

**Kansas Corporation Commission**  
**Commission Meeting**  
**September 12, 2019**  
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 September 12, 2019 in the 1<sup>st</sup> floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chair Keen, Commissioner Albrecht and Commissioner Duffy. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Albrecht moved for approval of the Items on the Consent Agenda dated September 12, 2019 containing pages one through three and are attached to these Minutes. Commissioner Duffy seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 19-WSEE-355-TAR**

*In the Matter of the Joint Application of Westar Energy, Inc. and Kansas Gas and Electric Company for Recovery of Certain Costs Through Their RECA.*

Commissioner Albrecht moved for approval of order #19-1518 – Order on Westar’s Application to Recover Certain Costs Through its R.E.C.A. Related to the 8% Portion of Jeffrey Energy Center. Commissioner Duffy seconded the motion.

The motion was approved.

3. **Other matters:**

- A. Chair Keen moved to meet in Executive Session for a discussion related to security matters or measures, pursuant to K.S.A. 75-4319(b)(13), for a period of 30 minutes. Also called into the Executive Session was Todd Reinert, IT Director, and Jon McKenzie, IT Security Analyst. Commissioner Albrecht seconded the motion. The Commission will reconvene in the 1<sup>st</sup> Floor Hearing room at 10:34 a.m.

The motion was approved.

The Commission moved into Executive Session at 10:04 a.m. and reconvened in public session at 10:34 a.m.

The Commission took the following action following this Executive Session:

Commissioner Albrecht moved for the Commission to approve the exceptions or variances from the ITEC Policy 7230a as outlined by the IT staff. Commissioner Albrecht further moved these exceptions or variances be treated as confidential and not subject to the Kansas Open Records Act pursuant to K.S.A. 45-221(a)(45). The Commission

directs IT Staff to make the corrections to the existing or new IT policies and to present them before the Commission at the business meeting next week. Commissioner Duffy seconded the motion.

The motion was approved.

- B. Chair Keen moved to meet in Executive Session to discuss personnel matters of non-elected personnel, pursuant to K.S.A. 75-4319(b)(1), to protect the privacy of the individuals involved regarding hiring, for a period not to exceed 30 minutes. Commissioner Albrecht seconded the motion. The Commission will reconvene in the 1<sup>st</sup> Floor Hearing room at 11:06 a.m.

The motion was approved.

The Commission moved into Executive Session at 10:36 a.m. and reconvened in public session at 11:06 a.m.

- C. Commissioner Albrecht moved to meet in Executive Session to discuss personnel matters of non-elected personnel, pursuant to K.S.A. 75-4319(b)(1), to protect the privacy of the individuals involved regarding hiring, for a period not to exceed 15 minutes. Commissioner Duffy seconded the motion. The Commission will reconvene in the 1<sup>st</sup> Floor Hearing room at 11:21 a.m.

The motion was approved.

The Commission moved into Executive Session at 11:06 a.m. and reconvened in public session at 11:21 a.m.

- D. Commissioner Albrecht moved to meet in Executive Session to discuss personnel matters of non-elected personnel, pursuant to K.S.A. 75-4319(b)(1), to protect the privacy of the individuals involved regarding hiring, for a period not to exceed 15 minutes. Chair Keen seconded the motion. The Commission will reconvene in the 1<sup>st</sup> Floor Hearing room at 11:36 a.m.

The motion was approved.

The Commission moved into Executive Session at 11:21 a.m. and reconvened in public session at 11:36 a.m.

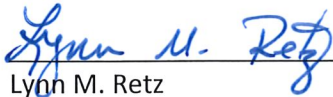
- E. Commissioner Albrecht moved to meet in Executive Session to discuss personnel matters of non-elected personnel, pursuant to K.S.A. 75-4319(b)(1), to protect the privacy of the individuals involved regarding hiring, for a period not to exceed 10 minutes. Commissioner Duffy seconded the motion. The Commission will reconvene in the 1<sup>st</sup> Floor Hearing room at 11:47 a.m.

The motion was approved.

The Commission moved into Executive Session at 11:37 a.m. and reconvened in public session at 11:47 a.m.

There being no further matters before the Commission, Commissioner Albrecht moved for adjournment of the Commission meeting. Commissioner Duffy seconded the motion. The motion was approved. The Commission adjourned the September 12, 2019 Commission Meeting at 11:48 a.m.

