

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Susan K. Duffy, Chair
Shari Feist Albrecht
Dwight D. Keen

In the matter of the failure of Viva International,) Docket No: 20-CONS-3182-CPEN
Inc. ("Operator") to comply with K.A.R. 82-3-)
603 at the Wright Lease in Linn County,) CONSERVATION DIVISION
Kansas.)
_____) License No: 5556

PREHEARING OFFICER ORDER SETTING PREHEARING CONFERENCE

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. On January 7, 2020, the Commission issued a *Penalty Order* against Operator, finding various violations of K.A.R. 82-3-603 for failure to report and clean up spills on the Wright lease.¹
2. On January 27, 2020, Operator requested a hearing.²
3. On February 4, 2020, the Commission issued an *Order Designating Prehearing Officer and Setting Prehearing Conference*, setting a February 18, 2020, prehearing conference.³
4. On February 18, 2020, Commission Staff attended the prehearing conference, but Operator did not.⁴ The same day, Staff filed a motion for a default order against Operator.
5. On February 24, 2020, Staff withdrew its request for a default order, instead requesting that a prehearing conference be scheduled.⁵ Staff alluded to service issues with the Commission's February 4, 2020, order.⁶

¹ See Penalty Order, ¶¶ 6, 13 (Jan 7, 2020).

² See Letter Requesting Hearing (Jan. 27, 2020).

³ See Order Designating Prehearing Officer and Setting Prehearing Conference, Ordering Clause B (Feb. 4, 2020).

⁴ See Motion for Default Order, ¶ 4 (Feb. 18, 2020).

⁵ See Motion Withdrawing Motion for Default Order and Requesting A Pre-Hearing Conference (Feb. 24, 2020).

⁶ See *id.*, ¶ 6.

6. Upon review of the Commission's February 4, 2020, order and Staff's filings, the Prehearing Officer finds Operator was not appropriately served the February 4, 2020, order, as the Order was only sent electronically, but Operator had not consented to electronic service.⁷ In light of this, the Prehearing Officer finds it appropriate to reschedule the prehearing conference.

THEREFORE, THE PREHEARING OFFICER ORDERS:

A. A copy of the Commission's February 4, 2020, order shall be mailed to Operator along with this Order. The Commission employee who serves this Order shall complete a certificate of service for this Order that certifies both this Order and the February 4, 2020, order were served.

B. The prehearing conference in this matter is rescheduled for **Tuesday, March 24, 2020, at 1:30 p.m.** by telephone. The conference call information remains: telephone number: (866) 620-7326, Conference Code PIN: 3902542751.

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: March 3, 2020

JRM

/s/ Jonathan R. Myers

Jonathan R. Myers
Prehearing Officer

⁷ See K.S.A. 77-531.

CERTIFICATE OF SERVICE

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I, the undersigned, certify that a true copy of the attached Order with a copy of the Commission's Order

Designating Prehearing Officer and Setting Prehearing Conference dated February 4, 2020, have been served to

the following by means of first class mail and electronic service on 03/03/2020.

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/s/ DeeAnn Shupe

DeeAnn Shupe