

Kansas Corporation Commission
Commission Meeting
August 23, 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 August 23, 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 August 23, 2018 containing pages one through four and are attached to these Minutes. Commissioner Keen seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 18-CONS-3075-CHOR**

In the Matter of the Application of Redtail Investments, LLC, to drill the Redtail #1 well located in Section 2, Township 35 South, Range 1 West, Sumner County, Kansas, as deviated well pursuant to K.A.R. 82-3-103a.

Commissioner Emler moved for approval of order #18-6767 - Order on Application. Commissioner Keen seconded the motion.

The motion was approved.

- B. **Consolidated Dockets:**

- Docket No. 17-CONS-3684-CPEN**

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.

- Docket No. 18-CONS-3057-CPEN**

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.

- Docket No. 18-CONS-3160-CPEN**

In the Matter of the Failure of Benjamin M. Giles ("Operator") to comply with K.A.R. 82-3-604 at the Ralston Lease Tank Battery in Butler County, Kansas.

- Docket No. 18-CONS-3167-CPEN**

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 Wright #1 OWWO well in Butler County, Kansas.

- Docket No. 18-CONS-3188-CPEN**

In the Matter of the Failure of Benjamin M. Giles ("Operator") to comply with K.A.R. 82-3-602 at the Wright #1 OWWO well in Butler County, Kansas.

- Docket No. 18-CONS-3189-CPEN**

In the Matter of the Failure of Benjamin M. Giles ("Operator") to comply with K.A.R. 82-3-608 at the Wright #1 OWWO well in Butler County, Kansas.

Commissioner Keen moved for approval of order #18-6764 – Order on Petition for Reconsideration. Commissioner Emler seconded the motion.

The motion was approved.

3. Other matters:

- A. Chair Albrecht moved to meet in Executive Session for matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved to discuss shared leave, for a period of 15 minutes, to return at 10:20 a.m. 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 10:05 a.m. and reconvened in public session at 10:20 a.m. No action was taken.

Commissioner Emler moved to authorize the Chair to proceed with approving shared leave for a KCC employee. Commissioner Keen seconded the motion. The motion was approved.

- B. Chair Albrecht moved to meet in Executive Session for matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved to discuss salary adjustment, for a period of 30 minutes, to return at 10:53 a.m. Commissioner Keen seconded the motion. The motion was approved.

The Commission moved into Executive Session at 10:23 a.m. and reconvened in public session at 10:53 a.m. No action was taken.

- C. Chair Albrecht moved to meet in Executive Session for matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved to discuss salary adjustment, for a period of 30 minutes, to return at 11:24 a.m. Commissioner Keen seconded the motion. The motion was approved.

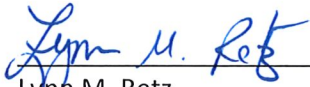
The Commission moved into Executive Session at 10:54 a.m. and reconvened in public session at 11:24 a.m. No action was taken.

- D. Chair Albrecht moved to meet in Executive Session for matters of non-elected personnel, pursuant to KSA 75-4319(b)(1), to protect the privacy of the individuals involved to discuss employment status, for a period of 5 minutes, to return at 11:33 a.m. Commissioner Keen seconded the motion. The motion was approved.

The Commission moved into Executive Session at 11:28 a.m. and reconvened in public session at 11:33 a.m. No action was taken.

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 August 23, 2018 Commission Meeting at 11:34 a.m.

Respectfully submitted,



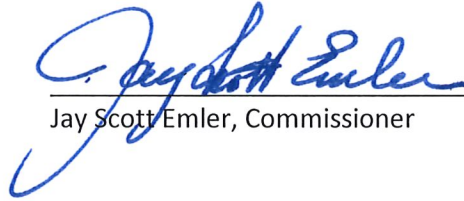
Lynn M. Retz
Secretary to the Commission



