

Kansas Corporation Commission
Commission Meeting
June 7, 2016
10:00 a.m. 1st floor hearing room
KCC Offices, 1500 SW Arrowhead, Topeka, Kansas

MINUTES

The Commission convened the regularly scheduled open meeting of the Commission at 10:00 a.m. on June 7, 2016 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 SW Arrowhead, Topeka, Kansas.

Present: Chairman Emler, Commissioner Albrecht and Commissioner Apple. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Albrecht moved for approval of the Consent Agenda: All other listed matters as presented for June 7, 2016 on the 8 page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Apple seconded the motion. Motion was approved.

2. **Noticed:**

- A. **Docket No. 16-BHCG-144-ACQ, *In the Matter of the Joint Application of Anadarko Natural Gas Company, LLC and Black Hills/Kansas Gas Utility Company, LLC, d/b/a Black Hills Energy, for an Order Approving the Transfer to Black Hills of ANGC's Certificates of Convenience and Necessity with Respect to its Natural Gas Utility Business, Including its Transmission Facilities Located in and Around Hugoton, Kansas, Commonly Referred to as the West HRDS, to Provide Utility Service, to Approve Transportation Agreements Between Black Hills and Anadarko Energy Services Company and for Other Related Relief.***

Commissioner Albrecht moved for approval of order #16-1907 - *Order*.
Commissioner Apple seconded the motion. Motion was approved.

- B. **Docket No. 16-GIMM-411-KHP, *In the Matter of the Investigation of Carlson Auction Service, Inc., of Topeka, Kansas, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.***

Commissioner Albrecht moved for approval of order #16-1906 - *Order*.
Commissioner Apple seconded the motion. Motion was approved.

- C. **Docket No. 16-GIMT-468-GIT *In the Matter of an Investigation to Determine Intrastate Access Revenue Due to Rural Local Exchange Carriers***

Commissioner Albrecht moved for approval of order #16-1869 - *Order on Petitions for Reconsideration*. Commissioner Apple seconded the motion. Motion was approved.

3. **Other Matters:**

- A. Chairman Emler moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319 (b)(2), for consultation with an attorney, in anticipation of litigation, to obtain legal advice for a period of 20 minutes. Deputy General Counsel, Sam Feather attended the Executive Session. Commissioner Apple seconded the motion. Motion was approved.

The Commission moved into Executive Session at 10:07 a.m. and reconvened in public session at 10:27 a.m.

The Commission took no action following the Executive Session.

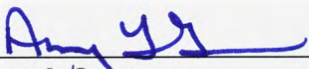
- B. Chairman Emler moved to meet in Executive Session for Attorney/Client privileged matters, pursuant to KSA 75-4319 (b)(2), for consultation with an attorney, in anticipation of litigation, to obtain legal advice for a period of 20 minutes. Deputy General Counsel, Sam Feather, Director of Utilities, Jeff McClanahan, Chief of Economic Policy and Planning, Robert Glass, and Chief Auditor, Justin Grady, attended the Executive Session. Commissioner Albrecht seconded the motion. Motion was approved.

The Commission moved into Executive Session at 10:32 a.m. and reconvened in public session at 10:52 a.m.

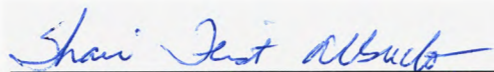
The Commission took no action following the Executive Session.

There being no further matters before the Commission, Commissioner Emler moved for adjournment of the Commission meeting. Commissioner Apple seconded the motion. The motion was approved. The Commission adjourned the June 7, 2016 Commission Meeting at 10:54 a.m.

