

Kansas Corporation Commission
Commission Meeting
August 29, 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 29, 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 withdraw Item 18, Docket No. 18-CONS-3001-CMSC and Item 20, Docket No. 18-CONS-3062-CMSC and approve the amended Consent Agenda dated August 29, 2017, containing pages one through five and are attached to these minutes. Commissioner Albrecht seconded the motion and asked staff to supplement the two removed dockets with additional information.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 14-CONS-550-CWLE**

In the Matter of the Application of R.T. Enterprises of Kansas, Inc. for Multiple Well Location Exceptions for Wells upon the Pearson and Finnerty Leases Located in Section 11, Township 15 South, Range 20 East in Douglas County, Kansas.

Order #17-2594 – Final Order on Remand was passed over without objection.

- B. **Docket No. 17-CONS-3489-CPEN**

In the Matter of the Failure of River Rock Operating, LLC (“Operator”) to comply with K.A.R. 82-3-407 at the W Hahn #1-1 in Labette County, Kansas.

- Docket No. 17-CONS-3586-CPEN**

In the Matter of the Failure of River Rock Operating, LLC (“Operator”) to report activity that occurred during the 2016 calendar year in compliance with K.A.R. 82-3-409.

Commissioner Emler moved for approval of order #17-2570 – Order to Supplement the Record; Consolidating Dockets. Commissioner Albrecht seconded the motion.

The motion was approved.

C. **Docket No. 17-GIME-565-GIV**

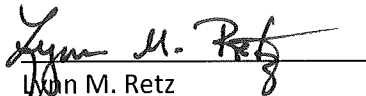
In the Matter of a General Investigation Regarding Whether Electric Utilities Should be Considered an "Operator" of Private Underground Lines Under the Provisions of the Kansas Utility Damage Prevention Act.

Commissioner Albrecht moved for approval of order #17-2560 - Order on Petitions for Reconsideration. Commissioner Emler seconded the motion.

The motion was approved.

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 August 29, 2017 Commission Meeting at 10:05 a.m.

Respectfully submitted,



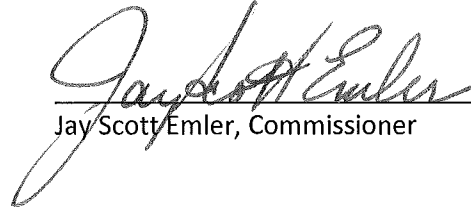
Lynn M. Retz
Secretary to the Commission



Pat Apple, Chairman



Shari Feist Albrecht, Commissioner



Jay Scott Emler, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, August 29, 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.


