

Kansas Corporation Commission
Commission Meeting
November 28, 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 28, 2017 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chairman Apple, Commissioner Albrecht (via telephone) 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 28, 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. 18-KCPE-095-MER**

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.

Commissioner Emler moved for approval of order #17-3643 – *Order Nunc Pro Tunc Setting Procedural Schedule*. Commissioner Albrecht seconded the motion.

The motion was approved.

- B. **Docket No. 18-GIME-217-GIE**

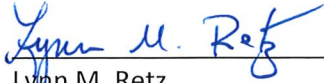
In the Matter of a General Investigation to Determine the Commission's Jurisdiction Over Municipal Energy Agencies.

Commissioner Albrecht moved for approval of order #17-3646 – *Order Opening Investigation*. 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 November 28, 2017 Commission Meeting at 10:03 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, November 28, 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 Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with Metropolitan Telecommunications, Inc. <i>Order Approving Amended Interconnection Agreement</i>	05-SWBT-1125-IAT	
2	In the Matter of the Application of YourTel America, Inc. to Amend Its Designation as an Eligible Telecommunications Carrier in the State of Kansas <i>Order Approving Revised KSLP Calling Plans</i>	12-TPCT-768-ETC	
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 USCOC of Nebraska Kansas LLC and Kansas 15 LP dba US Cellular</i>	17-GIMT-008-GIT	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of a General Investigation for Access Point, Inc. to Show Cause Why this Commission Should Not Initiate Sanctions and Fines and any Certificate of Convenience and Authority the Carrier Holds Be Canceled, Suspended or Revoked for Non- Compliance with Commission Orders and Kansas Statues. <i>Order Acknowledging Compliance; Closing Docket</i>	18-APTC-159-SHO	
5	In the Matter of the Application for Approval of an Interconnection Agreement Between Embarq Missouri, Inc. dba CenturyLink, United Telephone Company of Eastern Kansas dba CenturyLink; United Telephone Company of Kansas dba CenturyLink United Telephone Company of Southcentral Kansas dba CenturyLink; and Neutral Tandem-Kansas, LLC Pursuant to The Telecommunication Act of 1996 <i>Order Approving Interconnection Agreement</i>	18-UTDT-171-IAT	
6	In the Matter of Cancellation of All Operating Certificate of Convenience and Authority Previously Granted Protocall LLC. <i>Order Cancelling Certificate</i>	18-PRCO-178-CCS	
7	In the Matter of the Cancellation of All Operating Certificates of Convenience and Authority Previously Granted to TTI National, Inc. <i>Order Cancelling Certificate</i>	18-TTIC-187-CCS	
8	In the Matter of the Application of FreeState Electric Cooperative for a Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in Portions of Atchison, Douglas, Jackson, Jefferson, and Leavenworth Counties <i>Order Granting Certificate of Convenience and Authority</i>	18-FSEE-188-COC	
9	In the Matter of the Application of Westar Energy, Inc. to Cease Transacting the Business of an Electric Public Utility, in Portions of Atchison, Jackson, Jefferson and Leavenworth Counties, Kansas. <i>Order Granting Application to Cease Transacting the Business of an Electric Public Utility</i>	18-WSEE-191-CCS	
10	In the Matter of the Investigation of Barkley Asphalt Co., Inc. of Liberty, 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>Penalty Order</i>	18-DPAX-204-PEN	
11	In the Matter of the Investigation of Charter Communications of St. Louis, 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>Penalty Order</i>	18-DPAX-207-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
12	In the Matter of the Investigation of Brickley Enterprises, LLC of El Dorado, 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-205-PEN	
13	In the Matter of the Emergency Suspension of Operating Authority of Time, Inc. of Olathe, 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-138-OOS	
14	In the matter of the failure of Butler Bros., Inc. ("Operator") to comply with K.A.R. 82-3-120. Order Designating Prehearing Officer and Setting Prehearing Conference	18-CONS-3157-CPEN	
15	In the matter of the failure of Berexco LLC ("Operator") to comply with K.A.R. 82-3-602 at the Delores #1-27 well in Cheyenne County, Kansas. Penalty Order - Berexco LLC	18-CONS-3228-CPEN	
16	In the matter of the failure of Patrick Development Corporation ("Operator") to comply with K.A.R. 82-3-117 at the Bodley #N 4 well in Woodson County, Kansas. Penalty Order - Patrick Development Corporation	18-CONS-3229-CPEN	
17	In the matter of the failure of Ace Energy LLC ("Operator") to comply with K.A.R. 82 3-117 at the D R Nelson #N-10 well in Allen County, Kansas. Penalty Order - Ace Energy LLC	18-CONS-3230-CPEN	
18	In the matter of the failure of Northstar Investments, Inc. ("Operator") to comply with K.A.R. 82-3-117 at the Wesseler #1 and Berrick E G #1 wells in Rice and Russell County, Kansas. Penalty Order - Northstar Investments, Inc.	18-CONS-3231-CPEN	
19	In the matter of the failure of M & S Energy, LLC ("Operator") to comply with K.A.R. 82 3-117 at the Sample #B-3 well in Greenwood County, Kansas. Penalty Order - M & S Energy, LLC	18-CONS-3232-CPEN	
20	In the matter of the failure of Haas Petroleum, LLC ("Operator") to comply with K.A.R. 82 3-117 at the Lidikay #11F well in Franklin County, Kansas. Penalty Order - Haas Petroleum, LLC	18-CONS-3233-CPEN	
21	In the matter of the failure of Red Cedar Oil, LLC ("Operator") to comply with K.A.R. 82 3-117 at the Farney #1-2 well in Barber County, Kansas. Penalty Order - Red Cedar Oil, LLC	18-CONS-3234-CPEN	

Consent Agenda

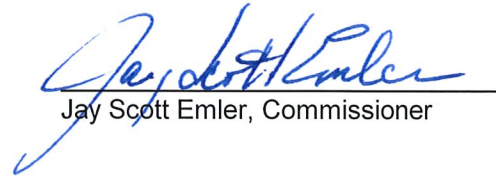
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
22	In the matter of the failure of Ace Energy LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Mullen #12, Mullen #13, Mullen #14 and Mullen #20 in Crawford County, Kansas. <i>Penalty Order - Ace Energy LLC</i>	18-CONS-3235-CPEN	
23	In the matter of the failure of Blake Exploration, LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the WU #1 in Logan County, Kansas. <i>Penalty Order - Blake Exploration LLC</i>	18-CONS-3236-CPEN	
24	In the matter of the failure of Magellan Pipeline Company LP ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the MP 38+15 #1, MP 38+15 #2, EDK/EDW MP 93 #1 and MP 70+28 #2 in Greenwood, Osage and Woodson County, Kansas. <i>Penalty Order - Magellan Pipeline Company LP</i>	18-CONS-3237-CPEN	
25	In the matter of the failure of Triple Crown Operating LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Keilman #1A in Ness County, Kansas. <i>Penalty Order - Triple Crown Operating LLC</i>	18-CONS-3238-CPEN	

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