

Kansas Corporation Commission
Commission Meeting
June 22, 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 22, 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:** Commissioner Emler moved for approval of the Items on the Consent Agenda dated June 22, 2017 containing pages one through four and are attached to these Minutes. Commissioner Albrecht seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 16-KCPE-446-TAR**

In the Matter of the Application of Kansas City Power & Light Company for Approval of its Demand-Side Management Portfolio Pursuant to the Kansas Energy Efficiency Investment Act ("KEEIA"), K.S.A. 66-1283.

Commissioner Albrecht asked for clarification if the order was in lieu of the DSM Rider, an amendment to the current rider. Commissioner Emler moved for approval of order #17-1973 – *Final Order, with corrections to page 52, paragraph 136 to correct "ration" to "ratio" and to remove "Therefore" from page 53, paragraph 140.* 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 Albrecht moved for approval of order #17-1973 – *Order on Reconsideration; Testimony; Representation and Procedural Schedule.* Commissioner Emler seconded the motion.

The motion was approved.

C. Docket No. 17-CONS-3430-CREG

In the Matter of Certain Administrative Penalties for the Conservation Division of the State of Kansas.

Commissioner Emler moved for approval of order #17-1971 – Order Cancelling All Previous Orders in this Docket. Commissioner Albrecht seconded the motion.

The motion was approved.

D. Docket No. 17-CONS-3484-CUIC

In the Matter of the Application of Quail Oil & Gas, LC to Authorize Injection of Saltwater into the Arbuckle Formation at the Sly 2-6 SWD well, located in Section 6, Township 17S, Range 6E in Morris County, Kansas.

Commissioner Albrecht moved for approval of order #17-1989 – Order Continuing Evidentiary Hearing. Commissioner Emler 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 30 minutes. Also called into the Executive Session were Deputy General Counsel, Dustin Kirk; Assistant General Counsel, Michael Duenes; Chief Litigation Counsel, Amber Smith; Litigation Counsel, Jonathan Myers; and Conservation Division Director, Ryan A. Hoffman. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:14 a.m. and reconvened in public session at 10:44 a.m.

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 30 minutes. Also called into the Executive Session were Deputy General Counsel, Dustin Kirk; Assistant General Counsel, Michael Duenes; Chief Litigation Counsel, Amber Smith; Litigation Counsel, Jonathan Myers; and Conservation Division Director, Ryan A. Hoffman. 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 11:15 a.m.

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 10 minutes. Also called into the Executive Session were Deputy General Counsel, Dustin Kirk; Assistant General Counsel, Michael Duenes; Chief Litigation Counsel, Amber Smith; Litigation Counsel, Jonathan Myers; and Conservation Division Director, Ryan A. Hoffman. Commissioner Albrecht seconded the motion.

The motion was approved.

The Commission moved into Executive session at 11:16 a.m. and reconvened in public session at 11:26 a.m.

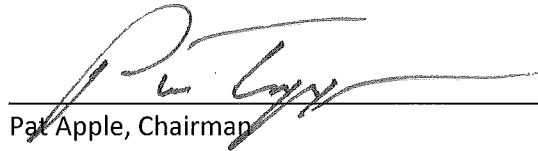
D. The Commission took no action following the Executive Session.

There being no further matters before the Commission, Chairman Apple moved for adjournment of the Commission meeting. Commissioner Emler seconded the motion. The motion was approved. The Commission adjourned the June 22, 2017 Commission Meeting at 11:27 a.m.

Respectfully submitted,



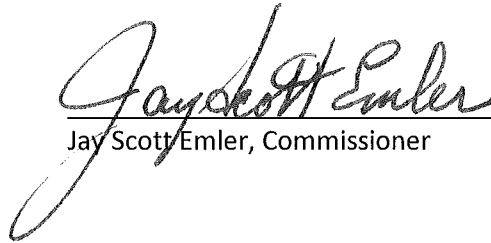
Lynn M. Retz
Secretary to the Commission



Pat Apple, Chairman



Shari Feist Albrecht, Commissioner



Jay Scott Emler, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, June 22, 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 of TAG Mobile, LLC to Show Cause Why This Commission Should Not Initiate Sanctions and Fines and Cancel, Suspend and Revoke Any Authority the Carrier Currently Holds. <i>Order Granting Joint Motion to Modify Procedural Schedule</i>	16-TAGC-323-SHO	
2	In the Matter of the Audit of TracFone Wireless, Inc. by the Kanas 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 <i>Order Accepting and Adopting GVNW Consulting Inc.'s Audit Report and Recommendations</i>	17-TFWZ-022-KSF	
3	In the Matter of the Audit of Cricket Communications, Inc. by the Kanas 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 <i>Order Adopting Audit Report and Closing Docket</i>	17-CRCZ-028-KSF	
4	In the Matter of Rural Telephone Service Company, Inc. Filing Tariff Revisions to Decrease its Local Residential Rate. <i>Order Approving Tariff Revisions</i>	17-RRLT-548-TAR	

