

**Kansas Corporation Commission  
Commission Meeting  
November 1, 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 November 1, 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:** Chair Albrecht stated staff had requested Item No. 16, 19-CONS-3161-CPEN be removed from the Consent Agenda. Commissioner Keen moved for approval of the Consent Agenda, excluding Item No. 16, 19-CONS-3161-CPEN, dated November 1, 2018 containing pages one through three and are attached to these Minutes. Commissioner Emler seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 18-CONS-3262-CMSC**

*In the Matter of the Application of Joe Brake dba Brake Inc. ("Operator") for an Operator's License Renewal.*

Commissioner Emler moved for approval of order #18-9767 – Order Granting Default Motion and Assessing Costs Pursuant to K.S.A. 55-164(d). Commissioner Keen seconded the motion.

The motion was approved.

- B. **Docket No. Docket No. 18-KPPE-343-COC**

*In the Matter of the Application of Kansas Power Pool for a Certificate of Convenience and Authority to Transact the Business of an Electric Public Utility in the State of Kansas for Transmission Rights Only to Cross Service Territory of Southern Pioneer Electric Company and Ninnescah Rural Electric Company.*

Commissioner Emler moved for approval of order #18-9766 – Order Granting Transmission Rights Only Certificate of Convenience and Authority to Kansas Power Pool. Commissioner Keen seconded the motion.

The motion was approved.

**3. Other matters:**

- A. Chair Albrecht moved to meet in Executive Session for matters of Attorney/Client privileged matters, pursuant to K.S.A. 75-4319(b)(2), for consultation with an attorney to obtain legal advice regarding legal matters before the Commission for a period of 20 minutes, to return at 10:31 a.m. Further moved to include Deputy General Counsel Brian Fedotin and Chief Litigation Counsel Amber Smith. Commissioner Keen seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:11 a.m. and reconvened in public session at 10:31 a.m. No action was taken.

- B. Chair Albrecht moved to meet in Executive Session for matters of Attorney/Client privileged matters, pursuant to K.S.A. 75-4319(b)(2), for consultation with an attorney to obtain legal advice regarding legal matters before the Commission for a period of 20 minutes, to return at 10:51 a.m. Further moved to include Deputy General Counsel Brian Fedotin and Chief Litigation Counsel Amber Smith. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:31 a.m. and reconvened in public session at 10:51 a.m. No action was taken.

- C. Chair Albrecht moved to meet in Executive Session for matters of Attorney/Client privileged matters, pursuant to K.S.A. 75-4319(b)(2), for consultation with an attorney to obtain legal advice regarding legal matters before the Commission for a period of 10 minutes, to return at 11:02 a.m. Further moved to include Deputy General Counsel Brian Fedotin and Chief Litigation Counsel Amber Smith. Commissioner Emler seconded the motion.

The motion was approved.

The Commission moved into Executive Session at 10:52 a.m. and reconvened in public session at 11:02 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 November 1, 2018 Commission Meeting at 11:04 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, November 1, 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 Application of Time Warner Cable Midwest LLC to Change its Name to Spectrum Mid-America, LLC <i>Order Approving Name Change</i>	19-TWMC-140-CCN	
2	In the Matter of the Application of FreeState Electric Cooperative, Inc. for Certificate of Convenience and Authority to Transact the Business of a(n) Electric Public Utility in the State of Kansas, Jefferson County <i>Order Granting Application</i>	19-FSEE-079-COC	
3	In the Matter of the Application of Westar Energy for a Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility in Specifically in Portions of Section 7, 8, 11, and 12, Township 19 South, Range 14 East, Coffey County, Kansas <i>Order Granting Application</i>	19-WSEE-111-COC	
4	In the Matter of the Application of Westar Energy for Authority to Cease Transacting the Business of an Electric Public Utility Specifically in Portions of Section 4 Township 10 South, Range 20 East, Jefferson County, Kansas <i>Order Granting Application</i>	19-WSEE-114-CCS	

## Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of Westar Energy for Authority to Cease Transacting the Business of an Electric Public Utility Specifically in Portions of Section 4 Township 14 South, Range 16 East, Osage County <b>Order Assessing Costs</b>	19-WSEE-166-CCS	
6	In the Matter of the Application of Brian L. Birk dba Birk Petroleum to Amend the Injection Permit for the Merritt #5, located in Section 7, Township 23 South, Range 15 East, Coffey County, Kansas. <b>Order Setting Procedural Schedule</b>	19-CONS-3107-CUIC	
7	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 Schnew 9 well located in the NW/4 of Section 05, Township 17 South, Range 11 West, Barton County, Kansas. <b>Order Setting Procedural Schedule</b>	19-CONS-3066-CEXC	
8	In the Matter of the Application of Urban Oil and Gas Group LLC, to Authorize Injection of Saltwater into the Arbuckle Formation at the Lygrisse #82X, located in Section 15, Township 26 South, Range 2 East, Sedgwick County, Kansas. <b>Order Lifting Stay and Establishing New Procedural Schedule</b>	18-CONS-3375-CUIC	
9	In the Matter of the Emergency Suspension of Operating Authority of Kevin D. Rupp, Jr., d/b/a Bud Rupp Trucking of Russell, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. <b>Order Reinstating Motor Carrier Operating Authority</b>	16-TRAM-364-OOS	
10	In the Matter of the Investigation of Twenty-First Century Bean Processing LLC of Sharon Springs, 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>Penalty Order</b>	19-TRAM-164-PEN	
11	In the Matter of the Investigation of Franks Oilfield Service, LLC of Victoria, 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>Penalty Order</b>	19-TRAM-169-PEN	
12	In the Matter of the Investigation of Jose E. Orellana, d/b/a J & R Towing of Haysville, 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>Penalty Order</b>	19-TRAM-170-PEN	
13	In the matter of the failure of Hembree Oilfield Services, LLC ("Operator") to comply with K.A.R. 82-3-120. <b>Penalty Order - Hembree Oilfield Services LLC</b>	19-CONS-3155-CPEN	
14	In the matter of the failure of Brent Huneycutt ("Operator") to comply with K.A.R. 82-3-120. <b>Penalty Order - Brent Huneycutt</b>	19-CONS-3156-CPEN	

**Consent Agenda**

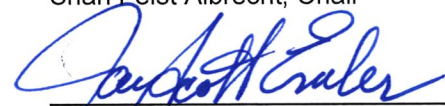
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
15	In the matter of the failure of Maier Well Service, Inc. ("Operator") to comply with K.A.R. 82-3-120. <b>Penalty Order - Maier Well Service, Inc.</b>	19-CONS-3157-CPEN	
16	In the matter of the failure of Everado Rodriguez ("Operator") to comply with K.A.R. 82-3-120. <b>Penalty Order - Everado Rodriguez</b>	19-CONS-3161-CPEN	✓
17	Transportation orders to be approved by the Commission on the Consent Agenda. <b>Transportation Economic Orders</b>	19-TRAM-5030-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



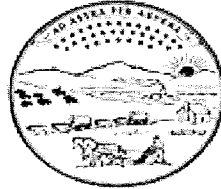
Dwight D. Keen, Commissioner

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 EMILER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

## Transportation Orders By Docket Number 19-TRAM-5030-TRA

Order Number	Description	Removed
18-9764	<i>In the Matter of the Application of LIGHT HARVESTING LLC of ROLLA KS for a Private Carrier Permit.</i> USDOT #3191831 LIGHT HARVESTING LLC of ROLLA KS - Order Granting Application for a Private Carrier Permit	
18-9765	<i>In the Matter of the Application of LIGHT HARVESTING LLC of ROLLA KS for Authority for a Certificate of Public Service.</i> USDOT #3191831 LIGHT HARVESTING LLC of ROLLA KS - Order Granting Application for Certificate of Public Service	
18-9892	<i>In the Matter of the Application of GALEN UNRUH of NEWTON KS for the Abandonment of Certificate of Public Service.</i> USDOT #1423243 GALEN UNRUH of NEWTON KS - Order Granting Request for Abandonment for Certificate of Public Service	
18-9899	<i>In the Matter of the Application of K &amp; N PETROLEUM INC of GREAT BEND KS for a Private Carrier Permit.</i> USDOT #3190496 K & N PETROLEUM INC of GREAT BEND KS - Order Granting Application for a Private Carrier Permit	

Total # of Orders: 4

End of Report