

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 and 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. 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.

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