

**Kansas Corporation Commission**  
**Commission Meeting**  
**October 23, 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 10:01 a.m. on October 23, 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 23, 2018 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. 19-CONS-3078-CUIC**

*In the Matter of the Application of Palomino Petroleum, Inc. to authorize the injection of saltwater into the Arbuckle Formation at the Carter Trust SWD #1 well located in the SW/4 of section 23, Township 17 South, Range 26 West, Ness County, Kansas.*

Commissioner Emler moved for approval of order #18-9363- Order on Protestant's Motion for Default and Dismissal of Application. Commissioner Keen seconded the motion.

The motion was approved.

3. **Discussion:**

- A. **FERC Docket No. RP 19-59**

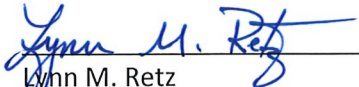
Commissioner Emler moved the Commission to intervene in FERC Docket No. RP19-59 and to authorize KCC Counsel to make such filings as may be necessary regarding such intervention. Commissioner Keen seconded the motion. The motion was approved.

- B. **FERC Docket No. 19-75**

Commissioner Keen moved the Commission to intervene in FERC Docket No. RP19-75 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.

There being no further matters before the Commission, Commissioner Keen moved for adjournment of the Commission meeting. Commissioner Emler seconded the motion. The motion was approved. The Commission adjourned the October 23, 2018 Commission Meeting at 10:06 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



CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027

PHONE: 785-271-3100  
FAX: 785-271-3354  
<http://kcc.ks.gov/>

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

## Motion to Intervene in Southern Star FERC Docket

**Date:** October 23, 2018

**Docket No:** Federal Energy Regulatory Commission Docket No. RP19-75

### **Background:**

On October 11, 2018, Southern Star filed a transmittal letter and FERC Form 501-G in response to the Commission's Final Rule implementing the federal Tax Cuts and Jobs Act of 2017.

Southern Star stated that it is currently engaged in settlement negotiations with its customers regarding a proposed modernization program. Those settlement negotiations include issues related to the impact of the federal tax change, including a reduction in base rates to reflect the lower federal tax rate.

Southern Star stated that the Form 501-G "accurately reduces the cost of service and increases the indicated rate reduction." Southern Star further stated that it hopes to file an uncontested settlement on its proposed modernization program before December 31, 2018, and therefore, "there is no need for [FERC] to take any action" on Southern Star's Form 501-G other than to accept it as a compliance filing on the Final Rule implementing the federal Tax Cuts and Jobs Act of 2017.

OGCs recommend filing a *pro forma* intervention in this proceeding.

### **Motion:**

I move the Commission to intervene in FERC Docket No. RP19-75 and to authorize our counsel to make such filings as may be necessary regarding such intervention.

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## Motion to Intervene in Northern Natural Gas FERC Docket

**Date:** October 23, 2018

**Docket No:** Federal Energy Regulatory Commission Docket No. RP19-59

### **Background:**

On October 11, 2018, Northern Natural Gas filed an informational report and Statement Demonstrating Why No Rate Adjustment is Warranted in response to FERC's Final Rule implementing the federal Tax Cuts and Jobs Act of 2017.

Northern stated that there is no basis for concluding that Northern's rates are unjust and unreasonable following the Tax Cuts and Jobs Act of 2017. Thus, Northern argued that rather than an immediate rate decrease, Northern customers will realize the benefit of tax reform through Northern's deferral of rate increases.

Historically, the KCC's interest in Northern's rate cases has been principally to assure that there isn't a change in allocation of costs between the production area (which includes Kansas) and the market area (which does not). This focus on cost allocation, as opposed to overall rates, is based on the assumption that a change in cost allocation will result in higher rates in the production area.

OGC recommends filing a *pro forma* intervention in this docket and monitoring other parties' involvement.

### **Motion:**

I move the Commission to intervene in FERC Docket No. RP19-59 and to authorize our counsel to make such filings as may be necessary regarding such intervention.



