

Kansas Corporation Commission

Commission Meeting

June 6, 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 June 6, 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:** Chairman Apple moved to not take action today on Agenda Item #33, Docket No. 17-CONS-3475-CMSC. Commissioner Emler moved for approval of the Items on the Consent Agenda dated June 6, 2017 as amended, containing pages one through six which are attached to these Minutes. Commissioner Albrecht seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 17-KCPE-201-RTS**

In the Matter of the Application for Kansas City Power & Light Company to Make Certain Changes in its Charges for Electric Service.

Commissioner Emler moved for approval of order #17-1808, Order Approving Unanimous Settlement Agreement. Commissioner Albrecht seconded the motion.

The motion was approved.

- B. **Docket No. 17-SFLT-283-ACQ**

In the Matter of the Joint Application of Consolidated Communications Holdings, Inc. and FairPoint Communications, Inc., for Approval of the Proposed Acquisition of the Common Stock of FairPoint Communications, Inc. by Consolidated Communications Holdings, Inc. and the Resulting Transfer of Control of Bluestem Telephone Company, Inc., Sunflower Telephone Company, Inc., FairPoint Communications of Missouri, Inc. and ST Long Distance, Inc. to Consolidated Communications Holdings, Inc.

Commissioner Emler moved for approval of order #17-1826, Order Approving Joint Application. Commissioner Albrecht seconded the motion.

The motion was approved.

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 June 6, 2017 Commission Meeting at 10:05 a.m.

