

Kansas Corporation Commission
Commission Meeting
November 16, 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 November 16, 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 November 16, 2017 containing pages one through four 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 attorney/client privileged matters, pursuant to KSA 75-4319(b)(2), for consultation with an attorney, to obtain legal advice, for a period of 15 minutes. Also called into the Executive Session were Sam Feather, Deputy General Counsel, Michael Duenes, Assistant General Counsel and Leo Haynos, Pipeline Safety Chief Engineer. 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 10:17 a.m. No action was taken.

- B. Chairman Apple moved to meet in Executive Session for personnel matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved, for a period of 15 minutes. Also called into the Executive Session were Dustin Kirk, Deputy General Counsel and Erin McGinnis, Human Resources Director. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:18 a.m. and reconvened in public session at 10:33 a.m.

- C. Chairman Apple moved to extend the Executive Session for personnel matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved, for a period of 10 minutes. Also called into the Executive Session were Dustin Kirk, Deputy General Counsel and Erin McGinnis, Human Resources Director. Commissioner Albrecht seconded the motion.

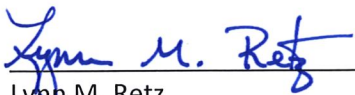
The motion was approved.

The Commission moved into Executive Session at 10:34 a.m. and reconvened in public session at 10:44 a.m.

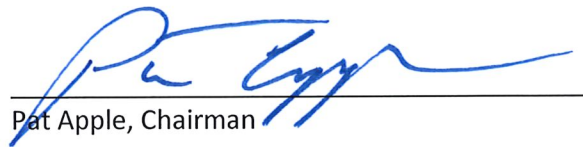
No action was taken.

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 November 16, 2017 Commission Meeting at 10:45 a.m.

Respectfully submitted,



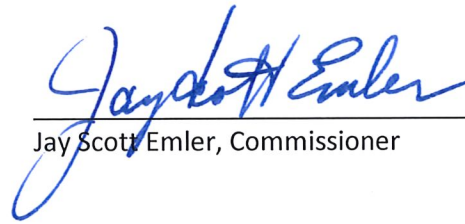
Lynn M. Retz
Secretary to the Commission



Pat Apple, Chairman



Shari Feist Albrecht, Commissioner



Jay Scott Emler, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, November 16, 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 Southwestern Bell Telephone Company d/b/a AT&T Kansas Compliance with the Kansas Lifeline Service Program Requirements. <i>Order Nunc Pro Tunc</i> | 16-SWBT-192-CPL | |
| 2 | 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 Granting Motion of T-Mobile Central LLC for Additional Extension of Time</i> | 18-TMCZ-031-KSF | |
| 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 ACN Communication Services, LLC</i> | 17-GIMT-008-GIT | |
| 4 | 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 ACN Communications, LLC</i> | 17-GIMT-008-GIT | |

Consent Agenda

| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|---|-------------------|---------|
| 5 | 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. Order Approving Traffic Factors for Excellus Communications, LLC | 17-GIMT-008-GIT | |
| 6 | 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. Order Approving Traffic Factors for Excellus Communications, LLC | 17-GIMT-008-GIT | |
| 7 | In the Matter of the Petition of The Empire District Electric Company for Approval of Its Customer Savings Plan Order Granting CURB's Petition to Intervene, Protective Order and Discovery Order | 18-EPDE-184-PRE | |
| 8 | 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 Adopting Staff Report and Recommendation | 18-KGSG-093-TAR | |
| 9 | In the Matter of the Investigation of O & V Trucking LLC 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. Order Amending Penalty Assessment | 18-TRAM-128-PEN | |
| 10 | In the Matter of the Investigation of G2 Farms, LLC of Newton, 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 Assessment | 18-TRAM-148-PEN | |
| 11 | In the Matter of the Investigation of Inman Irrigation Specialists, Inc. of Inman, 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-192-PEN | |
| 12 | 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 Setting Procedural Schedule, Protective Order, and Discovery Order | 17-CONS-3684-CPEN | |
| 13 | In the Matter of the Application of Christian Martin dba Martin Oil Properties ("Operator") for an Operator's License Renewal. Order Denying Application for License | 18-CONS-3211-CMSC | |
| 14 | In the Matter of the Application of John Douglas Pitman Revocable Trust ("Operator") for an Operator's License Renewal. Order Denying Application for License | 18-CONS-3212-CMSC | |

Consent Agenda

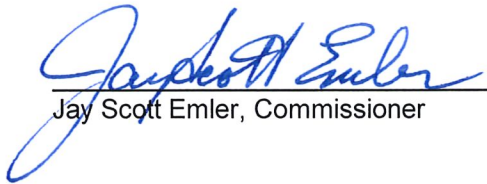
| ITEM NO. | DESCRIPTION | DOCKET NUMBER | REMOVED |
|----------|---|-------------------|---------|
| 15 | In the Matter of the Application of Andrew E. Larson Trust ("Operator") for an Operator's License Renewal. <i>Order Denying Application for License</i> | 18-CONS-3213-CMSC | |
| 16 | In the Matter of the Application of Heckert Construction Co. ("Operator") for an Operator's License. <i>Order Denying Application for License</i> | 18-CONS-3214-CMSC | |
| 17 | In the Matter of the Notice of Denial of License Renewal Application to Agricultural Energy Services. <i>Order Setting Procedural Schedule</i> | 17-CONS-3529-CMSC | |
| 18 | In the Matter of the Emergency Suspension of Operating Authority of Evan D. Atwell of Minneapolis, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i> | 18-TRAM-195-OOS | |
| 19 | In the Matter of the Emergency Suspension of Operating Authority of Miguel A. Rayas, d/b/a Tres Hermanos of Liberal, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i> | 18-TRAM-196-OOS | |
| 20 | In the Matter of the Emergency Suspension of Operating Authority of Hotshot Services of Kansas, LLC of Hutchinson, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <i>Emergency Suspension of Operating Authority Order</i> | 18-TRAM-197-OOS | |
| 21 | In the Matter of the of Wester Energy, Inc. and Kansas Gas and Electric Company for Approval of their Direct Renewable Participation Service Tariff <i>Order Granting CURB Intervention, Suspension Order, Protective Order, and Discovery Order</i> | 18-WSEE-190-TAR | |


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