# ITEMS OF Consent Agenda

Approval Date: Tuesday, October 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	Application of Crown Castle Fiber LLC for a Certificate of Authority to Provide Resold and Facilities-Based Local Exchange Telecommunications Services in the State of Kansas <i>Order and Certificate</i>	19-CCFT-084-COC	
2	Application of Crown Castle Fiber LLC for a Certificate of Authority to Provide Resold and Facilities-Based Interexchange Telecommunications Services in the State of Kansas <i>Order Granting Certificate IXC</i>	19-CCFT-085-COC	
3	In the Matter of the Application of S&A Telephone Company, Inc. and S&A Communications, Inc. Loan Restatement K.S.A. 66-1213a. <i>Order Assessing Costs</i>	19-S&AT-143-CPL	
4	In the Matter of the Application of United Telephone Companies of Kansas d/b/a CenturyLink Filing Tariff Revisions to Delete IntraLATA Wide Area Telecommunications Services (WSTS) <i>Order Assessing Costs</i>	19-UTDT-144-TAR	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of Westar Energy, Inc. and Kansas Gas and Electric Company Seeking Commission Approval to Implement Changes in their Transmission Delivery Charges Rate Schedules. <b><i>Order Acknowledging Effective Date of Transmission Delivery Charge Subject-to-Refund</i></b>	16-WSEE-375-TAR	
5	In the Matter of Westar Energy, Inc. and Kansas Gas and Electric Company Seeking Commission Approval to Implement Changes in their Transmission Delivery Charges Rate Schedules. <b><i>Order Acknowledging Effective Date of Transmission Delivery Charge Subject-to-Refund</i></b>	17-WSEE-377-TAR	
5	In the Matter of Westar Energy, Inc. and Kansas Gas and Electric Company Seeking Commission Approval to Implement Changes in their Transmission Delivery Charges Rate Schedules. <b><i>Order Acknowledging Effective Date of Transmission Delivery Charge Subject-to-Refund</i></b>	18-WSEE-355-TAR	
6	In the Matter of the Application of Kansas City Power & Light Company to Make Certain Changes in Its Charges for Electric Service <b><i>Order Converting Evid. Hearing to Settlement Hearing</i></b>	18-KCPE-480-RTS	
7	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 <b><i>Order Setting Procedural Schedule</i></b>	19-MPCE-064-COC	
8	In the Matter of the Application of Charles N. Griffin for an Order Authorizing the Drilling of Mollie #1H as aHorizontal Wellbore Upon its Mollie Lease Located in Barber County, Kansas <b><i>Order Dismissing Application and Closing Docket</i></b>	18-CONS-3283-CHOR	
9	In the Matter of the Failure of 3G Production, LLC ("Operator") to comply with K.A.R. 82-3-111 at the Henning #2 well in Pawnee County, Kansas. <b><i>Order Closing Docket</i></b>	18-CONS-3297-CPEN	
10	In the Matter of the Application of Merit Energy Company, LLC, to Drill the MAE 4-10 Well as a Deviated Wellbore Pursuant to K.A.R. 82-3-103a to be Located in Section 10, Township 25 South, Range 33 West, Finney County, Kansas. <b><i>Order Granting Application</i></b>	19-CONS-3116-CHOR	
11	In the matter of the failure of Molitor Oil, Inc. ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Leslie #1 in Kingman County, Kansas. <b><i>Order Designating Prehearing Officer and Setting Prehearing Conference</i></b>	19-CONS-3127-CPEN	
12	In the Matter of the Investigation of Law Transportation Inc. of Wichita, 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. <b><i>Penalty Order</i></b>	19-TRAM-141-PEN	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
13	In the Matter of the Investigation of Overmiller Stock Farms, Inc., of Smith Center, 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-142-PEN	
14	In the Matter of the Investigation of Gable Trucking LLC of Clearwater, 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-145-PEN	
15	In the Matter of the Investigation of David Goodell of Olpe, 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-146-PEN	
16	In the Matter of the Investigation of Fidel V. Meza-Mendoza, d/b/a Double M Transport of Garden 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 Revocation of Motor Carrier Authority. <i>Penalty Order</i>	19-TRAM-147-PEN	
17	Transportation orders to be approved by the Commission on the Consent Agenda. <i>Transportation Economic Orders</i>	19-TRAM-5027-TRA	

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

For the Commission :



Shari Feist Albrecht, Chair

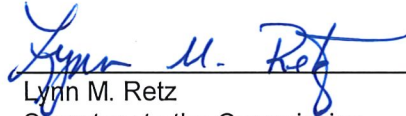


Jay Scott Emler, Commissioner



Dwight D. Keen, Commissioner

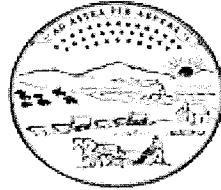
Attest:



Lynn M. Retz  
Secretary to the Commission



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## Transportation Orders By Docket Number 19-TRAM-5027-TRA

Order Number	Description	Removed
18-9274	<i>In the Matter of the Application of MOOVERS OF KC NORTH LLC of KANSAS CITY MO for Authority for a Certificate of Convenience and Necessity.</i> USDOT #2862072 MOOVERS OF KC NORTH LLC of KANSAS CITY MO - Order Granting Application for Certificate of Convenience and Necessity	
18-9276	<i>In the Matter of the Application of TRUCKING BY GEORGE INC of CANEY KS for the Abandonment of Certificate of Public Service.</i> USDOT #517961 TRUCKING BY GEORGE INC of CANEY KS - Order Granting Request for Abandonment for Certificate of Public Service	
18-9277	<i>In the Matter of the Application of JAIME GALVAN of DODGE CITY KS for the Abandonment of Certificate of Public Service.</i> USDOT #2493775 JAIME GALVAN of DODGE CITY KS - Order Granting Request for Abandonment for Certificate of Public Service	
18-9324	<i>In the Matter of the Application of BECKER TIRE &amp; TREADING INC of GREAT BEND KS for the Abandonment of Certificate of Public Service.</i> USDOT #82411 BECKER TIRE & TREADING INC of GREAT BEND KS - Order Granting Request for Abandonment for Certificate of Public Service	
18-9325	<i>In the Matter of the Application of QUEST TRUCKING COMPANY LLC of GARDEN CITY KS for a Private Carrier Permit.</i> USDOT #3044049 QUEST TRUCKING COMPANY LLC of GARDEN CITY KS - Order Granting Application for a Private Carrier Permit	
18-9376	<i>In the Matter of the Emergency Suspension of Authority of WOLF CONSTRUCTION INC of TOPEKA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #1093917 WOLF CONSTRUCTION INC of TOPEKA KS - Emergency Order Suspending Authority	
18-9377	<i>In the Matter of the Emergency Suspension of Authority of MARIA E JACO of GARDEN CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #1480805 MARIA E JACO of GARDEN CITY KS - Emergency Order Suspending Authority	

**Transportation Orders By Docket Number  
19-TRAM-5027-TRA**

Total # of Orders:

7

**End of Report**