Respectfully submitted,



Lynn M. Retz
Secretary to the Commission



Pat Apple, Chairman



Shari Feist Albrecht, Commissioner



Jay Scott Emler, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, June 6, 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 Application of Cox Communications Kansas L.L.C., Filing for Kansas Video Service Authorization. <i>Order Granting Amended Video Service Authorization</i>	07-CXKC-621-VSA	
2	In the Matter of the Application of Sunflower Electric Power Corporation for an Order Approving (i) Continued Use of the Target Financial Metric Ratio Levels Used in, and (ii) Amendments to, its Commission-Approved Formula-Based Rate for Recovery of Transmission Costs <i>Protective Order and Discovery Order</i>	17-SEPE-415-TAR	
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>Order Setting Procedural Schedule</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>Order Setting Procedural Schedule</i>	17-PLCE-478-TAR	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of Atmos Energy's Schedule III - Schedule of Customer Advances for Construction of Mains and Company Service Lines that Reflects the Account Balances from the Annual Form 2 Filing. Order Approving Tariff Revisions	17-ATMG-475-TAR	
6	In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy ("Black Hills") for an Extension of its Certificate of Convenience and Authority to Operate as a Natural Gas Public Utility in an Area Heretofore Served the City of Attica, Kansas, a Municipally Owned Natural Gas Utility. Protective Order and Discovery Order	17-BHCG-511-ACQ	
7	In the Matter of Plains Pipeline, L.P.'s Application for Approval, Pursuant to K.A.R. 82-10-2, of Tariff K.C.C. No. 5.12.0 Suspension Order: January 22, 2018	17-PPLP-525-TAR	
8	In the Matter of the Application of Jayhawk Pipeline LLC Revising Its Tariff Rates Based on the FERC Index for 2017. Suspension Order: January 22, 2018	17-JYHP-526-TAR	
9	In the Matter of Magellan Pipeline Company, L.P., Filing Tariff Revisions Replacing Tariff K.C.C. No. 36 With Tariff K.C.C. No. 37 Suspension Order: January 22, 2018	17-MGPP-529-TAR	
10	In the Matter of the Application of Kaw Pipe Line Company Revising Its Tariff Rates Based on the FERC Index for 2017. Suspension Order: January 22, 2018	17-KAWP-530-TAR	
11	In the Matter of the Emergency Suspension of Operating Authority of Seneca Motors 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	17-TRAM-398-OOS	
12	In the Matter of the Emergency Suspension of Operating Authority of Ulysses Herbert, d/b/a Ulysses Herbert Trucking of Spring Hill, 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-480-OOS	
13	In the Matter of the Emergency Suspension of Operating Authority of Calver Transport, LLC of Garnett, 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-505-OOS	
14	In the Matter of the Emergency Suspension of Operating Authority of Miller Family Trucking LLC of Winchester, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Emergency Suspension of Operating Authority Order	17-TRAM-516-OOS	
15	In the Matter of the Emergency Suspension of Operating Authority of Robert L. Brown, III, d/b/a B & S Septic of Hume, Missouri, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Emergency Suspension of Operating Authority Order	17-TRAM-517-OOS	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
16	In the Matter of the Investigation of LK Transport LLC of Olathe, 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. <i>Order Amending Penalty Order</i>	17-TRAM-374-PEN	
17	In the Matter of the Investigation of Black Dog Construction, Inc. of Garden 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. <i>Order Suspending Intrastate Motor Carrier Operations</i>	17-TRAM-414-PEN	
18	In the Matter of the Investigation of Stephens Cattle LLC of Grinnell, 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. <i>Order Amending Penalty Order</i>	17-TRAM-457-PEN	
19	In the Matter of the Investigation of Three W, Inc. of Medicine Lodge, 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. <i>Penalty Order</i>	17-TRAM-483-PEN	
20	In the Matter of the Investigation of Henry T. Loewen, d/b/a Double H Construction of Copeland, Kansas, Regarding the Violation(of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/ the Revocation of Motor Carrier Authority. <i>Penalty Order</i>	17-TRAM-484-PEN	
21	In the Matter of the Investigation of KC Hauling LLC of Kansas City, 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. <i>Penalty Order</i>	17-TRAM-488-PEN	
22	In the Matter of the Investigation of K & N Trucking LLC, d/b/a K & N Farms of Lakin, 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. <i>Penalty Order</i>	17-TRAM-510-PEN	
23	In the Matter of the Investigation of White's Construction Co., LLC of Kanopolis, 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. <i>Penalty Order</i>	17-TRAM-512-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
24	In the Matter of the Investigation of Ronald E. Claar, d/b/a R&B Treeworks of Spring Hill, 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. <i>Penalty Order</i>	17-TRAM-513-PEN	
25	In the Matter of the Investigation of J & R Construction, LLC of Garden 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. <i>Penalty Order</i>	17-TRAM-514-PEN	
26	In the Matter of the Investigation of Affordable Moving LLC of Wichita, 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. <i>Penalty Order</i>	17-TRAM-515-PEN	
27	In the Matter of the Investigation of Superior Erosion Control Inc. of Hesston, 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. <i>Penalty Order</i>	17-TRAM-521-PEN	
28	In the Matter of the Investigation of CP Cranston LLC of Oakley, 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. <i>Penalty Order</i>	17-TRAM-522-PEN	
29	In the Matter of the Investigation of Galen Unruh, d/b/a A & B Transport of Galva, 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. <i>Penalty Order</i>	17-TRAM-523-PEN	
30	In the Matter of the Investigation of Travis and Lacey Hunter, d/b/a T & L Trucking of Smith Center, 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. <i>Penalty Order</i>	17-TRAM-524-PEN	
31	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 Continuing Prefiled Testimony and Evidentiary Hearing</i>	17-CONS-3403-CVAC	
32	In the Matter of the Notice of Denial of License Renewal Application to Northstar Investments, Inc. <i>Order Approving Settlement Agreement</i>	17-CONS-3425-CMSC	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
33	In the Matter of the Notice of Denial of License Application Issued to Ernie D. Pratt. Order Setting Procedural Schedule	17-CONS-3475-CMSC	X
34	In the Matter of the Notice of Denial of License Renewal Application to Marco Wind Operations, LLC. Order Granting Motion to Close Docket	17-CONS-3487-CMSC	
35	In the matter of a Compliance Agreement between Bramwell Petroleum, Inc. (Operator) and Commission Staff regarding bringing subject well in Kingman County into compliance with K.A.R. 82-3-407. Compliance Agreement - Bramwell Petroleum, Inc.	17-CONS-3670-CMSC	
36	In the matter of the application of Merit Energy Company, LLC, for an exception to the 10-Year time limitation of K.A.R. 82-3-111 for its BCU 403 well in the Southwest Quarter of the Northeast Quarter of the Northeast Quarter of Section 31, Township 27 South, Range 33 West, Haskell County, Kansas. Order Granting Application	17-CONS-3536-CEXC	
37	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 502 (Kauffman 2) well, located in the C SW/4 SW/4 of Sec. 27-31S-35W, Stevens Co., KS. Order Granting Application	17-CONS-3541-CEXC	
38	In the matter of the application of Berexco LLC for a second exception to the 10-year time limitation of K.A.R. 82-3-111 for its Garden City A #4-29 well located in the SW NW NW of Sec 29, T22S, R33W, Finney County, Kansas. Order Designating Prehearing Officer and Setting Prehearing Conference	17-CONS-3637-CEXC	
39	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 Bamberge #6 SWD well located in the NE SE of Sec 20, T22S, R22W Hodgeman County, Kansas. Order Designating Prehearing Officer and Setting Prehearing Conference	17-CONS-3644-CEXC	
40	In the matter of the failure of American Patriot Oil, LLC ("Operator") to comply with K.A.R. 82-3-103 and K.A.R. 82-3-106 at the Hamit #20 well in Rooks County, Kansas. Order Designating Prehearing Officer and Setting Prehearing Conference	17-CONS-3520-CPEN	
41	In the matter of the failure of Seth Farmer ("Operator") to comply with K.A.R. 82-3-120. Order Designating Prehearing Officer and Setting Prehearing Conference	17-CONS-3524-CPEN	
42	In the matter of the failure of Wortman Farms, LLC ("Operator") to comply with K.A.R. 82 3 120. Order Rescinding Penalty	17-CONS-3662-CPEN	
43	In the matter of the failure of Daystar Petroleum, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Miller OWWO #1 in Rice County, Kansas. Penalty Order - Daystar Petroleum, Inc.	17-CONS-3671-CPEN	

Consent Agenda


ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
44	In the matter of the failure of Indian Oil Co., Inc. ("Operator") to comply with K.A.R. 82-3-126 at the Peters B Lease and Thomas Lease in McPherson County, Kansas. <i>Penalty Order - Indian Oil Co., Inc.</i>	17-CONS-3672-CPEN	
45	In the matter of an Order to Show Cause issued to NASA Salvage & Oil ("Operator") regarding responsibility under K.S.A. 55-179 unplugged wells on an expired license. <i>Order Granting Staff's Mtn. to Cancel Prehrg. Conf. and Close Docket</i>	17-CONS-3211-CSHO	

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