THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:

Dwight D. Keen, Chair Shari Feist Albrecht Jay Scott Emler

In the Matter of the Failure of Andrew L.) Bohl ("Operator") to comply with K.A.R.) 82-3-120.) Docket No: 19-CONS-3193-CPEN

CONSERVATION DIVISION

License No: 33681

DEFAULT ORDER

)))

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

I. Jurisdiction

1. K.S.A. 77-520 provides that if a party fails to attend any stage of an adjudicative proceeding, the agency may issue a default order with a statement of the grounds. Within seven days after service of a proposed default order, the party against whom it was issued has seven days to file a written motion to vacate, which shall state the grounds relied upon.

II. Findings of Fact

2. On December 11, 2018, the Commission issued a Penalty Order against Andrew L.

Bohl (Operator) for one violation of K.A.R. 82-3-120(a) because an unplugged well or unplugged wells, for which the Operator is responsible, remained on the Operator's expired license.¹

3. On January 4, 2019, the Operator requested a hearing.²

¹ *Penalty Order*, ¶10 (Dec. 11, 2018).

² Letter of Appeal (Jan. 4, 2019).

4. On January 29, 2019, the Commission issued an *Order Designating Prehearing Officer and Setting Prehearing Conference*, scheduling a Prehearing Conference for February 14, 2019.³

5. On February 14, 2019, a Prehearing Conference was held. Commission Staff (Staff) appeared at the Prehearing Conference, but the Operator did not.

6. On February 18, 2019, Staff filed a Motion for Default Order, stating that "Staff believes Operator was properly noticed an afforded an opportunity to attend and participate in the February 14, 2019, prehearing conference, but failed to do so. Therefore, Staff requests that a default order be issued against Operator."⁴

III. Conclusions of Law

7. Pursuant to K.S.A. 77-520(a), the Commission finds the Operator's failure to attend the February 14, 2019, Prehearing Conference constitutes default. Thus, Staff's Motion for Default Order is granted.

THEREFORE, THE COMMISSION ORDERS:

A. Staff's Motion for Default Order is granted.

B. 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.

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

³ Order Designating Prehearing Officer and Setting Prehearing Conference, Ordering Clause B (Jan. 29, 2019).

⁴ Motion for Default Order, ¶ 5. (Feb. 18, 2018).

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: ____03/12/2019

Lynn M. Reg

Lynn M. Retz Secretary to the Commission

Mailed Date: _____03/12/2019

JRM

CERTIFICATE OF SERVICE

19-CONS-3193-CPEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

first class mail and electronic service on _____03/12/2019

ANDREW L. BOHL 505 E CEDAR OLATHE, KS 66061-4766 JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL KANSAS CORPORATION COMMISSION 266 N. Main St., Ste. 220 WICHITA, KS 67202-1513 Fax: 316-337-6211 j.myers@kcc.ks.gov

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

> /S/ DeeAnn Shupe DeeAnn Shupe