

Kansas Corporation Commission
Commission Meeting
December 19, 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 December 19, 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 December 19, 2017 containing pages one through four and are attached to these Minutes. Commissioner Emler seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 16-GIME-576-GIE**

In the Matter of a General Investigation of Kansas City Power & Light Company's All Electric Residential Rates.

Commissioner Emler moved for approval of order #17-3884 – *Order Closing Docket*. Commissioner Albrecht seconded the motion.

The motion was approved.

- B. **Docket No. 18-KCPE-206-TAR**

In the Matter of Kansas City Power & Light Company Seeking Commission Approval to Implement Changes in their Transmission Delivery Charges Rate Schedules

Commissioner Emler moved for approval of order #17-3921 - *Order Acknowledging Effective Date of Transmission Delivery Charge Subject-to-Refund Pursuant to K.S.A. 66-1237*. Commissioner Albrecht seconded the motion.

The motion was approved.

3. **Other matters:**

- A. Commissioner Albrecht presented proposed Bylaw changes and the Code of Ethics for Members of the National Association of Regulatory Utility Commissioners for consideration. These changes are in addition to proposed changes introduced on December 5, 2017 by Chairman Apple. There was no discussion.
- B. Chairman Apple moved to meet in Executive Session for matters of non-elected personnel, pursuant to K.S.A. 75-4319(b)(1), to protect the privacy of the individuals

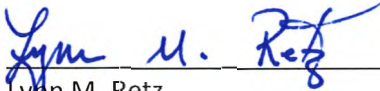
involved, for a period of 15 minutes. Also called into the Executive Session was Erin McGinnis, Human Resources Director. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:06 a.m. and reconvened in public session at 10:22 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 December 19, 2017 Commission Meeting at 10:23 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, December 19, 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 MCC Missouri LLC Filing for Kansas Video Service Authorization. <i>Order Denying Application for Video Service Authorization Without Prejudice</i>	11-MMOC-480-VSA	
2	In the Matter of the Application of Sunflower Electric Power Corporation and Kansas Electric Power Cooperative, Inc. for an Order Approving a New Wholesale Power Agreement. <i>Suspension Order 8-3-18</i>	06-SEPE-1203-CON	
3	In the Matter of the Application of the City of Wamego for Permission to Cease Operating as a(n) Electric Public Utility in the State of Kansas, City of Wamego <i>Order Granting Application to Cease Transacting the Business of an Electric Public Utility</i>	18-WAME-200-CCS	
4	In the Matter of the Application of Bluestem Electric Cooperative, Inc. for a Certificate of Convenience and Authority to Transact the Business of a Public Utility in the State of Kansas. A Portion of Section 3, Township 10 South, Range 10 East in Pottawatomie County, Kansas. <i>Order Granting Certificate of Convenience and Authority</i>	18-BECE-210-COC	

Consent Agenda

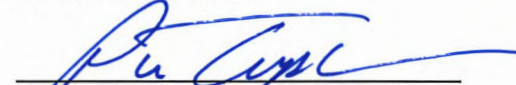
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of Wheatland Electric Cooperative for a Certificate of Convenience and Authority to Transact the Business of a(n) Electric Utility in the State of Kansas. The SW 1/4 of Sec 17, T20S-R32W & SE 1/4 of Sec 19, T20S-R32W in Scott County, KS. Order Granting Certificate of Convenience and Authority	18-WHLE-201-COC	
6	In the Matter of the Application of Lane-Scott Electric Cooperative for Permission to Cease Operating as a(n) Electric Utility in the State of Kansas. The SW ¼ of Sec 17, T20S-R32W & SE ¼ of Sec 19, T20S-R32W in Scott County, KS. Order Granting Application to Cease Transacting the Business of an Electric Public Utility	18-LNSE-216-CCS	
7	In the Matter of the Application of Wheatland Electric Cooperative, Inc. for Permission to Cease Operating as a(n) Electric Utility in the State of Kansas. The NW 1/4 of Sec 29, T17S-R32W & NE 1/4 of Sec 30, T17S-R32W in Scott County, KS Order Granting Application to Cease Transacting the Business of an Electric Public Utility	18-WHLE-203-CCS	
8	In the Matter of the Application of Lane-Scott Electric Cooperative for Certificate of Convenience and Authority to Transact the Business of a(n) Electric Utility in the State of Kansas. The NW ¼ of Sec 29, T17S-R32W & NE ¼ of Sec. 30, T17S-R32W in Scott County Order Granting Certificate of Convenience and Authority	18-LNSE-214-COC	
9	In the Matter of the Application of The Empire District Electric Company for Approval of its Annual Energy Cost Adjustment ("ACA") Filing Order Granting CURB Intervention	18-EPDE-231-ACA	
10	In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company Seeking Commission Approval for 2018 Ad Valorem Tax Surcharge Rider Tariff. Order Granting CURB Intervention	18-WSEE-234-TAR	
11	In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company Seeking Commission Approval for 2018 Ad Valorem Tax Surcharge Rider Tariff. Order Approving Ad Valorem Tax Surcharge Rider Update	18-WSEE-234-TAR	
12	In the Matter of the Application of Kansas Gas Service, a Division of ONE Gas, Inc., Seeking Commission Approval for 2018 Ad Valorem Tax Surcharge Rider Tariff. Order Approving Ad Valorem Tax Surcharge Rider Update	18-KGSG-230-TAR	
13	In the Matter of the Application of Kansas Gas Service, a Division of ONE Gas, Inc., Seeking Commission Approval for 2018 Ad Valorem Tax Surcharge Rider Tariff. Order Granting CURB Intervention, Protective and Discovery Order	18-KGSG-230-TAR	

