

Kansas Corporation Commission
Commission Meeting
June 14, 2018
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 June 14, 2018 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chair Albrecht, Commissioner Emler and Commissioner Keen. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Emler moved for approval of the Items on the Consent Agenda dated June 14, 2018 containing pages one through two and are attached to these Minutes. Commissioner Keen seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 18-CONS-3365-CMSC**

In the Matter of the Application of OKT Resources, LLC ("Operator") for an Operator's license Renewal.

Commissioner Emler moved for approval of order #18-4177- Order Denying Application for License, with a correction to paragraph #3 to read "official notice" instead of "judicial notice." Commissioner Keen seconded the motion.

The motion was approved.

- B. **Docket No. 18-CONS-3224-CINV**

In the Matter of the General Investigation to Examine the Legal Issues Pertaining to the Notice Requirements for Applications, Filed Between October 2008 and the Present, Seeking Underground injection of Salt Water Pursuant to K.A.R. 82-3-402.

Commissioner Keen moved for approval of order #18-4182 – Order on Sierra Club, Et Al's Petition to Intervene and Motion to File Out of Time, Instanter. Commissioner Emler seconded the motion.

The motion was approved.

- C. **Docket No. 18-WSEE-328-RTS**

In the Matter of the Joint Application of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval to Make Certain Changes in their Charges for Electric Services.

Commissioner Emler moved for approval of order #18-4172 – Order on KeyCorp and Midwest Power Company's Petition to Intervene. Commissioner Keen seconded the motion.

The motion was approved.

3. **Discussion:**

A. FERC Docket No. RP 18-849

Commissioner Keen moved the Commission to intervene and comment in FERC Docket No. RP18-849 and to authorize KCC Counsel to make such filings as may be necessary regarding such intervention. Commissioner Emler seconded the motion.

The motion was approved.

B. FERC

Commissioner Emler requested the agenda item concerning the matter for Petition for Cert be passed over for Executive Session in order for the Commission to consult with attorneys.

The Commission then recessed at 10:10 a.m. for an evidentiary hearing.

The Commission reconvened at 10:19 a.m.

4. **Other matters:**

- A. Commissioner Emler 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 was Michael Duenes, Assistant General Counsel. Commissioner Keen seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:20 a.m. and reconvened in public session at 10:35 a.m.

The Commission took the following action following this Executive Session:

Commissioner Emler moved to have counsel seek the Kansas Attorney General's approval to file a Petition for Writ of Certiorari with the U.S. Supreme Court in the Transource/Kanstar case, docket out of the District of Columbia, Dockets 16-1093 and 16-1164, and to proceed if approved. Commissioner Keen seconded the motion.

The motion was approved.

- B. Commissioner Keen 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 30 minutes. Also called into the Executive Session was Brian Fedotin, Deputy General Counsel, Christine Arnes, Chief of Telecommunications and Sandy Reams, Assistant Chief of Telecommunications. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:40 a.m. and reconvened in public session at 11:10 a.m. No action was taken.

- C. Commissioner Emler requested the Commission consider the implementation of the multifactor authentication, DUO system to further secure the KCC's information technology systems. Commissioner Keen moved to authorize the purchase of the DUO multifactor authentication system. Commissioner Emler seconded the motion.

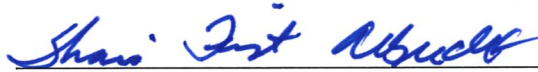
The motion was approved.

There being no further matters before the Commission, Commissioner Emler moved for adjournment of the Commission meeting. Commissioner Keen seconded the motion. The motion was approved. The Commission adjourned the June 14, 2018 Commission Meeting at 11:13 a.m.

Respectfully submitted,



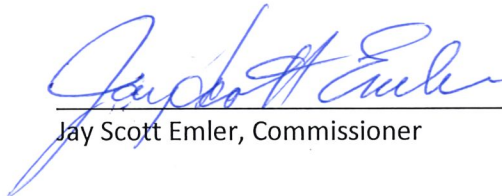
Lynn M. Retz
Secretary to the Commission



Shari Feist Albrecht, Chair



Dwight D Keen, Commissioner



Jay Scott Emler, Commissioner

STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

Motion to Intervene and Comment in KPC Pipeline Docket

Date: June 14, 2018

Docket No: Federal Energy Regulatory Commission Docket No. RP18-849

Background:

On May 30, 2018, KPC Pipeline submitted revised tariff records to FERC, proposing to: (1) delete summaries of expired negotiated rate agreements, and (2) permit KPC to acquire off-system capacity.

The authority and waiver requested by KPC are consistent with FERC precedent on acquisition of off-system capacity and both have commonly been approved for other pipelines. KPC requests an effective date of July 1, 2018. The KCC typically intervenes in tariff filings of this kind.

A filing deadline of June 14th was initially anticipated, but FERC set the deadline at June 11th. Thus, the KCC would be asking for leave to intervene and comment out-of-time.

Both Staff and OGC recommend the KCC intervene and comment in this docket.

Motion:

I move the Commission to intervene and comment in FERC Docket No. RP18-849 and to authorize our counsel to make such filings as may be necessary regarding such intervention.



ITEMS OF Consent Agenda

Approval Date: Thursday, June 14, 2018

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 General Investigation into the Operations of Kansas Gas Service, A Division of ONE Gas, Inc. Regarding the Natural Gas Incident that Occurred at 4550 SE 29th Street in Topeka, Shawnee County, Kansas. <i>Order Closing General Investigation</i>	18-KGSG-126-GIP	
2	In The Matter of NuStar Pipeline Operating Partnership L.P. Pleading Relating to Liquid Pipeline Tariff K.C.C.No. 19 <i>Order Approving Tariff Revisions</i>	18-KNBP-503-TAR	
3	In the Matter of the Investigation of Rutz Construction LLC of Enterprise, 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-536-PEN	

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

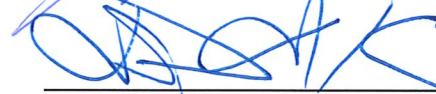
For the Commission :



Shari Feist Albrecht, Chair



Jay Scott Emler, Commissioner



Dwight D. Keen, Commissioner

Attest:



Lynn M. Retz
Secretary to the Commission