

**Kansas Corporation Commission**  
**Commission Meeting**  
**September 12, 2017**  
10:00 a.m. 1<sup>st</sup> 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 September 12, 2017 in the 1<sup>st</sup> 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 September 12, 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. 17-GDCE-370-COM**

*In the Matter of the Complaint Against City of Garden City, Kansas (Respondent), for an Order Declaring that Garden City is Illegally Servicing Conestoga Energy Partners, LLC, in Wheatland Electric Cooperative, Inc.'s Certified Service Territory and an Order to Cease, by Wheatland Electric Cooperative, Inc. (Complainant).*

Commissioner Albrecht moved for approval of order #17-2719 – Order Directing Wheatland and Garden City to Supplement the Record with Answers to Commission Questions. Commissioner Emler seconded the motion.

The motion was approved.

**B. Docket No. 17-WSTE-477-TAR**

*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.*

Commissioner Emler moved for approval of order #17-2634 – Order Approving Western Cooperative's Application to Update its Local Access Delivery Service Tariff. Commissioner Albrecht seconded the motion.

The motion was approved.

**C. Docket No. 17-PLCE-478-TAR**

*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.*

Commissioner Albrecht moved for approval of order #17-2635-Order Approving Prairie Land Electric Cooperative's Application to Update its Local Access Delivery Service Tariff. Commissioner Emler seconded the motion.

The motion was approved.

**D. Docket No. 18-CONS-3001-CMSC**

*In the Matter of the Notice of Denial of License Renewal Application to Kansas MB Project, LLC.*

Commissioner Emler moved for approval of order #17-2751- Order Granting Motion to Close Docket. Commissioner Albrecht seconded the motion.

The motion was approved.

**E. Docket No. 15-GIMG-343-GIG**

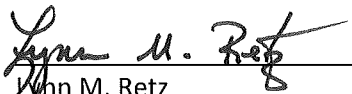
*In the Matter of a General Investigation Regarding the Acceleration of Replacement of Natural Gas Pipelines Constructed of Obsolete Materials Considered to be a Safety Risk.*

Commissioner Emler moved for approval of order #17-2737- Final Order. Chairman Apple seconded the motion. Commissioner Albrecht concurred in part and dissented in part.


