

failed to comply with Commission regulations concerning pleadings and the confidential designation of information filed with the Commission.³

5. On March 27, 2018, the Prehearing Officer set the matter for a Status Conference on Monday, April 30, 2018 at 10:00 a.m.

6. On April 30, 2018, the Prehearing Officer convened the Status Conference. The Operator failed to attend and Staff verbally moved for default.

III. CONCLUSIONS OF LAW

7. Pursuant to K.S.A. 77-520(a), the Commission finds the Operator's failure to attend the Status Conference constitutes default. Pursuant to the Commission's Order Designating Prehearing Officer and Setting Prehearing Conference, the Commission, in accordance with K.S.A. 2016 Supp. 77-551(c), designated a prehearing officer to address any matters listed in K.S.A. 77-517(b).

8. Pursuant to K.S.A. 77-517, the exploration of settlement possibilities can be discussed at a prehearing conference. Settlement discussions are within the discretion of Staff, and any proposed settlement is subject to approval by the Commission. However, the Operator failed to attend the Prehearing Conference. Despite the Operator's filing of a settlement proposal, the Commission finds the Operator's lack of participation unacceptable and Staff's Motion for Default Order unopposed. Therefore, Staff's Motion for a Default Order should be granted. Staff's Motion to Eliminate Confidential Designation and Strike from the Record is denied as moot.

³ Motion to Eliminate Confidential Designation and to Require Operator's Attorney to Enter Appearance to Avoid Default at 1-2 (Feb. 12, 2018).


THEREFORE, THE COMMISSION ORDERS:

- A. Staff's Motion for Default Order is granted.
- B. Staff's Motion to Eliminate Confidential Designation and Strike from the Record is denied.
- C. Pursuant to K.S.A. 77-520(b), any party may file a written motion requesting that this Default Order be vacated and stating the grounds relied upon, within seven calendar days after service of this Order, with three additional days added to account for service by mail. If no request to vacate is received the Proposed Default Order shall become final and the Penalty Order shall be effective.
- D. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 05/03/2018



Lynn M. Retz
Secretary to the Commission

Mailed Date: 05/04/2018

DLK/sc

CERTIFICATE OF SERVICE

18-CONS-3253-CPEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 05/03/2018.

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