

Kansas Corporation Commission
Commission Meeting
August 31, 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 21, 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 31, 2017 containing pages one through five and are attached to these Minutes. Commissioner Emler seconded the motion.

The motion was approved.

2. **Other matters:**

- A. Chairman Apple moved to meet in Executive Session for discussion related to security matters or measures, pursuant to KSA 75-4319(b)(13), for a period of 10 minutes. Also called into the Executive Session was Brian Richter, IT Chief Information Officer and Jon McKenzie, IT Security Analyst. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:02 a.m. and reconvened in public session at 10:12 a.m.

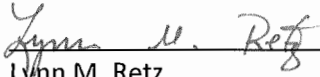
- B. Chairman Apple moved to meet in Executive Session for attorney/client privileged matters, pursuant to KSA 75-4319(b)(2), for consultation with an attorney, to obtain legal advice for a period of 45 minutes. Also called into the Executive Session was Michael Duenes and Samuel Feather with General Counsel, William Demerest, Attorney at Law, and Leo Haynos, Chief Engineer, Pipeline Safety. Commissioner Emler seconded the motion.

The motion was approved.

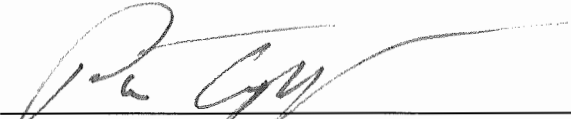
The Commission moved into Executive Session at 10:15 a.m. and reconvened in public session at 11:00 a.m.

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 31, 2017 Commission Meeting at 11:01 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, August 31, 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 Audit of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility 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 Audit Report and Closing Docket</i> | 17-WSLC-019-KSF | |
| 2 | In the Matter of the Application of Skitter Cable TV, Inc. Application for Video Service Authorization <i>Order Closing Docket</i> | 18-SKCT-018-VSA | |
| 3 | In the Matter of the Application of Rainbow Telecommunications Association, Inc. for a Modification of it Willis Exchange Boundary for Permission to Service a Location Within the United Telephone Companies of Kansas d/b/a CenturyLink's Horton Exchanges. <i>Order Approving Certificate</i> | 18-RNBT-064-CXB | |
| 4 | In the Matter of United Telephone Companies of Kansas d/b/a CenturyLink Filing Revisions to its Exchange Boundary Lines Between CenturyLink's Horton Exchange and Rainbow Telephone Company's Willis Exchange <i>Order Approving Revised Service Area</i> | 18-UTDT-065-CXB | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-----------------|---------|
| 5 | In the Matter of the Complaint Against Empire District Corp by Brooke Lynn Sheppard and Ricky Dale Sheppard Order Adopting Staff's Report and Recommendation | 17-EPDE-079-COM | |
| 6 | In re: Subpoena Duces Tecum Issued by the Kansas Corporation Commission to Eagle Automotive, LLC to Aid in an Investigation of the Transportation Division. Order Closing Docket | 18-TRAM-047-MIS | |
| 7 | 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. Order Reinstating Motor Carrier Operating Authority | 18-TRAM-029-OOS | |
| 8 | In the Matter of the Emergency Suspension of Operating Authority of MST Installations Specialists, LLC of Tonganoxie, 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-098-OOS | |
| 9 | In the Matter of the Investigation of Double E Trucking, Inc. of Iola, 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 | 18-TRAM-060-PEN | |
| 10 | In the Matter of the Investigation of David Brandyberry, d/b/a B Bar K Tree Service of Lenora, 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 | 18-TRAM-069-PEN | |
| 11 | In the Matter of the Investigation of Jasma LLC of Overland Park, 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-092-PEN | |
| 12 | In the Matter of the Investigation of Aesthetic Concrete Designs, Inc. 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. Penalty Order | 18-TRAM-094-PEN | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-------------------|---------|
| 13 | In the matter of the failure of American Warrior, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Nellans #1 in Finney County, Kansas. Penalty Order - American Warrior, Inc. | 18-CONS-3122-CPEN | |
| 14 | In the matter of the failure of Atlas Operating, LLC ("Operator") to comply with K.A.R. 82-3-111 at the Garden City "B" #16-19 in Finney County, Kansas. Penalty Order - Atlas Operating, LLC | 18-CONS-3123-CPEN | |
| 15 | In the matter of the failure of Bow Creek Oil Company, a General Partnership ("Operator") to comply with K.A.R. 82-3-111 at the Richmond #1, Ross #1 and Banbury A #1 wells in Greeley and Hamilton County, Kansas. Penalty Order - Bow Creek Oil Company, a General Partnership | 18-CONS-3124-CPEN | |
| 16 | In the matter of the failure of Prairie Gas Operations, LLC ("Operator") to comply with K.A.R. 82-3-111 at the Clift #1, Sell A #1 and Hazlett #2 wells in Greeley and Hamilton County, Kansas. Penalty Order - Prairie Gas Operations, LLC | 18-CONS-3125-CPEN | |
| 17 | In the matter of the failure of Norman H. Mills ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - Norman H. Mills | 18-CONS-3126-CPEN | |
| 18 | In the matter of the failure of Prairie Gas Operations, LLC ("Operator") to comply with K.A.R. 82-3-111 at the Hoffman G #32-1 in Greeley County, Kansas. Penalty Order - Prairie Gas Operations, LLC | 18-CONS-3128-CPEN | |
| 19 | 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 | |
| 20 | In the matter of the application of Globe Operating, Inc. for an order granting an exception to the Pit Closure time limitations of K.A.R. 82-3-602(a)(2) at its DeWerff #1 location in the SW/4 of Sec. 32-22-12W in Stafford County, Kansas. Order Closing Docket | 17-CONS-3654-CEXC | |
| 21 | In the Matter of the Notice of Denial of License Renewal Application to Downing-Nelson Oil Co., Inc. Order Setting Procedural Schedule | 17-CONS-3669-CMSC | |
| 22 | In the Matter of the Application of Kansas Gas Service, a Division of ONE Gas, Inc. for Approval by the Commission for a Gas System Reliability Surcharge per K.S.A. 66-2201 through 66-2204 Order Granting CURB's Petition to Intervene | 18-KGSG-093-TAR | |

Consent Agenda

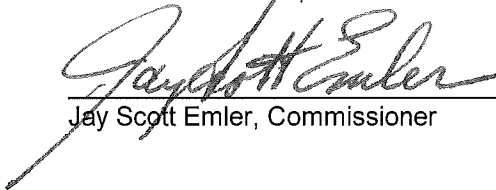
| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|--|-----------------|---------|
| 23 | In the Matter of the Application of Kansas Gas Service, a Division of ONE Gas, Inc. for Approval by the Commission for a Gas System Reliability Surcharge per K.S.A. 66-2201 through 66-2204 <i>Suspension Order</i> | 18-KGSG-093-TAR | |
| 24 | In the Matter of the Investigation to Determine the Assessment Rate for the Twenty –Second Year of the Kansas Universal Service Fund, Effective March 1, 2018. <i>Order Opening Docket; Protective Order Applicable to CURB; Requiring Entries of Appearance to Actively Participate and Establishing Procedural Schedule</i> | 18-GIMT-084-GIT | |

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