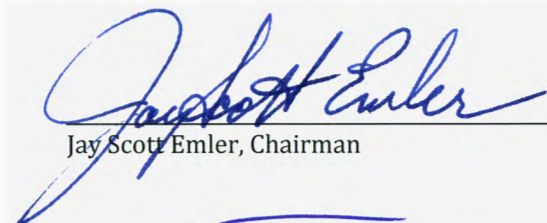
Respectfully submitted,



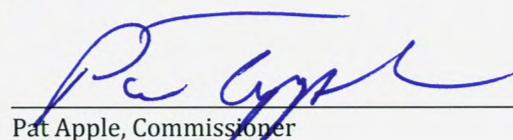
Amy L. Green
Secretary



Shari Feist Albrecht, Commissioner



Jay Scott Emler, Chairman



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Tuesday, June 7, 2016

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 Southwestern Bell Telephone, L.P. for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 with Global Connection Inc. of America. Order Approving Modification to Interconnection Agreement	05-SWBT-511-IAT	
2	In the Matter of the Application of Southwestern Bell Telephone Company for Approval of Interconnection Agreement Under the Telecommunications Act of 1996 With NOS Communications, Inc. d/b/a International Plus, Q11 Communications, The Internet Business Association, Advantage Network Solutions, and Blueridge Telecom Systems. Order Approving Modification to Interconnection Agreement	10-SWBT-100-IAT	
3	In the Matter of the Application of Wildflower Telecommunications, LLC for a Name Change on its Certificate of Convenience and Authority to Provide Local Exchange and Exchange Access Service Within the State of Kansas. Order Approving Name Change	14-WLDT-587-CCN	