Shari Feist Albrecht, Chair



Dwight D Keen, Commissioner



Jay Scott Emler, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, August 23, 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 Audit of Birch Telecom of Kansas, Inc. 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 Adopting Revised Assessment Report</i>	18-BTKT-033-KSF	
2	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. <i>Order Accepting Sierra Club and Vote Solar's Errata to Hearing Transcript</i>	18-WSEE-328-RTS	
3	In the Matter of the Complaint of SWKI-Seward West Central, Inc. and SWKI-Stevens Southeast, Inc. Against Anadarko Natural Gas Company. <i>Protective and Discovery Order</i>	14-ANGG-119-COM	
4	In the Matter of the Application of Kaw Pipe Line Company for Permission to Cease Operations as a(n) Liquids Pipeline Common Carrier in the State of Kansas for Specified Routes in Rook and Graham Counties <i>Suspension Order</i>	19-KAWP-046-CCS	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of Benjamin M. Giles for an Exception to the 10-year time limitation of K.A.R. 82-3-111 for his Whipple #2 well located in Section 7, Township 26 South, Range 5 East, Butler County, Kansas. <i>Order Closing Docket</i>	17-CONS-3443-CEXC	
6	In the Matter of the Application of Merit Energy Company, LLC, for an Exception to the 10-Year Time Limitation of K.A.R. 82-3-111 for its Harris A-1 Well in the West Half of the Southwest Quarter of the Southeast Quarter of Section 22, Township 27 South, Range 36 West, Grant County, Kansas. <i>Order Granting Application</i>	18-CONS-3386-CEXC	
7	In the Matter of the Application of Vess Oil Corporation for an Exception to the 10-Year Time Limitation of K.A.R. 82-3-111 for its Harkness DD #1 Well Located in the SE/4 of Section 09, Township 18 South Range 26 West, Ness County, Kansas. <i>Order Granting Application</i>	18-CONS-3387-CEXC	
8	In the Matter of the Application of Berexco LLC for an Exception to the 10-year Time Limitation of K.A.R. 82-3-111 for its Grace B #2-10 Well Located in the SE NE SE of Sec 10, T34S, R38W Stevens County, Kansas. <i>Order Granting Application</i>	19-CONS-3034-CEXC	
9	In the Matter of the Application of Berexco LLC for an Exception to the 10-year Time Limitation of K.A.R. 82-3-111 for its Tom Sellens #8 Well Located in S/2 N/2 SE of Sec 17, T15S, R13W Russell County, Kansas. <i>Order Granting Application</i>	19-CONS-3056-CEXC	
10	In the Matter of the Application of Berexco LLC for an Exception to the 10-year Time Limitation of K.A.R. 82-3-111 for its Tom Sellens #10 Well Located in W/2 NW SE of Sec 17, T15S, R13W Russell County, Kansas. <i>Order Granting Application</i>	19-CONS-3057-CEXC	
11	In the Matter of the Application of P & M Energy, a General Partnership for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Premier #1 well, API#15-187-21067-00-00, located in the N/2 NE NE NE of Section 27, Township 28 South, Range 40 West, Stanton County, Kansas. <i>Order Granting Application</i>	19-CONS-3027-CEXC	
12	In the matter of the failure of Southwind Petroleum Corp. ("Operator") to comply with K.A.R. 82-3-111 at the George #34-1 in Rush County, Kansas. <i>Penalty Order - Southwind Petroleum Corp.</i>	19-CONS-3055-CPEN	
13	In the matter of the failure of Richlan Drilling, a General Partnership ("Operator") to comply with K.A.R. 82-3-111 at the Ummel #1 in Ness County, Kansas. <i>Penalty Order - Richlan Drilling, a General Partnership</i>	19-CONS-3073-CPEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the matter of the failure of Kelley Edgar dba Kelley Edgar Oil & Gas Operations ("Operator") to comply with K.A.R. 82-3-111 at the Coggins #1 in Sumner County, Kansas. <i>Penalty Order - Kelley Edgar dba Kelley Edgar Oil & Gas Operations</i>	19-CONS-3074-CPEN	
15	In the matter of the failure of NPF Energy Corporation ("Operator") to comply with K.A.R. 82-3-407 at the Quinn #2 in County, Kansas. <i>Penalty Order - NPF Energy Corporation</i>	19-CONS-3075-CPEN	
16	In the Matter of the Investigation of Raul Olvera, d/b/a Olvera Concrete 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). <i>Penalty Order</i>	19-DPAX-070-PEN	
17	In the Matter of the Investigation of Anthony Marley Miller, d/b/a Miller's Automotive of Concordia, 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>	19-TRAM-071-PEN	
18	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i>	19-TRAM-5012-TRA	

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

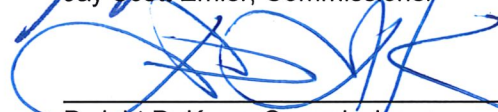
For the Commission :



Shari Feist Albrecht, Chair



Jay Scott Emler, Commissioner



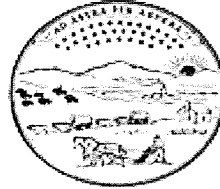
Dwight D. Keen, Commissioner

Attest:



Lynn M. Retz
Secretary to the Commission

STATE OF KANSAS



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GOVERNOR JEFF COLYER, M.D.
SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

Transportation Orders By Docket Number
19-TRAM-5012-TRA

Order Number	Description	Removed
18-6616	<i>In the Matter of the Application of D & H LAND AND CATTLE LLC of SATANTA KS for Authority for a Certificate of Public Service.</i> USDOT #3161554 D & H LAND AND CATTLE LLC of SATANTA KS - Order Granting Application for Certificate of Public Service	
18-6778	<i>In the Matter of the Emergency Suspension of Authority of S & S LIMOUSINE LLC of VIOLA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #1922203 S & S LIMOUSINE LLC of VIOLA KS - Emergency Order Suspending Authority	
18-6779	<i>In the Matter of the Emergency Suspension of Authority of JOHN GREEN of WICHITA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2635214 JOHN GREEN of WICHITA KS - Emergency Order Suspending Authority	
18-6780	<i>In the Matter of the Emergency Suspension of Authority of RTS TRUCKING LLC of NAPOLEON MO for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #1306609 RTS TRUCKING LLC of NAPOLEON MO - Emergency Order Suspending Authority	
18-6781	<i>In the Matter of the Emergency Suspension of Authority of JOHN WILLARD III of MOUND CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #1674713 JOHN WILLARD III of MOUND CITY KS - Emergency Order Suspending Authority	

Total # of Orders: 5

End of Report