

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Failure of Patrick) Docket No.: 18-CONS-3356-CPEN
Development Corporation (“Operator”) to)
Comply with K.A.R. 82-3-407 at the Grandon) CONSERVATION DIVISION
#NO 9 in Miami County, Kansas.)
_____) License No.: 6279

MOTION FOR DEFAULT ORDER

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively), moves the Commission for a Default Order to be issued against the Operator. In support of its motion, Staff states as follows:

1. On April 05, 2018, the Commission issued a Penalty Order against the Operator in the captioned docket.
2. On April 25, 2018, the Operator filed a timely appeal.
3. On May 10, 2018, the Commission issued an Order Designating Prehearing Officer and Setting Prehearing Conference, scheduling a Prehearing Conference for July 12, 2018.
4. On July 12, 2018, a Prehearing Conference was held. Staff appeared at the pre-hearing conference but the Operator failed to appear.
5. On July 19, 2018, Staff filed a Motion for Default Order stating, “Staff believes Operator was properly noticed and afforded the opportunity to attend and participate in the July 12, 2018, prehearing conference but failed to do so. Therefore, Staff requests that a default order be issued against Operator.”¹
6. On July 26, 2018, the Operator filed “Letter Requesting a Re-Hearing.”² The Operator stated that he was unable to attend the hearing due to health problems.³

¹ Motion for Default, ¶ 5.

² Letter Requesting a Re-Hearing, (July 26, 2018).

³ *Id.* at p. 1.

7. On August 23, 2018, the Prehearing Officer scheduled a Status Conference for September 27, 2018.⁴ A Status Conference was held on that date, wherein both parties attended and agreed to a procedural schedule.

8. On October 2, 2018, the Commission issued a procedural schedule, setting this matter for hearing on December 20, 2018.

9. On October 25, 2018, the Operator requested a continuance of this proceeding, stating that he will be undergoing a serious medical procedure on November 27, 2018, and is unsure of when he might be able to attend a hearing in Wichita.⁵

10. On November 15, 2018, the Commission issued an Order Continuing proceeding and Setting Status Conference for January 10, 2019.⁶

11. On January 10, 2019, a prehearing conference was held. Staff appeared at the Prehearing Conference, but the Operator did not.

12. Pursuant to K.S.A. 77-520(a), “[i]f a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order, including a statement of the grounds.”

13. Staff believes Operator was properly noticed and afforded an opportunity to participate in the January 10, 2019, prehearing conference, but failed to do so. This is the second prehearing conference the Operator has failed to attend. Therefore, Staff requests that a default order be issued against Operator.

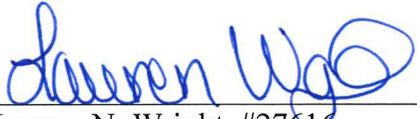
WHEREFORE, for the reasons set forth above, Staff respectfully requests the Commission issue a default order against Operator for failure to appear and participate, and for any further relief as the Commission deems just and proper.

⁴ Prehearing Officer Order Scheduling Status Conference, ¶ A, (Aug. 23, 2018).

⁵ Kerry Patrick, Request for Continuance (Oct. 25, 2018).

⁶ Order Continuing Proceeding and Setting Status Conference, ¶¶ A, B, (Nov. 15, 2018).

Respectfully submitted,



Lauren N. Wright, #27616
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VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

Lauren N. Wright, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of her knowledge, information and belief.



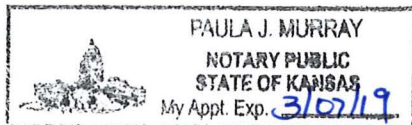
Lauren N. Wright, S. Ct. #27616
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 16 day of Jan, 2019.



Notary Public

My Appointment Expires: 3/07/19



CERTIFICATE OF SERVICE

18-CONS-3356-CPEN

I, the undersigned, certify that the true copy of the attached Motion for Default Order has been served to the following parties by means of electronic service on January 16, 2019.

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/S/ Paula J. Murray

Paula J. Murray