

Kansas Corporation Commission
Commission Meeting
August 1, 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 August 1, 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 Albrecht moved for approval of the Items on the Consent Agenda dated August 1, 2017 containing pages one through five and are attached to these Minutes. Commissioner Emler seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 16-KCPE-195-COM**

In the Matter of the Complaint Against Kansas City Power and Light by Jamie Littich.

Commissioner Emler moved for approval of the Order Granting KCP&L's Petition for Reconsideration. Commissioner Albrecht seconded the motion.

The motion was approved.

- B. **Docket No. 16-UTDT-568-MIS**

In the Matter of Petition of CenturyLink and Dex Media, Inc. for a Waiver of or Exemption from the Commission's Directive Regarding Distribution of Telephone Directories.

Commissioner Emler moved for approval of the Order Approving Stipulation and Agreement. Commissioner Albrecht seconded the motion.

The motion was approved.

- C. **Docket No. 18-TRAM-047-MIS**

In re: Subpoena Duces Tecum Issued by the Kansas Corporation Commission to Eagle Automotive, LLC to Aid in an Investigation of the Transportation Division.

Commissioner Emler moved for approval of the Order Opening Docket and for Issuance of Subpoena in Aid of an Inspection. 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 KSA 75-4319(b)(1), for a period of 15 minutes. Also called into the Executive Session were Jared Harsin, Human Resources Director, and Dustin Kirk, Deputy General Counsel. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:06 a.m. and reconvened in public session at 10:21 a.m.

- B. Chairman Apple moved to meet in Executive Session for a discussion related to security matters or measures, pursuant to KSA 75-4319(b)(13), for a period of 15 minutes. Also called into the Executive Session were Jon McKenzie and Denise Grau. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:22 a.m. and reconvened in public session at 10:37 a.m.

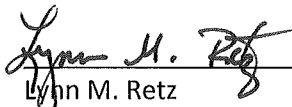
- C. Chairman Apple renewed the previous motion to meet in Executive Session for a discussion related to security matters or measures, pursuant to KSA 75-4319(b)(13), for a period of 15 minutes. Also called into the Executive Session were Jon McKenzie and Denise Grau. Commissioner Emler seconded the motion.

The motion was approved.

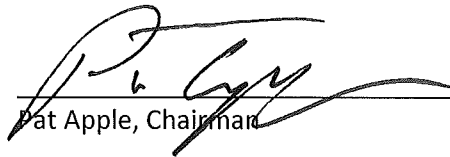
The Commission moved into Executive Session at 10:38 a.m. and reconvened in public session at 10:53 a.m.

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 August 1, 2017 Commission Meeting at 10:53 a.m.

Respectfully submitted,



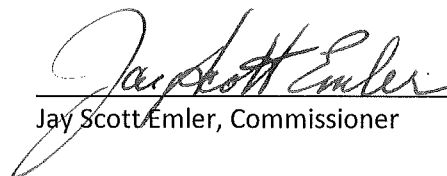
Lynn M. Retz
Secretary to the Commission