Consent Agenda

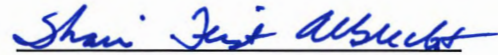
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the Matter of the Investigation of William Robert Maclean, d/b/a Maclean Trucking of Scott City, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Suspension of Motor Carrier Authority. <i>Order Suspending Intrastate Motor Carrier Operations</i>	18-TRAM-247-OOS	
15	In the Matter of the Investigation of Carlson Products LLC of Maize, 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-242-PEN	
16	In the matter of the failure of SandRidge Exploration and Production LLC ("Operator") to comply with K.A.R. 82-3-407 at the Melissa SWD #3119 1-5 in Comanche County, Kansas. <i>Penalty Order - SandRidge Exploration and Production LLC</i>	18-CONS-3249-CPEN	
17	In the matter of the failure of Novy Oil & Gas, Inc. ("Operator") to comply with K.A.R. 82-3-407 at the Bolack B #2 in Cowley County, Kansas. <i>Penalty Order - Novy Oil & Gas, Inc.</i>	18-CONS-3248-CPEN	
18	In the matter of the failure of Stephen B. Nichepor ("Operator") to comply with K.A.R. 82-3-407 at the Nichepor #1 SWD in Ness County, Kansas. <i>Penalty Order - Stephen B. Nichepor</i>	18-CONS-3250-CPEN	
19	In the Matter of the Regulation of Public Utilities and Common Carriers, and providing means for Paying Certain Costs and Expenses in Connection with such Regulation, as provided in K.S.A. 66-1501 to 66-1510. <i>Order Opening Docket</i>	18-ALLX-243-ASM	
20	In the Matter of the Regulation of Public Utilities and Common Carriers, and Providing Means for Paying Certain Costs and Expenses in Connection with Such Regulation, as Provided in K.S.A. 66-1501 to 66-1510. <i>Order Opening Docket</i>	18-ALLB-244-ASM	
21	In the Matter of the General Investigation into the Interest Rate Paid on Deposits of Customers of Municipal and Privately Owned Utilities. <i>Order Setting Interest Rate on Security Deposits for Calendar Year 2018</i>	98-GIMX-348-GIV	

The above-captioned matter(s) were approved by the Commission, unless noted as removed.

For the Commission :



Pat Apple, Chairman

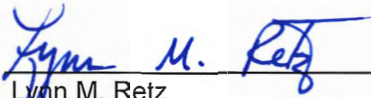


Shari Feist Albrecht, Commissioner



Jay Scott Emler, Commissioner

Attest:



Lynn M. Retz
Secretary to the Commission

December 19, 2017

BYLAWS
Of
The State Corporation Commission of the State of Kansas

Preamble

The State Corporation Commission of the State of Kansas (Commission) is a state agency managed by three commissioners who are each appointed by the Governor for a term of four years.¹ The Commission has only the powers, duties, authority, and jurisdiction conferred to it by the Kansas legislature in K.S.A. 74-601 *et seq.*

The Commission is subject to the Kansas Open Meetings Act,² the Kansas Open Records Act,³ the Kansas Administrative Procedure Act,⁴ the Kansas Judicial Review Act,⁵ the Kansas Governmental Ethics Act,⁶ and the Kansas Governmental Operations Accountability Law.⁷ In addition, the Commission adopts and incorporates by this reference the Code of Ethics for Members of the National Association of Regulatory Utility Commissioners, attached to these Bylaws as Appendix I.

Article I

Organizational Structure Authority

Pursuant to K.S.A. 74-629, the Commission is authorized to organize its office as it deems most efficient so long as it is not in conflict with Kansas or Federal law.

Article II

Creation of Bylaws

The Commission hereby establishes these Bylaws to govern the internal organization and operation of the Commission. Pursuant to K.S.A. 77-438, these Bylaws are designated as a guidance document stating how and when the Commission will exercise its discretion under K.S.A. 74-629. Consistent with K.S.A. 77-438, these Bylaws shall be binding only upon Commission employees.

¹ K.S.A. 74-601 *et seq.*

² K.S.A. 75-4317 *et seq.*

³ K.S.A. 45-215 *et seq.*

⁴ K.S.A. 77-501 *et seq.*

⁵ K.S.A. 77-601 *et seq.*

⁶ K.S.A. 46-215 *et seq.*

⁷ K.S.A. 74-7283 *et seq.*

Article III

Amendments to Bylaws

These Bylaws may be adopted, amended, or rescinded at any business meeting of the Commission by majority vote of the commissioners present, provided that notice of the proposed action has been provided by the executive director or secretary of the Commission to all commissioners at least thirty days before the business meeting at which the action is to be taken.

Article IV

Organizational Structure of the Commission

The Commission shall be organized into regulatory divisions and non-regulatory divisions. The regulatory divisions shall include: Transportation; Utilities; and Conservation, each of which is managed by a director appointed pursuant to K.S.A. 74-630. The non-regulatory divisions shall include: Energy, Public Affairs and Consumer Protection, Human Resources, Fiscal Services, Information Technology, the Office of General Counsel, the Office of Litigation Counsel, and Docketing Services. The Energy and Public Affairs and Consumer Protection divisions shall be managed by a director appointed pursuant to K.S.A. 74-622 and 74-630, respectively. The remaining non-regulatory divisions may be managed by a director as appointed in the exercise of the Commission's discretion under K.S.A. 74-629. The non-regulatory divisions shall provide administrative and legal support to the regulatory divisions, the commissioners, and the Commission as a whole. The directors of the regulatory and non-regulatory divisions shall report directly to the Commission and shall be referred to collectively as the Management Team.

Division directors may organize their respective divisions in the most efficient manner they deem appropriate. Nothing shall prohibit any commissioner from working or communicating directly with Commission employees, subject to the provisions and limitations of K.S.A. 77-545, as applicable.

The Organizational Hierarchy of the Commission is illustrated in Appendix II, attached to these Bylaws.

Article V

Comment [SFA1]: This is moved from current Article X.

The Executive Director of the Commission

The executive director shall aid the Commission in the administration and execution of Commission business. The executive director shall not use this authority to create Commission policy or interfere with communications between the Commission and directors of Commission divisions or the Management Team. The executive director shall carry out any other functions as prescribed by law or regulation or as directed by the Commission.

Specifically, the executive director shall perform such duties and exercise such powers as are delegated by the Commission in accordance with K.S.A. 74-629; serve as the secretary to the

Commission in accordance with K.S.A. 74-630; sign and approve certain motor carrier certificates pursuant to K.S.A. 66-1,114b; receive communication, confidential information, and requests for confidential information on behalf of the Commission in accordance with K.A.R. 82-1-206 and K.A.R. 82-1-221a; receive filings made with the Commission in accordance with K.A.R. 82-1-215; assign docket numbers and captions in accordance with K.A.R. 82-1-219; bear the official signature of the Commission pursuant to K.A.R. 82-1-232; receive notice of termination relevant to gas gathering systems on behalf of the Commission in accordance with K.A.R. 82-3-804; submit a copy of distribution system incident reports to the United States Department of Transportation in accordance with K.A.R. 82-11-5; and receive applications for Video Service Authorization certificates on behalf of the Commission in accordance with K.A.R. 82-15-1.