ATTACHMENT A

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of An Investigation to Determine the Assessment Rate and the Affordable Local Service Rate for Rate-of-Return Regulated Carriers for the Nineteenth Year of the Kansas Universal Service Fund, Effective March 1, 2015. Order Approving Traffic Factors for Cox Kansas Telcom, LLC	15-GIMT-073-GIT	
5	In the Matter of An Investigation to Determine the Assessment Rate and the Affordable Local Service Rate for Rate-of-Return Regulated Carriers for the Nineteenth Year of the Kansas Universal Service Fund, Effective March 1, 2015. Order Approving Traffic Factors for MetroPCS Michigan LLC	15-GIMT-073-GIT	
6	In the Matter of An Investigation to Determine the Assessment Rate and the Affordable Local Service Rate for Rate-of-Return Regulated Carriers for the Nineteenth Year of the Kansas Universal Service Fund, Effective March 1, 2015. Order Approving Traffic Factors for Time Warner Cable	15-GIMT-073-GIT	
7	In the Matter of An Investigation to Determine the Assessment Rate and the Affordable Local Service Rate for Rate-of-Return Regulated Carriers for the Nineteenth Year of the Kansas Universal Service Fund, Effective March 1, 2015. Order Approving Continued Use of Direct Assignment Methodology by TracFone Wireless, Inc.	15-GIMT-073-GIT	
8	In the Matter of the Audit of McLeod USA Telecommunications Services, L.L.C. by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. Order Accepting and Adopting Compliance Report	16-MLTT-034-KSF	
9	In the Matter of the Audit of Consumer Cellular, Incorporated by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. Order Granting Motion for Extension of Time	16-CSCZ-035-KSF	
10	In the Matter of the Audit of United Telephone of Kansas d/b/a CenturyLink (TOLL/IXC) by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. Order Adopting Audit Report and Closing Docket	16-UTDT-041-KSF	
11	In the Matter of a General Investigation into the Adjustment of Intrastate Switched Access Charges Pursuant to the Federal Communications Commission's Reforms, Effective July 1, 2016. Order Approving Tariff Revisions for Blue Valley, Columbus, LaHarpe, and CenturyLink	16-GIMT-413-GIT	
12	In the Matter of the Application of Matrix Telecom, Inc. to Change Its Name to Matrix Telecom, LLC on All Certificates Previously Granted. Order Approving Name Change	16-MXTC-432-CCN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
13	In the Matter of a General Investigation for TeleBlend, LLC to Show Cause Why this Commission Should Not Initiate Sanctions or Fines and/or Refer the Company to the Attorney General's Office for Non-Compliance with Commission Orders and Kansas Statutes. Order Authorizing GVNW to Write Off Teleblend LLC's Delinquent KUSF Balance and Close Docket	16-GIMT-443-SHO	
14	In the Matter of the Application of Wildflower Telecommunications, LLC to Change Its Name to IdeaTek Telcom, LLC on All Certificates Previously Granted. Order Approving Name Change	16-WLDT-487-CCN	
15	In the Matter of a General Investigation into the Implementation of Senate Substitute for House Bill 2131. Order Opening Docket; Soliciting Comments; Procedural Matters	16-GIMT-517-GIT	
16	In the Matter of the Application of Jayhawk Pipeline LLC Revising Its Tariff Rates Based on the FERC Index for 2016. Suspension Order	16-JYHP-534-TAR	
17	In the Matter of the Application of Kaw Pipe Line Company Revising Its Tariff Rates Based on the FERC Index for 2016. Suspension Order	16-KAWP-535-TAR	
18	In the Matter of Magellan Pipeline Company, L.P., Filing Tariff Revisions to Tariff No.35 to Apply Annual Rate Indexing to Coincide with Concurrent Filings with the Federal Energy Regulatory Commission Suspension Order	16-MGPP-540-TAR	
19	In the Matter of the Application of Plains Pipeline, L.P.'s Pursuant to K.A.R. 82-10-2, for Approval of K.C.C. No. 4.7.0 and K.C.C. No. 5.11.0 Suspension Order	16-PPLP-543-TAR	
20	In the Matter of NuStar Pipeline Operating Partnership, L.P. Filing Tariff Revisions for Commission Approval of Tariff K.C.C. No. 1 and Canceling K.C.C. No. 15. Suspension Order	16-KNBP-546-TAR	
21	In the Matter of ONEOK North System, L.L.C. ("ONEOK") Filing K.C.C. No. 4.7, Implementing an Overall Rate Decrease in Accordance with the Federal Energy Regulatory Commission ("FERC") Indexing Methodology Suspension Order	16-ONSP-547-TAR	
22	In the Matter of the Application of Westar Energy for Revisions to Security Area Lighting Rate Schedule Order Adopting Staff's Report and Recommendation	16-WSEE-285-TAR	
23	In the Matter of the Application of Kansas City Power & Light Company For Approval of Its Demand-Side Management Portfolio Pursuant to the Kansas Energy Efficiency Investment Act ("KEEIA"), K.S.A. 66-1283. Order Granting Black Hills Energy's Petition to Intervene	16-KCPE-446-TAR	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
24	In the Matter of the Application of Kansas City Power & Light Company For Approval of Its Demand-Side Management Portfolio Pursuant to the Kansas Energy Efficiency Investment Act ("KEEIA"), K.S.A. 66-1283. Order Granting Atmos Energy's Petition to Intervene	16-KCPE-446-TAR	
25	In the Matter of the Application of Kansas City Power & Light Company For Approval of Its Demand-Side Management Portfolio Pursuant to the Kansas Energy Efficiency Investment Act ("KEEIA"), K.S.A. 66-1283. Order Granting Kansas Gas Service's Petition for Intervention	16-KCPE-446-TAR	
26	In the Matter of the Application of Westar Energy, Inc. for a Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility Specifically in Portions of Sections 3, 10, 11, and 14; Township 3 Ranges 14 East; in Nemah: County, KS Certificate	16-WSEE-492-COC	
27	In the Matter of the Application of Southern Pioneer Electric Company for Permission to Cease Operating as a(n) Electric Public Utility in the State of Kansas. A portion of Seward County Order	16-SPEE-502-CCS	
28	In the Matter of the Application of CMS Electric Cooperative, Inc. for a Certificate of Convenience and Authority to Transact the Business of a(n) Electric Public Utility in the State of Kansas. A portion of Seward County Certificate	16-CMSE-503-COC	
29	In the Matter of the Joint Application of ITC Great Plains, LLC, and its Parent Company, ITC Holdings Corp., Together With Fortis Inc., Fortis US Inc., ITC Investment Holdings Inc. and Element Acquisition Sub, Inc. for Order Approving the Acquisition by Fortis Inc. of the Majority of All Classes of the Stock of ITC Holdings Corp., and its Subsidiary Companies, Including ITC Great Plains, LLC. Order Designating Prehearing Officer; and Protective and Discovery Order	16-ITCE-512-ACQ	
30	In the Matter of Midwest Energy 2016 Transmission Formula Rate Filing Suspension Order	16-MDWE-515-TFR	
31	In the Matter of the Application of Freedom Pipeline, LLC for Commission Approval of the Gas Purchase and Sales Agreements Between Freedom Pipeline and Its Member-Owners. Order on Application	16-FRPG-452-CON	
32	In the Matter of the Application of Midwest Energy, Inc. for a Certificate of Convenience and Authority as a natural gas public utilit in Section 6, T28S, R35W and Sections 1, 2 and 11, T28S, R36W, Grant County. Certificate	16-MDWG-472-COC	
33	In the Matter of the Application of Atmos Energy to Cease Services as a Natural Gas Public Utility in Section 6, Township 28,, Range 35, and Sections 1, 2 and 11, Township 28, Range 36, Grant County, Kansas. Order	16-ATMG-473-CCS	