Respectfully submitted,



Lynn M. Retz  
Executive Director



Dwight D. Keen, Chair



Shari Feist Albrecht, Commissioner



Susan K. Duffy, Commissioner



# ITEMS OF Consent Agenda

Approval Date: Thursday, September 12, 2019

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 Complaint Against Westar Energy by Lonnie & Patricia Dalrymple <i>Order Accepting Formal Complaint an Adopting Litigation Staff's Memorandum</i>	20-WSEE-096-COM	
2	In the Matter of the Application of The Victory Electric Cooperative Association, Inc. Seeking Commission Approval to Update Its Local Access Delivery Service Tariff Pursuant to the 34.5 kV Formula Based Rate Plan Approved in Docket No. 16-MKEE-023-TAR. <i>Order Approving the Victory Electric Cooperative Association, Inc's Application to Update its Local Access Delivery Service Tariff</i>	19-VICE-448-TAR	
3	In the Matter of the Application of Kansas Gas and Electric Company for Approval of an Energy Supply Agreement Between Kansas Gas and Electric Company and Sprint AeroSystems, Inc. <i>Order Assessing Costs</i>	20-KG&E-112-CON	

**Consent Agenda**

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
4	In the Matter of the Application of Westar Energy for Authority to Case Transacting the Business of an Electric Public Utility Specifically, in Portions of Section 33 Township 9 South, Range 9 East, Pottawatomie County, Kansas <b>Order Assessing Costs</b>	20-WSEE-111-CCS	
5	In the Matter of the Emergency Suspension of Operating Authority of Jose Gerardo Olivas Castillo, d/b/a Olivas Trucking of Satanta, Kansas, for Failure to Comply With Federal New Entrant Safety Requirements as Required by the Kansas Motor Carrier Safety Statutes, Rules and Regulations. <b>Order Reinstating Motor Carrier Operating Authority</b>	20-TRAM-103-OOS	
6	In the Matter of the Investigation of Mark Neis, d/b/a Mark Neis Farms of Eudora, Kansas, Regarding the 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. <b>Penalty Order</b>	20-TRAM-109-PEN	
7	In the Matter of the Investigation of Chase Energy, LLC of Osawatomie, Kansas, Regarding the 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. <b>Penalty Order</b>	20-TRAM-110-PEN	
8	In the Matter of the Investigation of Jeff Stewart, d/b/a Stewart Roofing Company of Tonganoxie, Kansas, Regarding the 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. <b>Order Approving Stipulated Settlement Agreement</b>	20-TRAM-048-PEN	
9	In the Matter of the Investigation of Beerman Lawn Service, LLC of Fairway, 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). <b>Penalty Order</b>	20-DPAX-105-PEN	
10	In the Matter of the Application of Prairie Land Electric Cooperative, Inc. Seeking Commission Approval to Update Its Local Access Delivery Service Tariff Pursuant to the 34.5kV Formula Based Rate Plan Approved in Docket No. 16-MKEE-023-TAR <b>Order Approving Prairie Land Electric Cooperative, Inc's Application to Update its Local Access Delivery Service Tariff</b>	19-PLCE-436-TAR	
11	Transportation orders to be approved by the Commission on the Consent Agenda. <b>Transportation Economic Orders</b>	20-TRAM-5016-TRA	
12	KCC FY2021 Budget		

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

For the Commission :



A large, stylized handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

Dwight D. Keen, Chair

*Shari Feist Albrecht*  
Shari Feist Albrecht, Commissioner

*Susan K. Duffy*  
Susan K. Duffy, Commissioner

Attest:

*Lynn M. Retz*  
Lynn M. Retz  
Executive Director

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Dwight D. Keen, Chair  
Shari Feist Albrecht, Commissioner  
Susan K. Duffy, Commissioner

Laura Kelly, Governor

### Transportation Orders By Docket Number 20-TRAM-5016-TRA

Order Number	Description	Removed
20190906085545	<i>In the Matter of the Application of PARD ENTERPRISES LLC of SALINA KS for the Abandonment of Certificate of Public Service.</i> USDOT #1155946 PARD ENTERPRISES LLC of SALINA KS - Order Granting Request for Abandonment for Certificate of Public Service	
20190909100414	<i>In the Matter of the Application of FRANCISCO RAUL NUNEZ ERIVES of GARDEN CITY KS for Authority for a Certificate of Public Service.</i> USDOT #3319915 FRANCISCO RAUL NUNEZ ERIVES of GARDEN CITY KS - Order Granting Application for Certificate of Public Service	
20190909130340	<i>In the Matter of the Application of RODNEY D SWINK of DELPHOS KS for Authority for a Certificate of Public Service.</i> USDOT #3306607 RODNEY D SWINK of DELPHOS KS - Order Granting Application for Certificate of Public Service	
20190909151317	<i>In the Matter of the Emergency Suspension of Authority of TERRY SHERFICK of WAKEENEY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2477735 TERRY SHERFICK of WAKEENEY KS - Emergency Order Suspending Authority	
20190909151317	<i>In the Matter of the Emergency Suspension of Authority of DANTE C TRUCKING LLC of WICHITA KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #3042151 DANTE C TRUCKING LLC of WICHITA KS - Emergency Order Suspending Authority	
20190909151317	<i>In the Matter of the Emergency Suspension of Authority of ITR LLC of KANSAS CITY KS for Failure to Maintain Insurance Coverage as Required by the Motor Carrier Safety Statutes, Rules and Regulations.</i> USDOT #2360088 ITR LLC of KANSAS CITY KS - Emergency Order Suspending Authority	

Total # of Orders:

6

End of Report