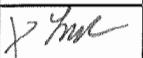
Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With Granite Telecommunications, LLC. <i>Order Approving Amended Interconnection Agreement</i>	11-SWBT-414-IAT	
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 Excellus Communications, LLC</i>	17-GIMT-008-GIT	
3	In the Matter of the Application of City of Colby for Certificate of Convenience and Authority to Transact the Business of a(n) Electric Public Utility in the State of Kansas. Portions of Sections 5,6,7,17&18-8-33; and Portions of Sections 1 & 12-8-34 Thomas County Kansas. <i>Order Granting Certificate of Convenience and Authority</i>	18-COLE-048-COC	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Application Midwest Energy, Inc. for Permission to Cease Operating as a(n) Electric Public Utility in the State of Kansas. Portion of Section 5,6,7,8,17 & 18-8-33; and Portions of Sections 1 & 12-8-34 Thomas County Kansas. <i>Order Granting Application to Cease Transacting the Business of an Electric Public Utility</i>	18-MDWE-049-CCS	
5	In the Matter of the Application of City of Colby for Permission to Cease Operating as a(n) Electric Public Utility in the State of Kansas. Portion of Section 2-8-34; and Portion of Section 35-7-34; Thomas County Kansas. <i>Order Granting Application to Cease Transacting the Business of an Electric Public Utility</i>	18-COLE-050-CCS	
6	In the Matter of the Application Midwest Energy, Inc. for Certificate of Convenience and Authority to Transact the Business of a(n) Electric Public Utility in the State of Kansas. Portion of Section 2-8-34; and Portion of Section 35-7-34; Thomas County Kansas. <i>Order Granting Certificate of Convenience and Authority</i>	18-MDWE-051-COC	
7	In the Matter of the Application of Kansas City Power & Light Company for Approval of Average Payment Plan Tariff <i>Protective Order and Discovery Order</i>	18-KCPE-062-TAR	
8	In the Matter of the Application of Kansas City Power & Light Company for Approval of Changes to its Estimated Bill Procedures <i>Suspension Order</i>	18-KCPE-063-TAR	
9	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 by the City of Attica, Kansas, a Municipally Owned Natural Gas Utility. <i>Order Adopting Revision</i>	17-BHCG-511-ACQ	
10	In the Matter of the Investigation of DDH Enterprises, LLC of Kansas City, Missouri, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). <i>Order Canceling Hearing and Closing Docket</i>	17-DPAX-492-PEN	
11	In the Matter of the Investigation of JSB Landservices LLC of Colwich, Kansas, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). <i>Penalty Order</i>	18-DPAX-079-PEN	
12	In the Matter of the Investigation of P & S Electric and Roustabout Service, Inc. of Great Bend, Kansas, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). <i>Penalty Order</i>	18-DPAX-080-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
13	In the Matter of the Investigation of Kansas Gas Service, a Division of ONE Gas, Inc. of Overland Park, Kansas, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). Penalty Order	18-DPAX-087-PEN	
14	In the Matter of the Investigation of Carlsen Lawn and Landscape Inc of Raymore, Missouri, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). Penalty Order	18-DPAX-088-PEN	
15	In the Matter of the Investigation of Schoeller Plumbing, Inc. of Kearney, Missouri, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). Penalty Order	18-DPAX-090-PEN	
16	In the Matter of the Investigation of Jeff Staley of Olathe, Kansas, Regarding Violation(s) of the Kansas Underground Utility Damage Prevention Act (KUUDPA) (K.S.A. 66-1801, et seq., and K.A.R. 82-14-1 through 82-14-6), and the Commission's Authority to Impose Penalties and/or Sanctions (K.S.A. 66-1,151). Penalty Order	18-DPAX-091-PEN	
17	In the Matter of the Notice of Denial of License Renewal Application to Jones Gas Corporation. Order Setting Procedural Schedule	17-CONS-3673-CMSC	
18	In the matter of the notice of denial of license renewal application to Kansas MB Project, LLC. Order Granting Motion to Close Docket and Cancel Prehearing Conference	18-CONS-3001-CMSC	
19	In the Matter of the Application of Matador, Inc. for an Operator's License Renewal. Order Designating Prehearing Officer and Setting Prehearing Conference	18-CONS-3060-CMSC	
20	In the Matter of the Application of Summer Sun Gas, Inc. for an Operator's License Renewal. Order Rescinding Order Denying Application for License	18-CONS-3062-CMSC	
21	In the Matter of the Application of William C. Stewart for an Operator's License Renewal. License Application - William C. Stewart	18-CONS-3118-CMSC	
22	In the Matter of the Application of Black Gold Oil, LLC for an Operator's License. Order Denying Application for License	18-CONS-3119-CMSC	
23	In the Matter of the Application of Ensminger Energy, LLC for an Operator's License Renewal. License Application - Ensminger Energy, LLC	18-CONS-3121-CMSC	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
24	In the matter of the failure of Benjamin M. Giles ("Operator") to comply with K.A.R. 82-3-104 and K.A.R. 82-3-111 at the Flying J Geer #2 OWWO well in Butler County, Kansas. Order Granting Motion to Extend Operator's Time to Respond	17-CONS-3684-CPEN	
25	In the matter of the failure of SandRidge Exploration and Production, LLC ("Operator") to comply with K.A.R. 82-3-111 at the William 3510 #2-11H in Barber County, Kansas. Penalty Order - SandRidge Exploration and Production, LLC	18-CONS-3113-CPEN	
26	In the matter of the failure of American Warrior, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Arlene #1-33 and Reed #2 wells in Gray County, Kansas. Penalty Order - American Warrior, Inc.	18-CONS-3114-CPEN	
27	In the matter of the failure of Black Stone Petroleum, LLC ("Operator") to comply with K.A.R. 82-3-111 at the Brady #1 in Rush County, Kansas. Penalty Order - Black Stone Petroleum, LLC	18-CONS-3115-CPEN	
28	In the matter of the failure of Pickrell Drilling Company, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the B E Holmes #1 in Barber County, Kansas. Penalty Order - Pickrell Drilling Company, Inc.	18-CONS-3116-CPEN	
29	In the matter of the application of Abercrombie Energy LLC for a third exception to the 10-year time limitation of K.A.R. 82-3-111 for its Hubert No. 2 well located 5120' West of the SE-SW Section 28, Township 11 South, Range 22 West, Logan County, Kansas. Order Granting Application	17-CONS-3535-CEXC	
30	In the Matter of the Investigation of Flying U Trucking Inc. of Beloit, 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 Suspending Intrastate Motor Carrier Operations	17-TRAM-506-PEN	
31	In the Matter of the Investigation of Thorne's Tree Service, Inc. of Tonganoxie, 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	18-TRAM-073-PEN	
32	In the Matter of the Investigation of Dewey W. Huber, d/b/a Liberty Trucking 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. Penalty Order	18-TRAM-085-PEN	

Consent Agenda


ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
33	In the Matter of the Investigation of Helt Supply, LLC of Cherryvale, 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>	18-TRAM-086-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