Pat Apple, Chairman



Shari Feist Albrecht, Commissioner



Jay Scott Emler, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, August 1, 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 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. <i>Order Approving Traffic Factors for Flash Wireless LLC</i>	17-GIMT-008-GIT	
2	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. <i>Order Approving Traffic Factors for Matrix Telecom, LLC d/b/a Matrix Business Technologies d/b/a Trinsic Communications d/b/a Vartec Telecom d/b/a Excel Telecommunications</i>	17-GIMT-008-GIT	
3	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. <i>Order Approving Traffic Factors for NetFortris Acquisition Co. Inc.</i>	17-GIMT-008-GIT	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Audit of T-Mobile Central, LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016-February 2017. <i>Order to KUSF Administrator to Commence Audit of T-Mobile Central LLC and Order Setting Procedural Schedule</i>	18-TMCZ-031-KSF	
5	In the Matter of the Audit of Nex-Tech Wireless, L.L.C. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016-February 2017. . <i>Order to KUSF Administrator to Commence Audit of Nex-Tech Wireless LLC and Order Setting Procedural Schedule</i>	18-NTWZ-032-KSF	
6	In the Matter of the Audit of Birch Telecom of Kansas, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016-February 2017. <i>Order to KUSF Administrator to Commence Audit of Birch Telecom of Kansas Inc. and Order Setting Procedural Schedule</i>	18-BTKT-033-KSF	
7	In the Matter of the Audit of MetroPCS Michigan, LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016-February 2017. <i>Order to KUSF Administrator to Commence Audit of MetroPCS Michigan, LLC and Order Setting Procedural Schedule</i>	18-MMLZ-034-KSF	
8	In the Matter of the Audit of Comcast Phone of Kansas, LLC. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016-February 2017. <i>Order to Kansas Universal Service Fund Administrator to Commence Audit of Comcast Phone of Kansas, LLC and Order Setting Procedural Schedule</i>	18-CPKT-035-KSF	
9	In the Matter of the Audit of YourTel America, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016-February 2017. <i>Order to Kansas Universal Service Fund Administrator to Commence Audit of Yourtel America, Inc., and Order Setting Procedural Schedule</i>	18-TPCT-036-KSF	
10	In the Matter of the Audit of The Tri-County Telephone Association, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016 - February 2017 <i>Order to Kansas Universal Service Fund Administrator to Commence Audit of Tri-County Telephone Association, Inc., and Order Setting Procedural Schedule</i>	18-TRCT-037-KSF	
11	In the Matter of the Audit of The Tri-County Telephone Association, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016 - February 2017 <i>Order to Kansas Universal Service Fund Administrator to Commence Audit of Tri-County Telephone Association, Inc., and Order Setting Procedural Schedule</i>	18-TCTC-038-KSF	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
12	In the Matter of the Audit of Cable One, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A.2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016 - February 2017 <i>Order to Kansas Universal Service Fund Administrator to Commence Audit of Cable One, Inc., and Order Settling Procedural Schedule</i>	18-COIC-039-KSF	
13	In the Matter of the Audit of NE Colorado Cellular, Inc. the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A.2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016 - February 2017 <i>Order to Kansas Universal Service Fund Administrator to Commence Audit of NE Colorado Cellular, Inc., d/b/a Viaero Wireless and Order Settling Procedural Schedule</i>	18-NECZ-040-KSF	
14	In the Matter of the Audit of Ionex Communications, Inc. the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A.2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016 - February 2017 <i>Order to Kansas Universal Service Fund Administrator to Commence Audit of Ionex Communications, Inc., and Order Settling Procedural Schedule</i>	18-ICIT-041-KSF	
15	In the Matter of the Audit of Kansas Fiber Network, LLC the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A.2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016 - February 2017 <i>Order to Kansas Universal Service Fund Administrator to Commence Audit of Kansas Fiber Network, LLC and Order Settling Procedural Schedule</i>	18-KSFT-042-KSF	
16	In the Matter of the Audit of Tempo Telecom, LLC the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A.2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016 - February 2017 <i>Order to KUSF Administrator to Commence Audit of Tempo Telecom LLC and Order Settling Procedural Schedule</i>	18-TEMT-043-KSF	
17	In the Matter of the Audit of U.S. South Communications, Inc. the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A.2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016 - February 2017 <i>Order to KUSF Administrator to Commence Audit of US South Communications Inc. and Order Settling Procedural Schedule</i>	18-USIC-044-KSF	
18	In the Matter of the Audit of Consolidated Communications Enterprise Services, Inc. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016 – February 2017 <i>Order to Kansas Universal Service Fund Administrator to Commence Audit of Consolidated Communications Enterprise Services, Inc., and Order Settling Procedural Schedule</i>	18-COSC-045-KSF	
19	In the Matter of the Audit of Tri-County Telephone Association, Inc.- Council Grove Study Area by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2016 Supp. 66-2010(b) for KUSF Operating Year 20, Fiscal Year March 2016 – February 2017 <i>Order to Kansas Universal Service Fund Administrator to Commence Audit of Tri-County Telephone Association, Inc., - Council Grove Study Area and Order Settling Procedural Schedule</i>	18-TRCT-046-KSF	
20	In the Matter of ONEOK NGL Pipeline, L.L.C. Seeking Commission Approval to Add K.C.C. Tariff No. 9.4 <i>Order Approving Tariff Revision</i>	18-ONEP-027-TAR	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
21	In the Matter of the Emergency Suspension of Operating Authority of GMD Services LLC, d/b/a GMD Utilities of Spring Hill, 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	18-TRAM-029-OOS	
22	In the Matter of the Emergency Suspension of Operating Authority of Miguel Plantillas Estrada, Sr., d/b/a Papo's Remodel & General Construction of Overland Park, 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	18-TRAM-030-OOS	
23	In the matter of the failure of Benjamin M. Giles ("Operator") to comply with K.A.R. 82-3-111 at the Paulsen #1 in Butler County, Kansas. Penalty Order - Benjamin M. Giles	18-CONS-3057-CPEN	
24	In the matter of the failure of Bradford R. McKinney ("Operator") to comply with K.A.R. 82-3-111 at the Lane #32-1 in Stanton County, Kansas. Penalty Order - Bradford R. McKinney	18-CONS-3058-CPEN	
25	In the Matter of the Application of Wayne E. Bright for an Operator's License Renewal. License Application - Wayne E. Bright	18-CONS-3059-CMSC	
26	In the Matter of the Application of Matador, Inc. for an Operator's License Renewal. License Application - Matador, Inc.	18-CONS-3060-CMSC	
27	In the Matter of the Application of S.J. Titan Co., a General Partnership for an Operator's License Renewal. License Application - S.J. Titan Co., a General Partnership	18-CONS-3061-CMSC	
28	In the Matter of the Application of Summer Sun Gas, Inc. for an Operator's License Renewal. License Application - Summer Sun Gas, Inc.	18-CONS-3062-CMSC	
29	In the matter of the application of LaVeta Oil and Gas, LLC for an Order Granting an Exception to the Pit Closure time limitations of K.A.R. 82-3-602(a)(2) at its Hammeke 3 location in the NE/4 of Sec 12- 22S-12W in Stafford County, Kansas. Order Closing Docket	17-CONS-3522-CEXC	
30	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. Order Granting Joint Motion to Modify Procedural Schedule	17-CONS-3403-CVAC	
31	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 Grasher B well located in the SE SE NE of Sec 6, T10S, R25W Graham County, Kansas. Order Granting Application	17-CONS-3642-CEXC	
32	In the matter of the failure of Seth Farmer ("Operator") to comply with K.A.R. 82-3-120. Order Rescheduling Evidentiary Hearing and Adjusting Testimony Deadlines	17-CONS-3524-CPEN	

Consent Agenda


ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
33	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. <i>Order Amending Penalty Order</i>	17-TRAM-549-PEN	

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