

**Kansas Corporation Commission**  
**Commission Meeting**  
**October 9, 2018**  
10:00 a.m. 1<sup>st</sup> 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 October 9, 2018 in the 1<sup>st</sup> 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 Keen moved for approval of the Items on the Consent Agenda dated October 9, 2018 containing pages one through four which are attached to these Minutes. Commissioner Emler seconded the motion.

The motion was approved.

2. **Other matters:**

- A. Chair Albrecht 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, in anticipation of litigation, for a period of 15 minutes. Also called into the Executive Session was Brian Fedotin, Deputy General Counsel. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:02 a.m. and reconvened in public session at 10:17 a.m.

The Commission took no action following this Executive Session.

- B. Chair Albrecht 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, in anticipation of litigation, for a period of 15 minutes. Also called into the Executive Session was Brian Fedotin, Deputy General Counsel. Commissioner Keen seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:17 a.m. and reconvened in public session at 10:32 a.m.

The Commission took no action following this Executive Session.

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 October 9, 2018 Commission Meeting at 10:33 a.m.

Respectfully submitted,

  
\_\_\_\_\_  
Lynn M. Betz  
Secretary to the Commission

  
\_\_\_\_\_  
Shari Feist Albrecht, Chair

  
\_\_\_\_\_  
Dwight D. Keen, Commissioner

  
\_\_\_\_\_  
Jay Scott Emler, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Tuesday, October 9, 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	Application of AMG Technology Investment Group, LLC d/b/a NextLink Internet for Designation as an Eligible Telecommunications Carrier for the Purpose of Providing Services Supported by the FCC's Connect America Fund Phase II <i>Order Assessing Costs</i>	19-AMGT-122-ETC	
2	In the Matter of the Application of Mercury Wireless Kansas, LLC for Designation as an Eligible Telecommunications Carrier for Purposes of Connect America Fund Phase II Support. <i>Order Assessing Costs</i>	19-MERZ-123-ETC	
3	In the Matter of the Formal Complaint Against Westar Energy by Cecilia M. Greene <i>Order Dismissing Formal Complaint</i>	17-WSEE-472-COM	
4	In the Matter of the Complaint Against Westar Energy by Karine Tyrrell <i>Order Dismissing Formal Complaint</i>	18-WSEE-076-COM	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of Compliance Filings by Kansas City Power & Light Company, Westar Energy, Inc., Kansas Gas and Electric Company, Evergy, Inc. Pursuant to the Commission's Order in Docket No. 18-KCPE-095-MER <i>Order Granting CURB's Petition to Intervene</i>	19-KCPE-053-CPL	
6	In the Matter of the Application of Midwest Power Company For a Certificate of Public Convenience And Necessity to Transact the Business of a Public Utility in the State of Kansas <i>Protective Order and Discovery Order</i>	19-MPCE-064-COC	
7	In the Matter of the Complaint Against Westar Energy by Shawnsa Christy <i>Order Adopting Legal Memorandum</i>	19-WSEE-121-COM	
8	In the matter of the Application of Richlan Drilling for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Schneweis 9 well located in the NW/4 of Section 05, Township 17 South, Range 11 West, Barton County, Kansas. <i>Order Designating a Prehearing Officer and Setting Prehearing Conference</i>	19-CONS-3066-CEXC	
9	In the matter of the failure of Christopher Ballou dba Ballou Energy ("Operator") to comply with K.A.R. 82-3-111 at the Meverden #3 and Campbell #B2 in Miami County, Kansas. <i>Penalty Order - Christopher Ballou dba Ballou Energy</i>	19-CONS-3140-CPEN	
10	In the matter of the failure of Belpport Oil, Inc. ("Operator") to comply with K.A.R. 82-3-111 at the McEwen #3 in Cowley County, Kansas. <i>Penalty Order - Belpport Oil, Inc.</i>	19-CONS-3141-CPEN	
11	In the Matter of the Investigation of Shanks Oil Company, LLC of Independence, 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-120-PEN	
12	In the Matter of the Investigation of Kansas Fencing, Inc. of Topeka, 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-124-PEN	
13	In the Matter of the Investigation of Tom Burge Fence and Iron, Inc., of Overland Park, 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-125-PEN	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the Matter of the Investigation of AT&T of Union, 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>	19-DPAX-127-PEN	
15	In the Matter of the Investigation of S & S Trucking, Inc. of Mentor, 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-128-PEN	
16	In the Matter of the Investigation of Ronald Vincent, d/b/a Carl Vincent Service of Hutchinson, 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-129-PEN	
17	In the Matter of the Investigation of Assembly Man Services, LLC of Lenexa, 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-131-PEN	
18	In the Matter of the Investigation of Sheffield Sawmilling LLC of Manhattan, 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>Order Amending Penalty Assessment</i>	19-TRAM-080-PEN	
19	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i>	19-TRAM-5023-TRA	

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

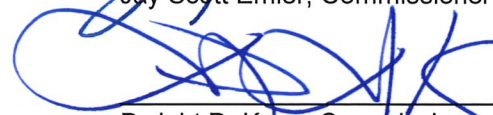
For the Commission :



Shari Feist Albrecht, Chair



Jay Scott Emler, Commissioner



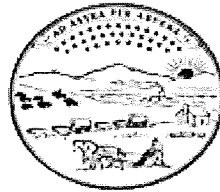
Dwight D. Keen, Commissioner

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 EMER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

**Transportation Orders By Docket Number  
19-TRAM-5023-TRA**

Order Number	Description	Removed
18-8597	<i>In the Matter of the Application of MID STATES TRUCKING LLC of GRANDVIEW MO for the Abandonment of Certificate of Public Service.</i> USDOT #2934581 MID STATES TRUCKING LLC of GRANDVIEW MO - Order Granting Request for Abandonment for Certificate of Public Service	
18-8599	<i>In the Matter of the Application of GEYLA VARELA of GARDEN CITY KS for Authority for a Certificate of Public Service.</i> USDOT #2124677 GEYLA VARELA of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
18-8600	<i>In the Matter of the Application of N&amp;K TRANSPORTATION SOLUTIONS LLC of TOPEKA KS for Authority for a Certificate of Public Service.</i> USDOT #3143907 N&K TRANSPORTATION SOLUTIONS LLC of TOPEKA KS - Order Granting Application for Certificate of Public Service	
18-8650	<i>In the Matter of the Application of ANDOLID TENA-AVALOS of GARDEN CITY KS for Authority for a Certificate of Public Service.</i> USDOT #3142989 ANDOLID TENA-AVALOS of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
18-8705	<i>In the Matter of the Application of TRINITY OILFIELD SERVICES INC of HUTCHINSON KS for Authority for a Certificate of Public Service.</i> USDOT #1811771 TRINITY OILFIELD SERVICES INC of HUTCHINSON KS - Order Granting Application for Certificate of Public Service	
18-8713	<i>In the Matter of the Application of PACHTA BROS TRUCKING LLC of CUBA KS for Authority for a Certificate of Public Service.</i> USDOT #3150980 PACHTA BROS TRUCKING LLC of CUBA KS - Order Granting Application for Certificate of Public Service	

Total # of Orders:

6

End of Report