Consent Agenda

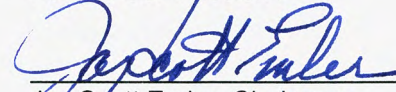
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
34	In the Matter of the Investigation of Solomon Valley Feeders II LLC of Beloit, Kansas, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Order Setting Hearing	16-GIMM-527-KHP	
35	In the Matter of the Investigation of JJGK Trucking LLC. 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. Penalty Order	16-TRAM-530-PEN	
36	In the Matter of the Investigation of Chad L. Elliott, d/b/a Brick & Block Works 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. Penalty Order	16-TRAM-531-PEN	
37	In the Matter of the Investigation of Midwest Shotcrete Inc, d/b/a Midwest Pools of Pleasanton, 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. Penalty Order	16-TRAM-536-PEN	
38	In the Matter of the Investigation of Dennis Kack & Terry Wiesen, d/b/a Northland Building & Remodeling of Salina, 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. Penalty Order	16-TRAM-537-PEN	
39	In the Matter of the Investigation of Muller Auto Transport LLC of Paxico, 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. Penalty Order	16-TRAM-541-PEN	
40	In the Matter of the Emergency Suspension of Operating Authority of P & V Solutions LLC of Overland Park, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Emergency Suspension of Operating Authority Order	16-TRAM-544-OOS	
41	In the Matter of the Emergency Suspension of Operating Authority of Manuel Rodriguez, d/b/a MIR Express of Johnson, Kansas, Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Emergency Suspension of Operating Authority Order	16-TRAM-545-OOS	
42	In the matter of an Order to Show Cause issued to B & S Petroleum LLC ("Operator") regarding responsibility under K.S.A. 55-171 for unplugged wells on an expired license. Order Closing Docket	16-CONS-3790-CSHO	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
43	In the matter of the application of Linn Operating, Inc. for an order providing for the unitization and unit operation of a part of the Hugoton and Panoma Council Grove Gas Fields in the Alternate Tract Unit described as Section 25-27S-37W (SE/4), Section 30-27S-36W (SW/4), Section 31-27S-36W (NW/4), Section 36-27S-37W (NE/4) in Grant County, Kansas (ATU 176X). Order Granting Application	16-CONS-3884-CUNI	
44	In the matter of the failure of Rama Operating Co., Inc. ("Operator") to comply with K.A.R. 82-3-111 at the Buckbee B #3 in Bartor County, Kansas. Order Rescinding Penalty	16-CONS-3895-CPEN	
45	In the matter of the failure of Tailwater, Inc. to comply with K.A.R. 82-3-103 at the N. Kempnick #7-IWM, West Wittman #1-IWM, and West Wittman #3-IWM wells in Anderson County, Kansas. Order Designating Prehearing Officer and Setting Prehearing Conference	16-CONS-3985-CPEN	
46	In the matter of a Compliance Agreement between Shawmar Oil & Gas Co., Inc. and Commission Staff regarding bringing 30 wells in Chase and Marion Counties into compliance with K.A.R. 82-3-111. Order Approving Compliance Agreement	16-CONS-4046-CMSC	
47	In the matter of a Compliance Agreement between Barracuda Operating Company and Commission Staff regarding bringing 2 wells on the Bessie May lease in Graham County into compliance with K.A.R. 82-3-111. Order Approving Compliance Agreement	16-CONS-4047-CMSC	
48	In the matter of the failure of C & K Operating LLC ("Operator") to comply with K.A.R. 82-3-111 at the Alameda Unit OWWO #13-1 Alameda Unit OWWO #13-3 and Alameda Unit #9-1 wells in Kingman County, Kansas. Penalty Order - C & K Operating LLC	16-CONS-4050-CPEN	
49	In the matter of the failure of Kraft Oil & Gas, LLC ("Operator") to comply with K.A.R. 82-3-126 at the Ponce Lease in Rice County, Kansas. Penalty Order - Kraft Oil & Gas, LLC	16-CONS-4051-CPEN	
50	In the matter of the failure of KC Resources, Inc. dba Crystal River ("Operator") to comply with K.A.R. 82-3-603 at the Miles B Lease in Kingman County, Kansas. Penalty Order - KC Resources, Inc. dba Crystal River	16-CONS-4099-CPEN	
51	In the matter of the failure of Relative Energy, Inc. ("Operator") to comply with K.A.R. 82-3-603 at the Hven Lease Tank Battery in McPherson County, Kansas. Penalty Order - Relative Energy, Inc.	16-CONS-4100-CPEN	

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

For the Commission :



Jay Scott Emler, Chairman

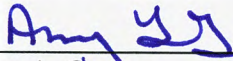


Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner

Attest:



Amy L. Green
Secretary to the Commission