In the absence of an executive director, these duties may be performed by the secretary to the Commission or other employee as authorized by the Commission. The executive director or secretary to the Commission shall report directly to the Commission and is a member of the Management Team.

Article VI

Comment [SFA2]: This is moved from the current Article VI.

Action on Personnel Matters

Matters relating to the employment of any employee who reports directly to the Commission as provided in Articles IV and V above, including hiring and termination, may only be made by the Commission, as defined in K.S.A. 74-601. The Commission shall have the authority to place an employee on administrative leave, pursuant to K.A.R. 1-2-74. Nothing in these Bylaws shall limit or restrict the Commission's ability to address employment matters.

Article VII

Comment [SFA3]: This is a new article.

Commissioners As Representatives

(1) Southwest Power Pool (SPP) Representative

Comment [SFA4]: This is new language and should appear as such.

The Commission shall designate one commissioner to serve as the representative for the SPP Regional State Committee (RSC).⁸ The SPP representative may be designated or ratified at any business meeting of the Commission by majority vote of the commissioners present. The designated SPP representative may be removed, with or without cause, at any business meeting of the Commission by majority vote of the commissioners present. A Commission employee selected by the Utilities division director shall serve as technical advisor to the SPP Representative and participate in SPP meetings, as required. An attorney from the Office of General Counsel (OGC) shall attend SPP RSC meetings, as required, and provide status reports from those meetings to the other commissioners. In addition, the attorney shall provide the commissioners with a regular monthly report on the Commission's SPP activity.

(2) Kansas Water Authority Representative

⁸ K.S.A. 74-633.

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The Chair of the Commission shall serve as an *ex officio* member of the Kansas Water Authority pursuant to K.S.A. 74-2622.

(3) Interstate Oil and Gas Compact Commission Representative

Subject to appointment by the Governor under K.S.A. 55-865, a commissioner may serve as the official state representative to the Interstate Oil and Gas Compact Commission.

Article VIII

Budget Planning

1. On or before July 15th of each year, the division directors of regulatory and non-regulatory divisions shall submit to the Commission any request for increased expenditures for their division's budget and shall include justification for the increased expenditure to be considered by the Commission in preparing the agency budget request.
2. On or before August 15th of each year, the director of the Conservation division and the director of Fiscal Services shall jointly report to the Commission the revenue and expenditure assessment for the Conservation division and make a recommendation to the Commission to either increase, decrease, or maintain the Conservation Fee Fund Assessment Rate.
3. On or before August 15th of each year, the director of Fiscal Services shall report to the Commission on the status of the Commission's vehicle fleet. Authorization for specific vehicle purchases/replacements, which deviate from the approved budget or constitute special situations, shall be given only by Commission action at a business meeting.

Article IX

Action on Certain Routine Orders and FERC Dockets

For certain routine matters, the Commission may issue a Standing Order authorizing division Directors to serve Orders Assessing Costs and certain routine Transportation and Conservation orders on behalf of the Commission. These routine orders shall be issued using a template approved by the Commission.

In the absence of the availability of a majority of commissioners to approve intervention in time-sensitive matters before the Federal Energy Regulatory Commission (FERC), the Chair of the Commission may approve interventions in FERC dockets, subject to ratification at the next Commission business meeting.

Comment [SFA5]: What legal authority is there to do this? Unless there is a statute that allows the Commission to delegate the authority to render a decision to a division director, there is no such authority. These should be handled as Consent Agenda Items and we need to clearly articulate in an internal operating procedure what constitutes a "routine" matter eligible for consent agenda processing. If there is legal authority for this provision, the standing order(s) should be drafted and approved at a business meeting held before the organizational meeting.

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Article X

Commission Use of Outside Entities and Agencies

In action taken at any business meeting, the Commission may contract with the Kansas Office of Administrative Hearings for presiding officers pursuant to the Kansas Administrative Procedures Act.

Article XI

Comment [SFA6]: Moved from current Article XII.

Commission Meetings

Unless otherwise directed by the Commission, the following meetings shall occur weekly on the following days:

1. Business Meetings – Tuesday and Thursday
2. Work Study Sessions – Tuesday
3. Administrative Meetings – Thursday

Deadlines to request items be placed on the agenda of Commission business meetings and/or to submit proposed orders for consideration at Commission business meetings shall be as follows:

Tuesday business meetings: The deadline for the Tuesday business meeting shall be 4:00 p.m. of the immediately preceding Thursday.

Thursday business meetings: The deadline for the Thursday business meeting shall be 4:00 p.m. of the immediately preceding Monday.

The deadline to submit a request for an item to be scheduled for a work study session shall be 4:00 p.m. of the immediately preceding Thursday.

Additional Commission meetings for the purpose of facilitating discussion between the Commission and its employees may be called by the Commission on an intermittent or recurring basis as necessary.

The Commission may call a meeting, other than a regularly scheduled business meeting, to discuss and/or take action on a particular item(s) before the Commission so long as twenty-four hours' public notice is provided. Such a meeting may be called unilaterally by the Chair of the Commission, or by a majority of the Commission.

The Commission may call an emergency meeting to discuss and/or take action upon serious or imminent threats to entities or interests under the Commission's jurisdiction, or any other matters where time is of the essence. In the event an emergency meeting is called, the Commission shall strive to provide three hours' public notice. However, if that is not practicable, the Commission shall provide reasonable notice in accordance with the Kansas Open Meetings Act, K.S.A. 75-4317 through 75-4320a and amendments thereto.

The Commission may cancel any previously scheduled meeting at any time prior to the meeting. The Commission may adjust the time of a specific meeting, regardless of the type of meeting, so

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long as reasonable public notice is provided and any adjustment is limited to unique circumstances and evaluated on a case-by-case basis.

Any meeting outlined above shall be conducted in accordance with the Kansas Open Meetings Act, K.S.A. 75-4317 *et seq.*

Article XII

Comment [SFA7]: Moved from current Article IX.

