

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the Matter of the Notice of Denial of) Docket No. 17-CONS-3701-CMSC
License Renewal Application Issued to)
AX&P, Inc. (Operator).) CONSERVATION DIVISION
)
) License No. 3830

**ORDER CONTINUING TESTIMONY DEADLINES, EVIDENTIARY HEARING, AND
DEADLINE FOR SUMMARY JUDGMENT RESPONSE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, and being fully advised in the premises, the Commission makes the following findings:

1. On September 26, 2017, the Commission issued an *Amended Order Setting Procedural Schedule*, providing December 18, 2017, as the deadline for the Operator's pre-filed direct testimony; January 8, 2018, as the deadline for rebuttal testimony; and January 18, 2018, as the evidentiary hearing date.¹

2. On November 30, 2017, Staff witness, Cynthia K. Maine, filed direct testimony.

3. On December 8, 2017, the Operator filed a Motion for Summary Judgment and Memorandum in Support.

4. On December 18, 2017, the Operator's witnesses, Jon R. Viets and Jurgen J. Hanke, filed direct testimony.

5. On December 18, 2017, Commission Conservation Staff (Staff) filed a Motion for Continuance of Testimony Deadlines and Evidentiary Hearing, and for Extension of Summary Judgment Response Deadline (Motion for Continuance), noting that "[a]fter consultation with

¹ *Amended Order Setting Procedural Schedule*, ¶ 2 (Sept. 26, 2017).

Operator's counsel, Staff believes this matter may be able to be resolved without the need for an evidentiary hearing," and therefore, Staff requested "that the evidentiary hearing be rescheduled for March 15, 2018; that the deadline for rebuttal testimony and settlement be extended to March 5, 2018; for Operator's testimony deadline [to] be continued to February 26, 2018; and Staff's deadline to respond to Operator's motion for summary judgment [to] be extended to February 12, 2018; as none of the foregoing may wind up being necessary."² Staff also stated that the Operator is not opposed to the requested extensions.³

6. Because the Operator's witnesses filed direct testimony on December 18, 2017, the Commission finds no need to continue the Operator's direct testimony deadline.

7. The Commission finds the parties' pursuit of a possible resolution in this docket is to be encouraged, and therefore, Staff's Motion for Continuance should be granted.

THEREFORE, THE COMMISSION ORDERS:

A. The deadline for pre-filed rebuttal testimony and settlement is continued to March 5, 2018.

B. Staff's deadline to respond to the Operator's Motion for Summary Judgment is continued to February 12, 2018.

C. The evidentiary hearing is rescheduled for **Thursday, March 15, 2018**, at 10:00 a.m., at the Commission's Wichita office, 266 N. Main, Suite 220.

D. Parties have 15 days from the date of electronic service of this Order to petition for reconsideration.⁴

E. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

² Motion for Continuance, ¶ 3.


³ *Id.*

⁴ K.S.A. 55-162; 55-606; K.S.A. 66-118b; K.S.A. 77-529(a)(1).

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: **JAN 4 2018**



Lynn M. Retz
Secretary to the Commission

MJD

CERTIFICATE OF SERVICE

I certify that on **JAN 4 2018** , I caused a complete and accurate copy of this Order to be served electronically to the following:

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EMAILED

JAN 4 2018