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 September 12, 2017 Commission Meeting at 10:22 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, September 12, 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 Canceling Evidentiary Hearing</i>	16-TAGC-323-SHO	
2	In the Matter of a General Investigation for Dow Management Company, Inc. d/b/a Avox to Show Cause Why this Commission Should Not Initiate Sanctions and Fines and/or refer to the Attorney General's Office for Non-Compliance with Commission Orders and Kansas Statutes. <i>Order Recognizing Compliance; Closing Docket</i>	18-DMCV-012-SHO	
3	In the Matter of a General Investigation of NTS Communications, Inc. 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 to Show Cause</i>	18-NTSC-105-SHO	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	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. <b><i>Order Setting Procedural Schedule and Designating Prehearing Officer</i></b>	17-GIME-565-GIV	
5	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. <b><i>Order Granting Intervention to Atmos, Black Hills and KEC</i></b>	17-GIME-565-GIV	
6	In the Matter of the Application of Sunflower Electric Power Corporation for a Certificate of Convenience and Authority to transact business of an Electric Public Utility in the State of Kansas <b><i>Order Granting Certificate of Convenience and Authority for Transmission Rights Only</i></b>	17-SEPE-572-COC	
7	In the Matter of the Application of Great Plains Energy Incorporated, Kansas City Power & Light Company and Westar Energy, Inc. for Approval of the Merger of Westar Energy, Inc. and Great Plains Energy Incorporated. <b><i>Order Granting Intervention to KEPCo</i></b>	18-KCPE-095-MER	
8	In the Matter of the Application of Great Plains Energy Incorporated, Kansas City Power & Light Company and Westar Energy, Inc. for Approval of the Merger of Westar Energy, Inc. and Great Plains Energy Incorporated. <b><i>Order Designating Prehearing Officers; Granting Intervention to CURB; and Protective and Discovery Order</i></b>	18-KCPE-095-MER	
9	In the Matter of the Application of Jayhawk Pipeline LLC Revising Its Tariff Rates Based on the FERC Index for 2017. <b><i>Order Approving Tariff Revisions</i></b>	17-JYHP-526-TAR	
10	In the Matter of ONEOK North System, L.L.C. Filing K.C.C. No 4.8, Implementing an Overall Rate Increase Utilizing the FERC Indexing Methodology. <b><i>Order Approving Tariff Revisions</i></b>	17-ONSP-534-TAR	
11	In the Matter of the Emergency Suspension of Operating Authority of J Bar Ranch, LLC of Perry, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b><i>Emergency Suspension of Operating Authority Order</i></b>	18-TRAM-100-OOS	
12	In the Matter of the Emergency Suspension of Operating Authority of RJS Bus Service, LLC of Leavenworth, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b><i>Emergency Suspension of Operating Authority Order</i></b>	18-TRAM-102-OOS	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
13	In the Matter of the Emergency Suspension of Operating Authority of Woodruff Hardscapes, LLC of Olathe, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b><i>Emergency Suspension of Operating Authority Order</i></b>	18-TRAM-101-OOS	
14	In the Matter of the Emergency Suspension of Operating Authority of American Eagle Auto Transport, LLC of Lenexa, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b><i>Emergency Suspension of Operating Authority Order</i></b>	18-TRAM-106-OOS	
15	In the Matter of the Investigation of Cigich Hauling LLC of Leavenworth, 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. <b><i>Order Amending Penalty Order</i></b>	18-TRAM-008-PEN	
16	In the Matter of the Investigation of Seven Son's Trucking, LLC of Gardner, 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. <b><i>Penalty Order</i></b>	18-TRAM-097-PEN	
17	In the Matter of the Investigation of Golden Belt Feeders, Inc. of St. John, 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). <b><i>Penalty Order</i></b>	18-DPAX-109-PEN	
18	In the Matter of the Investigation of Beran Concrete, Inc. of Wichita, 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). <b><i>Penalty Order</i></b>	18-DPAX-110-PEN	
19	In the Matter of the Investigation of Black Hills Energy Corporation of Wichita, 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). <b><i>Penalty Order</i></b>	18-DPAX-111-PEN	
20	In the Matter of the Investigation of Lan-Tel Communication and Underground Services, Inc. of Independence, 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). <b><i>Penalty Order</i></b>	18-DPAX-114-PEN	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
21	In the Matter of the Notice of Denial of License Renewal Application to Nadel and Gussman, LLC <b><i>Order Cancelling Remainder of Procedural Schedule and Closing Docket</i></b>	17-CONS-3655-CMSC	
22	In the Matter of the Notice of Denial of License Renewal Application to Double Eagle Exploration, Inc. <b><i>Order Setting Status Conference; Protective and Discovery Orders</i></b>	17-CONS-3674-CMSC	
23	In the Matter of the Application of Ensminger Energy, LLC for an Operator's License Renewal. <b><i>Order Rescinding Order Denying Application for License</i></b>	18-CONS-3121-CMSC	
24	In the matter of the application of Hummon Corporation for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Moyer-Campbell OWWO #3-16 well located in the SE/4 of Section 16, Township 32 South, Range 18 West, Comanche County, Kansas. <b><i>Order Granting Application</i></b>	17-CONS-3530-CEXC	
25	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. <b><i>Order Designating Prehearing Officer and Setting Prehearing Conference</i></b>	18-CONS-3057-CPEN	
26	In the matter of the failure of Petroleum Technologies, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Frevert A #1 in Ellsworth County, Kansas. <b><i>Penalty Order - Petroleum Technologies, Inc.</i></b>	18-CONS-3129-CPEN	
27	In the matter of the failure of Neal LaFon Realty Inc. dba Meridian Energy Inc. ("Operator") to comply with K.A.R. 82-3-117 at the Parsons #1 well in Rooks County, Kansas. <b><i>Penalty Order - Neal LaFon Realty Inc. dba Meridian Energy Inc.</i></b>	18-CONS-3132-CPEN	
28	In the Matter of the Investigation of Tom Kemp, d/b/a Kemp Construction Company of Derby, 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). <b><i>Penalty Order</i></b>	18-DPAX-108-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