Organization and Planning of Commission Schedule On the Thursday following the second Monday of January of each calendar year, the Commission shall hold an organizational meeting in the Commission's Topeka office immediately following the regularly scheduled business meeting.

During the organizational meeting, the Commission shall:

1. Review and approve the schedule of Commission meetings for the current calendar year;
2. Review these Bylaws;
3. Review the mid-year budget report;
4. Review and approve an updated Commission organizational chart and internal operating policies and plans;
5. Review and approve any updated **Standing Orders** and associated order templates;
6. Conduct any other review of agency processes deemed necessary for the efficient operation of the agency; and
7. Elect a commissioner to serve as the chair.

Comment [SFA8]: Subject to comment SFAS above.

In June of each calendar year, the Commission shall revisit its planned meetings for the remainder of the calendar year, and make any revisions the Commission deems appropriate. Nothing herein shall limit the Commission's ability or authority to amend its meeting schedule as it deems necessary throughout the year.

Article XIII

Commission Meeting Rules

1. All Commission meetings, regardless of the type of meeting, shall be called to order by the Chair of the Commission, or designee of the Chair should the Chair be unavailable, either present in-person or by telephone.
2. Unless otherwise prohibited by law, Robert's Rules of Order Newly Revised, 11th Edition, shall be used to conduct the meeting.
3. A vote by the Commission and approval from a majority of commissioner's shall be required to adjourn a Commission meeting.

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4. The agenda for any Commission meeting may be suspended or amended by motion and approval by a majority of the commissioners present at the meeting. Any suspension or amendment of these rules shall be limited in duration to the meeting in which the rules are suspended or amended.
5. At a minimum, the order of business for any Commission s meeting shall be as follows:
 - a. Chair or designee convenes the meeting;
 - b. Motion to suspend or amend;
 - c. Consent Agenda;
 - d. Noticed Items;
 - e. Discussion, if any;
 - f. Motion to adjourn.
6. Upon a motion and a second, the chair will ask for discussion. After discussion, the chair will call for the vote. If the motion is approved with a vote opposed, the chair will ask the commissioner casting the opposing vote, "Does the commissioner desire to have the 'no' vote recorded in the minutes?"

----- END -----

**BYLAWS
Of
The State Corporation Commission of the State of Kansas**

Preamble

The State Corporation Commission of the State of Kansas (Commission) is ~~an independent~~ executive ~~state~~ agency managed by three ~~C~~ommissioners who are each appointed by the Governor for a term of four years,¹ pursuant to ~~K.S.A. 74-601~~. It is the duty of the ~~The~~ Commission has only the powers, duties, authority, and jurisdiction conferred to it by the Kansas legislature in ~~K.S.A. 74-601 et seq.~~ to administer the State Corporation Commission as an agency.

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~~In addition to its administrative role, the State Corporation Commission operates at times in either a quasi-legislative or quasi-judicial role. While the agency or C~~ommissioners execute their respective duties in either a quasi-legislative or quasi-judicial role,The Commission is subject to the Kansas Open Meetings Act,² the Kansas Open Records Act,³ the Kansas Administrative Procedure Act,⁴ the Kansas Judicial Review Act,⁵ the Kansas Governmental Ethics Act,⁶ and the Kansas Governmental Operations Accountability Law.⁷ In addition, the Commission adopts and incorporates by this reference the Code of Ethics for Members of the National Association of Regulatory Utility Commissioners, attached to these Bylaws as Appendix I. attention and care shall be made to ensure that all agency business is conducted in accordance with the Kansas Open Meetings Act, or the Kansas Administrative Procedure Act, when applicable.

Article I

Organizational Structure Authority

Pursuant to K.S.A. 74-629, the ~~Commission~~ State Corporation Commission of the State of Kansas (~~Commission~~) is authorized to organize its office as it deems most efficient so long as it is not in conflict with Kansas or Federal law.

Article II

Creation of Bylaws

The Commission hereby establishes ~~these bb~~ Bylaws ~~to govern~~ the internal organization, and operation, and governance of certain internal matters of the Commission, ~~pursuant to K.S.A. 77-438.~~ Pursuant to K.S.A. 77-438, ~~These~~ these bb Bylaws are designated as a guidance document

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¹ K.S.A. 74-601 et seq.
² K.S.A. 75-4317 et seq.
³ K.S.A. 45-215 et seq.
⁴ K.S.A. 77-501 et seq.
⁵ K.S.A. 77-601 et seq.
⁶ K.S.A. 46-215 et seq.
⁷ K.S.A. 74-7283 et seq.

~~December 19, November~~ June 2017

~~stating how and when the Commission will exercise its discretion under K.S.A. 74-629, shall supplement Kansas Statutes and Kansas Administrative Regulations, and~~ Consistent with K.S.A. 77-438, these Bylaws shall be binding only upon the Commission itself and Commission employees, its staff.

Article III

Amendments to Bylaws

~~All amendments to these bylaws must be voted upon by the Commission in a meeting open to the general public. All amendments to these bylaws must be proposed at an open meeting, and be open for discussion for at least one week. At the expiration of one week, the Commission may vote as to whether the proposed amendments shall be adopted. A majority vote is required to create, amend, or repeal any bylaws of the Commission. These Bylaws may be adopted, amended, or rescinded at any business meeting of the Commission by majority vote of the commissioners present, provided that notice of the proposed action has been provided by the executive director or secretary of the Commission to all commissioners at least thirty days before the business meeting at which the action is to be taken.~~

Article IV

Organizational Structure of the State Corporation Commission

~~The Commission's organizational structure of the State Corporation Commission of the State of Kansas Commission shall be organized as follows: The Commission's operations shall be divided into regulatory divisions responsible for their respective industries, and non-regulatory divisions. The core regulatory divisions shall be include: ~~Transportation, Utilities, and Conservation~~, each of which is managed by a director appointed pursuant to K.S.A. 74-630. The non-regulatory divisions shall be include: ~~Energy, Human Resources, Public Affairs and Consumer Protection, Human Resources, Fiscal Services, Information Technology, the Office of General Counsel, and the Office of Litigation Counsel, and Docketing Services.~~ The Energy and Public Affairs and Consumer Protection divisions shall be managed by a director appointed pursuant to K.S.A. 74-622 and 74-630, respectively. The remaining non-regulatory divisions may be managed by a director as appointed in the exercise of the Commission's discretion under K.S.A. 74-629. The non-regulatory divisions shall promote the interests of the ~~core~~ provide administrative and legal support to the regulatory divisions, the commissioners, and the Agency Commission as a whole. Within ~~each~~ core regulatory division, and in accordance with K.S.A. 74-630, there shall ~~have~~ be a division ~~director~~. The collection of positions ~~The directors of the regulatory and non-regulatory divisions shall reporting directly to the Commission and shall be referred to collectively as the Management Team.~~~~

Division directors may organize their respective divisions in the most efficient manner as they deem appropriate. Nothing shall prohibit any ~~Commissioner~~ from working or communicating directly with ~~agency personnel~~ Commission staff ~~employees~~, subject to the provisions and limitations of K.S.A. 77-545, as applicable.