Consent Agenda

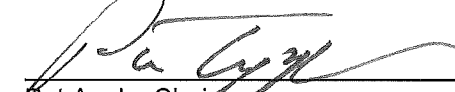
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of FreeState Electric Cooperative, Inc. for a Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas. Certificate	17-FSEE-491-COC	
6	In the Matter of the Application of Westar Energy, Inc. to Cease Transacting the Business of an Electric Public Utility, Specifically in Portions of Sections 23 and 26, Township 13 South, Range 17 East, In Douglas County, Kansas. Order to Cease	17-WSEE-509-CCS	
7	In the Matter of the Application of Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, for a certificate of Public Convenience and Authority to Transact the Business of a Natural Gas Public Utility in Certain Portions of Haskell County and Seward County, Kansas. Order Granting Certificate of Convenience and Authority	17-BHCG-502-COC	
8	In the Matter of the Application of Kansas Gas Service, a Division of One Gas, Inc. for Approval by the Commission to Amend Section 7.02 of the Company's General Terms and Conditions in Compliance with PHMSA Rule 49 C.F.R. 192.383(a). Order Granting Intervention to the Citizens' Utility Ratepayer Board	17-KGSG-544-TAR	
9	In the Matter of Mid-America Pipeline Company, LLC Company Filing for Approval of K.C.C. Tariff 19.6.0, Canceling K.C.C. Tariff 19.5.0 and Applying an Annual Inflation Adjustment to Item 300 Incentive Rates. Order Approving Application	17-MDAP-451-TAR	
10	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. Order Amending Penalty Order	17-TRAM-522-PEN	
11	In the Matter of the Investigation of Anthony D. Stover, d/b/a Kansas River Transportation of Topeka, 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. Penalty Order	17-TRAM-549-PEN	
12	In the Matter of the Investigation of Kansas Freight Line Inc. of Lenexa, 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. Penalty Order	17-TRAM-551-PEN	
13	In the Matter of the Notice of Denial of License Renewal Application to Running Foxes Petroleum Inc. Order Closing Docket	17-CONS-3652-CMSC	

Consent Agenda

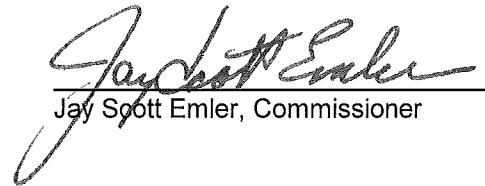
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the Matter of the Notice of Denial of License Renewal Application to Dover Atwood Corp. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	17-CONS-3653-CMSC	
15	In the Matter of the Notice of Denial of License Renewal Application to Downing-Nelson Oil Co., Inc. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	17-CONS-3669-CMSC	
16	In the Matter of the Notice of Denial of License Renewal Application to Jones Gas Corporation. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	17-CONS-3673-CMSC	
17	In the Matter of the Notice of Denial of License Renewal Application to Double Eagle Exploration, Inc. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	17-CONS-3674-CMSC	
18	In the Matter of the Notice of Denial of License Renewal Application to L & G Petroleum Operating, LLC. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	17-CONS-3675-CMSC	
19	In the Matter of the Notice of Denial of License Renewal Application to Wild Colt Oil and Gas LLC. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	17-CONS-3678-CMSC	
20	In the Matter of the Notice of Denial of License Renewal Application to Prospect Oil & Gas Corp. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	17-CONS-3679-CMSC	
21	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. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	17-CONS-3616-CPEN	
22	In the matter of the failure of John K. Sanders ("Operator") to comply with K.A.R. 82-3-111 at the Kisner #A-2 in Stafford County, Kansas. <i>Penalty Order - John K. Sanders</i>	17-CONS-3686-CPEN	
23	In the matter of the failure of M & S Energy, LLC ("Operator") to comply with K.A.R. 82-3-407 at the Sample #B-3 in Greenwood County, Kansas. <i>Penalty Order - M & S Energy, LLC</i>	17-CONS-3688-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:


Lynn M. Retz
Secretary to the Commission