

it, I spent most of the month in the Cardio-Thoracic ICU.”³ The Operator further stated that “[o]n the date of the Hearing, I was in KU Med and I was in no Medical Condition to attend the Hearing.”⁴

7. On August 23, 2018, the Prehearing Officer scheduled a Status Conference for September 27, 2018.⁵ A Status Conference was held on that date, wherein the parties agreed to the following procedural schedule:

Staff Pre-filed Direct Testimony	Due: November 19, 2018
Operator Pre-filed Direct Testimony	Due: December 3, 2018
Rebuttal Testimony	Due: December 10, 2018
<u>Evidentiary Hearing before the Commission</u> 266 Main, Suite 220, Wichita, Kansas 67202	December 20, 2018, 10:00 a.m.

8. Failure to submit pre-filed testimony may result in the Commission restricting the right to testify and present evidence at the evidentiary hearing. At the hearing, the Commission may limit the parties’ direct and rebuttal testimony to the pre-filed testimony.

9. Any settlement agreement the parties wish to present for Commission consideration shall be due by November 19, 2018.

10. Any person requiring special accommodations under the Americans with Disabilities Act (ADA) should notify the Commission at least 10 days before the scheduled hearing date.

11. Any party who fails to attend or participate in the evidentiary hearing or in any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act.⁶

12. A corporation, including Patrick Development Corporation, shall appear before the Commission by a Kansas licensed attorney.⁷

³ Letter Requesting a Re-hearing, p. 1 (July 26, 2018).

⁴ Letter Requesting a Re-hearing, p. 1.

⁵ *Prehearing Officer Order Scheduling Status Conference*, Ordering Clause A (Aug. 23, 2018).

⁶ K.S.A. 77-518(c)(8); K.S.A. 77-520.

⁷ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

THEREFORE, THE COMMISSION ORDERS:

- A. The procedural schedule set forth in paragraph 7 above is adopted.
- B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁸
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/02/2018



Lynn M. Retz
Secretary to the Commission

Date Mailed: 10/03/2018

MJD

⁸ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

18-CONS-3356-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 10/02/2018.

JOHN ALMOND
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 3
137 E. 21ST STREET
CHANUTE, KS 66720
Fax: 785-271-3354
j.almond@kcc.ks.gov

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
m.duenes@kcc.ks.gov

RENE STUCKY
KANSAS CORPORATION COMMISSION
Conservation Division
266 N. Main St. Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
r.stucky@kcc.ks.gov

LAUREN WRIGHT, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
Conservation Division
266 N. Main St. Ste. 220
WICHITA, KS 67202-1513
Fax: 316-337-6211
l.wright@kcc.ks.gov

KERRY PATRICK
PATRICK DEVELOPMENT CORPORATION
3408 W 93RD RD
LEAWOOD, KS 66206
patrickdev@sbcglobal.net

/S/ DeeAnn Shupe

DeeAnn Shupe