The Organizational Hierarchy of the State Corporation Commission is illustrated in Appendix ~~II~~, attached to these ~~b~~Bylaws.

Article V

The Executive Director of the Commission

The executive director shall aid the Commission in the administration and execution of Commission business. The executive director shall not use this authority to create Commission policy or interfere with communications between the Commission and directors of Commission divisions or the Management Team. The executive director shall carry out any other functions as prescribed by law or regulation or as directed by the Commission.

Specifically, the executive director shall perform such duties and exercise such powers as are delegated by the Commission in accordance with K.S.A. 74-629; serve as the secretary to the Commission in accordance with K.S.A. 74-630; sign and approve certain motor carrier certificates pursuant to K.S.A. 66-1.114b; receive communication, confidential information, and requests for confidential information on behalf of the Commission in accordance with K.A.R. 82-1-206 and K.A.R. 82-1-221a; receive filings made with the Commission in accordance with K.A.R. 82-1-215; assign docket numbers and captions in accordance with K.A.R. 82-1-219; bear the official signature of the Commission pursuant to K.A.R. 82-1-232; receive notice of termination relevant to gas gathering systems on behalf of the Commission in accordance with K.A.R. 82-3-804; submit a copy of distribution system incident reports to the United States Department of Transportation in accordance with K.A.R. 82-11-5; and receive applications for Video Service Authorization certificates on behalf of the Commission in accordance with K.A.R. 82-15-1.

In the absence of ~~the position of an executive director~~, these duties may be ~~fulfilled~~ performed by the secretary to the Commission or other ~~personnel~~ employee as authorized by the Commission. The executive director or secretary to the Commission shall report directly to the Commission and is a member of the Management Team.

Comment [SFA1]: This is moved from current Article X.
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Article VI

Action on Personnel Matters

Matters relating to the employment of any employee who reports directly to the Commission as provided in Articles IV and V above, including hiring and termination, may only be made by the Commission, as defined in K.S.A. 74-601. ~~The~~ However, the Chair of the Commission shall have the authority to place an employee on administrative leave, pursuant to K.A.R. 1-2-74. ~~The Chair of the Commission may authorize changes in salary, job description, and/or employment status, including termination, upon consultation and discussion with the other two commissioners at a duly called business meeting. The Director of Human Resources shall promptly notify all commissioners of changes in employment status, salary and/or job description for Commission~~

Comment [SFA2]: This is moved from the current Article VI.
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employee. Nothing in these Bylaws shall limit or restrict the Commission's ability to address employment matters.

Article VII

Comment [SFA3]: This is a new article

Commissioners As Representatives

(1) Southwest Power Pool (SPP) Representative

Comment [SFA4]: This is new language and should appear as such.

The Commission shall designate ~~one~~ one commissioner ~~shall~~ to serve as the representative for the SPP Regional State Committee (RSC) as elected by the Commission.⁸ The SPP representative may be designated or ratified at any business meeting of the Commission by majority vote of the commissioners present. The designated SPP representative may be removed, with or without cause, at any business meeting of the Commission by majority vote of the commissioners present. A Commission employee selected by the Utilities division director shall serve as technical advisor to the SPP Representative and participate in SPP meetings, as required. An attorney from the Office of General Counsel (OGC) shall attend SPP RSC meetings, as required, and provide status reports from those meetings to the other ~~two~~ commissioners. In addition, the ~~OGC~~ attorney shall provide the other ~~two~~ commissioners with a regular monthly report on the Commission's SPP activity.

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(2) Kansas Water Authority Representative

The Chair of the Commission shall serve as an *ex officio* member of the Kansas Water Authority pursuant to K.S.A. 74-2622.

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(3) Interstate Oil and Gas Compact Commission Representative

Subject to appointment by the Governor under K.S.A. 55-865, a commissioner may serve as the official state representative to the Interstate Oil and Gas Compact Commission.

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Article VIII

Director Reporting Budget Planning

~~Division D~~ Directors, the secretary to the Commission, and any ~~Executive D~~ director shall report directly to the Commission.

Comment [SFA5]: This is already covered in Article IV.

Comment [SFA6]: This should be moved to new Article V.

Conservation Division Fee Fund Reporting

1. ~~(1)~~ On or before July 15th of each year, the division directors of regulatory and non-regulatory divisions shall submit to the Commission any request for increased expenditures for their division's budget and shall include justification for the increased expenditure to be considered by the Commission in preparing the agency budget request.

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2. ~~By~~ On or before August 15th of each year, the ~~Director~~ director of the Conservation ~~D~~ division and the director of Fiscal Services shall jointly report to the Commission the

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⁸ K.S.A. 74-633.

revenue and expenditure assessment for the Conservation division and make a recommendation to the Commission to either increase, decrease, or maintain the Conservation Fee Fund Assessment Rate.

Comment [SFA7]: I think this is all new language. Why is it not all underlined?

3. On or before August 15th of each year, the director of Fiscal Services shall report to the Commission on the status of the Commission's vehicle fleet. Authorization for specific vehicle purchases/replacements, which deviate from the approved budget or constitute special situations, shall be given only by Commission action at a business meeting.

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(2) The Director of Conservation shall conduct three (3) meetings per calendar year that include Conservation supervisors in order to facilitate discussion with the commissioners and Commission support personnel on relevant matters. These meetings shall be held at the Commission's Topeka office.

