i>	17-SPPE-117-GIE	
2	In the Matter of the Formal Complaint Against Kansas City Power & Light by Arthur J. Chartrand <i>Order Adopting Staff's Legal Memorandum</i>	17-KCPE-433-COM	
3	In the Matter of the Application of Western Cooperative Electric Association, Inc. Seeking Commission Approval to Update Its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Rate Plan Approved in Docket No. 16-MKEE-023-TAR. <i>Suspension Order</i>	17-WSTE-477-TAR	
4	In the Matter of the Application of Prairie Land Electric Cooperative, Inc. Seeking Commission Approval to Update Its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Rate Plan Approved in Docket No. 16-MKEE-023-TAR. <i>Suspension Order</i>	17-PLCE-478-TAR	

**Consent Agenda**


ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	<p>In the Matter of the Application of The Victory Electric Cooperative Association, Inc. Seeking Commission Approval to Update Its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Rate Plan Approved in Docket No. 16-MKEE-023-TAR.  <b>Suspension Order, Protective Order and Discovery Order</b></p>	17-VICE-481-TAR	
6	<p>In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, for a Certificate of Convenience and Authority to Transact the Business of a Natural Gas Public Utility in the State of Kansas.                       Section 17, Township 34 South, Range 32 West, Seward County, Kansas.  <b>Order Issuing Certificate of Convenience and Authority</b></p>	17-BHCG-463-COC	
7	<p>In the Matter of the Audit of Sprint Spectrum by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A 2015 Supp. 66-2010(b) for KUSF Operating Year 19, Fiscal Year March 2015-February 2016  <b>Order Accepting and Adopting GVNW Consulting Inc. Compliance Report and Closing Docket</b></p>	17-SSLZ-020-KSF	
8	<p>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.  <b>Order Approving Traffic Factors for Flash Wireless LLC</b></p>	17-GIMT-008-GIT	
9	<p>In the Matter of the Investigation of JP Welch Fencing LLC of Leavenworth, 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>Order Amending Penalty Order</b></p>	17-TRAM-428-PEN	
10	<p>In the Matter of the Investigation of Unruh Transport Inc. of McPherson, 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>Order Amending Penalty Order</b></p>	17-TRAM-458-PEN	
11	<p>In the Matter of the Emergency Suspension of Operating Authority of Pronto Services, Inc. of Overland Park, 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></p>	17-TRAM-486-OOS	
12	<p>In the Matter of the Emergency Suspension of Operating Authority of Shane Stephen Harness of Highland, 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></p>	17-TRAM-487-OOS	

**Consent Agenda**


ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
13	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. <b><i>Order Rescinding Penalty</i></b>	17-CONS-3624-CPEN	
14	In the matter of the failure of Richlan Drilling, a General Partnership ("Operator") to comply with K.A.R. 82-3-111 at the Schneweis #9 in Barton County, Kansas. <b><i>Penalty Order - Richlan Drilling, a General Partnership</i></b>	17-CONS-3646-CPEN	
15	In the matter of the failure of Thunderbolt Construction Corp ("Operator") to comply with K.A.R. 82-3-407 at the Query Lease (Calvin) #1 and Query Lease (Calvin) #W-1 in Linn County, Kansas. <b><i>Penalty Order - Thunderbolt Construction Corp</i></b>	17-CONS-3647-CPEN	
16	In the matter of the failure of William C. Stewart ("Operator") to comply with K.A.R. 82-3-111 at the Barnes #1 in Morton County, Kansas. <b><i>Penalty Order - William C. Stewart</i></b>	17-CONS-3648-CPEN	
17	In the matter of the failure of West Plains Enterprises, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Michael #8 2 and Lorne #8 4 wells in Meade County, Kansas. <b><i>Penalty Order - West Plains Enterprises, Inc.</i></b>	17-CONS-3649-CPEN	
18	In the Matter of the Notice of Denial of License Renewal Application issued to Eastern Kansas Operating, LLC. <b><i>Order Cancelling Evidentiary Hearing and Closing Docket</i></b>	17-CONS-3236-CMSC	
19	In the Matter of the Notice of Denial of License Renewal Application to Northstar Investments, Inc. <b><i>Order Setting Procedural Schedule</i></b>	17-CONS-3425-CMSC	
20	In the matter of a Compliance Agreement between Jim Snyder, Inc. (Operator) and Commission Staff regarding bringing the subject wells in Butler County into compliance with K.A.R. 82-3-111. <b><i>Order Approving Compliance Agreement</i></b>	17-CONS-3645-CMSC	
21	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. <b><i>Order Modifying Procedural Schedule</i></b>	17-CONS-3403-CVAC	
22	In the matter of the application of TDR Construction, Inc. for well location exceptions and the assignment of attributed acreage and oil allowables for its Duffy 31 and Duffy 32 wells in Section 32, Township 15 South, Range 21 East, Franklin County, Kansas. <b><i>Order Designating Prehearing Officer and Setting Prehearing Conference</i></b>	17-CONS-3523-CWLE	

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

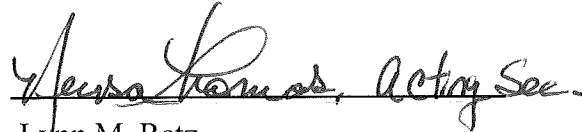
For the Commission:

  
Pat Apple, Chairman

  
Shari Feist Albrecht, Commissioner

  
Jay Scott Emler, Commissioner

Attest:



Lynn M. Retz  
Secretary to the Commission