Article VI

Action on Personnel Matters

Matters relating to the employment of any employee who reports directly to the Commission as provided in Article V above, including hiring and termination, may only be made by the Commission, as defined in K.S.A. 74-601. However, the Chair of the Commission shall have the authority to place someone on administrative leave, pursuant to K.A.R. 1-2-74. The Chair of the Commission may authorize changes in salary, job description, and/or employment status including termination upon consultation and discussion with the other two Commissioners at a duly called Commission Meeting. The Director of Human Resources shall notify all Commissioners of any changes in employment status, salary and/or job description for all Corporation Commission employees. Nothing in these bylaws shall limit or restrict the Commission's ability to address employment matters.

Article VII

Action on Certain Routine Orders and FERC Dockets

For certain routine matters, the Commission may issue a Standing Order authorizing division Directors to serve Orders Assessing Costs and certain routine Transportation and Conservation orders on behalf of the Commission. These routine orders shall be issued using a template approved by the Commission.

In the absence of the availability of a majority of commissioners to approve intervention in time-sensitive matters before the Federal Energy Regulatory Commission (FERC), the chair/Chair of the Commission may approve interventions in FERC dockets, subject to ratification at the next Commission business meeting.

Comment [SFA8]: What legal authority is there to do this? Unless there is a statute that allows the Commission to delegate the authority to render a decision to a division director, there is no such authority. These should be handled as Consent Agenda Items and we need to clearly articulate in an Internal operating procedure what constitutes a "routine" matter eligible for consent agenda processing. If there is legal authority for this provision, the standing order(s) should be drafted and approved at a business meeting held before the organizational meeting.

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Article VIII

Vehicles for Agency Use

The Director of Fiscal Services shall report to the Commission on the status of the Commission's vehicle fleet at or prior to the organizational meeting each January (See Article X). Authorization

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~~for specific vehicle purchases/replacements, which deviate from the approved budget or constitute special situations, shall be given only by Commission action at a Business Meeting;~~

Comment [SFA9]: Moved to new Article VIII.

Article ~~IXVIII~~

Commission Use of Outside Entities and Agencies

~~At its discretion, and upon motion and approval vote in an open~~ In action taken at any business meeting—open to the public, the Commission may contract with the Kansas Office of Administrative Hearings for presiding officers pursuant to the Kansas Administrative Procedures Act.

Article ~~IXXI~~

Comment [SFA10]: Moved from current Article XII.

Commission Meetings

Unless otherwise directed by the Commission, the following meetings shall occur weekly on the following days:

- 1. Business Meetings – Tuesday and Thursday
- 2. Work Study Sessions – Tuesday
- 3. Administrative Meetings – Thursday

Deadlines to request items be placed on the agenda of Commission business meetings and/or to submit proposed orders for consideration at Commission business meetings shall be as follows:

Tuesday business meetings: The deadline for the Tuesday business meeting shall be 4:00 p.m. of the immediately preceding Thursday.

Thursday business meetings: The deadline for the Thursday business meeting shall be 4:00 p.m. of the immediately preceding Monday.

The deadline to submit a request for an item to be scheduled for a work study session shall be 4:00 p.m. of the immediately preceding Thursday.

Additional Commission meetings for the purpose of facilitating discussion between the Commission and its ~~staff~~ employees may be called by the Commission on an intermittent or recurring basis as necessary.

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The Commission may call a meeting, other than a regularly scheduled business meeting, to discuss and/or take action on a particular item(s) before the Commission so long as twenty-four hours' public notice is provided. Such a meeting may be called unilaterally by the ~~e~~Chair of the Commission, or by a majority of the Commission.

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The Commission may call an emergency meeting to discuss and/or take action upon serious or imminent threats to entities or interests under the Commission's jurisdiction, or any other matters where time is of the essence. In the event an emergency meeting is called, the Commission shall strive to provide three hours' public notice. However, if that is not practicable, the Commission

shall provide reasonable notice in accordance with the Kansas Open Meetings Act, K.S.A. 75-4317 through 75-4320a and amendments thereto.

The Commission may cancel any previously scheduled meeting at any time prior to the meeting. The Commission may adjust the time of a specific meeting, regardless of the type of meeting, so long as reasonable public notice is provided and any adjustment is limited to unique circumstances and evaluated on a case-by-case basis.

Any meeting outlined above shall be conducted in accordance with the Kansas Open Meetings Act, K.S.A. 75-4317 *et seq.*

Article XI

Comment [SFA11]: Moved from current Article IX.

Organization and Planning of Commission Schedule On the Thursday following the second Monday of January of each calendar year, the Commission shall hold an organizational meeting at 10:00 a.m. in the ~~Ffirst Ffloor Hhearing RRoom~~ of the State Corporation Commission's Topeka office ~~in the Commission's Topeka office~~ immediately following the regularly scheduled business meeting.

During ~~the organizational~~ this meeting, the Commission shall:

- 1. ~~(1) dDetermine and announce its~~ Review and approve the planned schedule of Commission ~~Mmeetings for the current calendar year;~~
- 2. ~~(2) Consider approval of Commission meeting schedule notice;~~
- 3. ~~(3) Review status of three-year information technology (I.T.) plan;~~
- 2. ~~(4) Review these Commission bylaws~~ Bylaws;
- 3. ~~(5) Review the status of agency-owned vehicles;~~
- 3. ~~(6) Review the mid-year budget report;~~
- 7. ~~(7) Review the status of the continuity of operation plan (COOP);~~
- 8. ~~(8) Review employee designation for after-hours contact by Capitol Police;~~
- 9. ~~(9) Review employee designation for inclement weather responsibilities;~~
- 10. ~~(10) Review status of safety and security plan/policies and team members;~~
- 4. ~~(11) Review and approve an updated Commission organizational chart and Commission internal operating policies and plans;~~
- 5. ~~(12) Consider approval of~~ Review and approve any updated ~~Standing Orders~~ and associated order templates;
- 13. ~~(13) Elect the Commission representative for the SPP RSC for the upcoming year;~~
- 6. Conduct any other review of agency processes deemed necessary for the efficient operation of the agency; and
- 7. ~~(14) eElect a Ccommissioner to serve as the Cchairperson.~~

Comment [MD12]: The exact term "continuity of operation plan" is not used in statute or regulation, but the phrase "continuity of operation" is used, and it is not capitalized, so I did not capitalize it here.

Comment [MD13]: Capitalized because it is a document, a proper noun.

Comment [SFA14]: Subject to comment SFAB above.

~~Business Meetings shall be conducted in accordance with K.A.R. 82-1-208(b) and shall occur every Tuesday and Thursday at a uniformly set time unless otherwise determined by the Commission.~~

Comment [SFA15]: This is covered in new Article XI.

In June of each calendar year, the Commission shall revisit its planned meetings for the remainder of the calendar year, and make any revisions as the Commission deems appropriate. ~~The Commission shall also determine and announce its planned schedule of Commission~~

~~December 19, November~~ June 2017

~~meetings that run through June of the following calendar year.~~ Nothing herein shall limit the Commission's ability or authority to amend its meeting schedule as it deems necessary throughout the year.

Article XI

Comment [SFA16]: Moved to new Article V.

The Executive Director of the Commission

The ~~Executive D~~irector shall aid the Commission in the administration and execution of Commission business. The ~~Executive D~~irector shall not use this authority to create Commission policy or interfere with communications between the Commission and Directors of Commission ~~d~~ivisions or ~~M~~anagement ~~T~~eam. The ~~Executive D~~irector shall faithfully carry out any other functions as prescribed by law or regulation.

Specifically, the ~~Executive D~~irector shall perform such duties and exercise such powers as are delegated by the Commission in accordance with K.S.A. 74-629; serve as the secretary to the Commission in accordance with K.S.A. 74-630; sign and approve certain motor carrier certificates pursuant to K.S.A. 66-1,114b; receive communication, confidential information, and requests for confidential information on behalf of the Commission in accordance with K.A.R. 82-1-206 and K.A.R. 82-1-221a; receive filings made with the Commission in accordance with K.A.R. 82-1-215; assign docket numbers and captions in accordance with K.A.R. 82-1-219; bear the official signature of the Commission pursuant to K.A.R. 82-1-232; receive notice of termination relevant to gas gathering systems on behalf of the Commission in accordance with K.A.R. 82-3-804; submit a copy of distribution system incident reports to the United States Department of Transportation in accordance with K.A.R. 82-11-5; and receive applications for Video Service Authorization certificates on behalf of the Commission in accordance with K.A.R. 82-15-1.

In the absence of the position of ~~Executive D~~irector being filled, these duties may be fulfilled by the ~~S~~ecretary to the Commission or other personnel as authorized by the Commission.

Article XII

Policy Review

~~At or before the Commission's January organizational meeting, the Commission shall conduct an annual review of the following policies:~~

- ~~(1) Personnel,~~
- ~~(2) I.T. Security, and~~
- ~~(3) Building Security.~~

~~Directors of the D~~ivisions affected by any such review shall prepare all appropriate materials to apprise the Commission on matters that should be addressed or explored in current Commission policies. Any department that maintains a policy where an annual review is required shall submit to the Commission quarterly any material updates as ~~neccesitated~~required by such policies. The Director of Fiscal Services shall prepare a quarterly report to the Commission on matters related to its division. Any changes to internal Commission policy must be adopted by the Commission in these ~~b~~Bylaws, and administrative regulations if necessary.

Comment [SFA17]: This seems redundant and unnecessary because it specifically limits review to certain named policies. What if a policy is not named? Is there no review? I have not seen quarterly reviews of the sort contemplated here. Are they not being provided? I would delete this article altogether.

Article XIII

~~Commission Meetings~~

Comment [SFA18]: Moved to new Article XI.

Unless otherwise directed by the Commission the following meetings shall occur weekly on the following days:

- ~~1. Business Meetings — Tuesday and Thursday~~
- ~~2. Work Study Sessions — Tuesday~~
- ~~3. Administrative Meetings — Thursday~~

~~Deadlines to request items be placed on the agenda of Commission Bbusiness Mmeetings and/or to submit proposed orders for consideration at Commission Bbusiness Mmeetings shall be as follows:~~

~~Tuesday Bbusiness Mmeetings: The deadline for the Tuesday Bbusiness Mmeeting shall be 4:00 p.m. of the immediately preceding Thursday.~~

~~Thursday Bbusiness Mmeetings: The deadline for the Thursday Bbusiness Mmeeting shall be 4:00 p.m. of the immediately preceding Monday.~~

~~The deadline to submit a request for an item to be scheduled for a Wwork Sstudy Ssession shall be 4:00 p.m. of the immediately preceding Thursday.~~

~~Additional Commission Mmeetings for the purpose of facilitating discussion between the Commission and its Sstaff may be called by the Commission on an intermittent or recurring basis as necessary.~~

~~The Commission may call a meeting, other than a regularly scheduled Bbusiness Mmeeting, to discuss and/or take action on a particular item(s) before the Commission so long as twenty-four hours' public notice is provided. Such a meeting may be called unilaterally by the Cchair of the Commission, or by a majority vote of the Commission.~~

~~The Commission may call an emergency meeting to discuss and/or take action upon serious or imminent threats to entities or interests under the Commission's jurisdiction, or any other matters where time is of the essence. In the event an emergency meeting is called, the Commission shall strive to provide three hours' public notice.; hHowever, if that is not practicable, the Commission shall provide reasonable notice in accordance with the Kansas Open Meetings Act, K.S.A. 75-4317 through 75-4320a and amendments thereto.~~

~~The Commission may cancel any previously scheduled meeting at any time prior to the meeting. The Commission may adjust the time of a specific meeting, regardless of the type of meeting, so long as reasonable public notice is provided and any adjustment is limited to unique circumstances and evaluated on a case-by-case basis.~~

~~Any meeting outlined above shall be conducted in accordance with the Kansas Open Meetings Act, K.S.A. 75-4317 et seq.~~

Article XIV

Commission Meeting Rules

1. All Commission meetings, regardless of the type of meeting, shall be called to order by the Chair of the Commission, or designee of the Chair should the Chair be unavailable, either present in-person or by telephone.
2. ~~Unless otherwise prohibited by law. While the Commission conducts a meeting,~~ Robert's Rules of Order Newly Revised, 11th Edition, shall be used as the procedural governing framework ~~unless otherwise prohibited by law to conduct the meeting.~~
3. ~~A vote by the Commission and approval from a majority of Commissioner's shall be required to adjourn a Commission meeting.~~
4. ~~The process by which business is conducted in front of the Commission at agenda for any Commission meeting may be suspended or amended by motion and approval by a majority of the commissioners present at such the meeting.~~ Any suspension or amendment of these rules shall be limited in duration to the meeting in which the rules are suspended or amended.
5. ~~At a minimum, The~~ the order of business for ~~any Commission Business Meeting~~ shall be as follows:
 - a. Chair or ~~D~~designee ~~C~~onvenes the ~~M~~meeting;
 - b. ~~Items~~ Motion to suspend or amend;
 - c. Consent Agenda;
 - d. Noticed Items;
 - e. Discussion, if any;
 - f. Motion to Aadjourn.
6. ~~The order of business for a Commission Mmeeting, other than a regularly scheduled Bbusiness Mmeeting, shall be as follows:~~
 - a. Chair or ~~D~~designee ~~C~~onvenes the ~~M~~meeting
 - b. ~~Items~~
 - c. ~~Motion to Aadjourn~~
7. ~~The order of business for a Commission Emergency Meeting shall be as follows:~~
 - a. Chair or ~~D~~designee ~~C~~onvenes the ~~M~~meeting
 - b. ~~Items~~
 - c. ~~Motion to Aadjourn~~
8. ~~6. Motions-~~ Upon a motion and a second, the ~~C~~chair will ask for discussion. After discussion, the ~~C~~chair will call for the vote. If the motion is approved with a vote opposed, the ~~C~~chair will ask the ~~C~~commissioner casting the opposing vote, "Does the ~~C~~commissioner desire to have the 'no' vote recorded in the minutes?"

Comment [SFA19]: This list should be reordered so that #5 follows #2, then #4, then #8 (now 6), and lastly #3. In other words, the listing should follow the order of meeting.

----- END -----

**CODE OF ETHICS FOR MEMBERS OF THE
NATIONAL ASSOCIATION OF
REGULATORY UTILITY COMMISSIONERS**

CANON I

A Commissioner Should Uphold the Integrity of the Commission:

An honorable Commissioner of high integrity is indispensable to justice in discharging the responsibilities of the Commission. A Commissioner should participate in establishing, maintaining and enforcing, and should observe high standards of conduct so that the integrity and honor of the Commission may be preserved. The provisions of this Code of Ethics should be construed and applied to further that objective.

CANON II

A Commissioner Should Avoid Impropriety and the Appearance of Impropriety in All Activities:

A Commissioner should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the Commission. A Commissioner should not own any stock or securities or other financial interest in any company regulated by the Commission.

A Commissioner should not allow family, social or other relationships to influence his or her official conduct or judgment. A Commissioner should not lend the prestige of office to advance the private interests of others nor should he or she convey or permit others to convey the impression that they are in a special position to influence him or her.

CANON III

A Commissioner Should Perform the Duties of Office Impartially and Diligently:

The official duties of a Commissioner take precedence over all other activities. A Commissioner's duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

- (1) A Commissioner should be faithful to and constantly strive to improve his or her competence in regulatory principles. He or she should be unswayed by partisan interests, public clamor, or fear of criticism.
- (2) A Commissioner should maintain order and decorum in the proceedings before him or her.
- (3) A Commissioner should be patient, dignified and courteous to litigants, witnesses, lawyers, and others with whom the Commission deals in an official capacity, and should require similar conduct of lawyers, staff, and others subject to the Commissioner's direction and control.
- (4) A Commissioner should afford to every person who is legally interested in a proceeding, or his or her lawyer, full right to be heard according to law.
- (5) A Commissioner should diligently discharge his or her administrative responsibilities, maintain professional confidence in Commission administration, and facilitate the

performance of the administrative responsibilities of other Commissioners and staff officials.

(6) A Commissioner should disqualify himself or herself in a proceeding in which his or her impartiality might reasonably be questioned, including, but not limited to, instances where:

- (a) The Commissioner has a personal bias or prejudice concerning a party;
- (b) The Commissioner has served as a lawyer or representative in the matter in controversy, or a lawyer with whom he or she previously practiced law served during such association as a lawyer or representative concerning the matter;
- (c) The Commissioner knows that he or she individually or as a fiduciary, or his or her spouse or minor child residing in his or her household, has a financial interest in the subject matter in controversy, or is a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding.

(7) For purposes of this section:

- (a) "Fiduciary" includes such relationships as executor, administrator, trustee and guardian;
- (b) "Financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:
 - (i) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the Commissioner participates in the management of the fund;
 - (ii) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by that organization;
 - (iii) The proprietary interest of a policy holder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest.

CANON IV

A Commissioner May Engage in Activities to Improve Regulation and Administration:

A Commissioner, subject to the proper performance of his or her duties, may engage in the following activities, and in doing so, he or she does not cast doubt on his or her capacity to decide impartially any issue that may come before the Commission:

- (1) The Commissioner may speak, write, lecture, teach, and participate in other activities concerning regulation and the administration of Commission business.
- (2) The Commissioner may appear at a public hearing before an executive or legislative body or official.

CANON V

A Commissioner Should Regulate His or Her Outside Activities to Minimize the Risk of Conflict:

By way of illustration, but not to be construed as excluding matters not covered:

(1) A Commissioner may write, lecture, teach, and speak on non-utility subjects and engage in arts, sports, and other social and recreational activities;

(2) A Commissioner may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of his or her official duties.

A Commissioner should refrain from financial and business dealing that tend to reflect adversely on his or her impartiality, interfere with the proper performance of his or her official duties, exploit his or her position, or involve him or her in frequent transactions with persons likely to come before the Commission.

Neither a Commissioner nor a member of his or her family residing in his or her household should accept a gift, bequest, favor, or loan from anyone except as follows:

(1) Instances in which the interests of the public are served by participation of the Commissioner such as widely attended luncheon meetings, dinner meetings, or similar gatherings sponsored by industrial, technical, and professional associations for the discussion of matters of mutual interest of the Commission and in the performance of his or her duties;

(2) A loan from a lending institution in its regular course of business on the same terms generally available to persons who are not Commissioners;

(3) A Commissioner or a member of his or her family residing in his or her household may accept any other gift, bequest, favor or loan if the donor is not a party or other person whose special interest may come or are likely to ever come before the Commissioner.

Adopted by the 89th NARUC Annual Convention on November 17, 1977 (**Convention Proceedings**, pages 315-318)