

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

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

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

PREHEARING OFFICER ORDER SCHEDULING STATUS 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 April 5, 2018, the Commission issued a *Penalty Order*, finding that Patrick Development Corporation (Operator) committed one violation of K.A.R. 82-3-407.¹
2. On April 25, 2018, the Operator requested a hearing.
3. On May 10, 2018, the Commission issued its *Order Designating Prehearing Officer and Setting Prehearing Conference*, scheduling a Prehearing Conference for July 12, 2018.² On July 12, 2018, a Prehearing Conference was held. Staff appeared at the Prehearing Conference, but the Operator did not.
4. On July 19, 2018, Staff filed a Motion for Default Order (Motion for Default), stating that “Staff made a verbal Motion for Default at the prehearing conference. The Prehearing Officer requested the Motion be submitted in writing.”³ Staff stated its belief that “Operator was

¹ *Penalty Order*, ¶ 13 (Apr. 5, 2018).

² *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause B (May 10, 2018).

³ Motion for Default, ¶ 3.

properly noticed and afforded an opportunity to attend and participate in the July 12, 2018, prehearing conference, but failed to do so.”⁴

5. On July 26, 2018, the Operator filed a letter requesting a re-hearing, stating that “[t]he only reason that I didn’t attend the Hearing was due to the Fact that I suffered a Tear and/or Dissection of the Aorta of my Heart on June 1 and that for with the various complications from it, I spent most of the month in the Cardio-Thoracic ICU.”⁵ The Operator further stated that “[o]n the date of the Hearing, I was in KU Med and I was in no Medical Condition to attend the Hearing.”⁶

6. In light of the Operator’s alleged medical condition, the Prehearing Officer finds that this proceeding shall be continued, and a Status Conference shall be scheduled for September 27, 2018, at 8:30 a.m.

THEREFORE, THE PREHEARING OFFICER ORDERS:

A. A Status Conference is scheduled for **Thursday, September 27, 2018, at 8:30 a.m.** by telephone. The conference call information is: telephone number: (866) 620-7326, Conference Code PIN: 7632914771#.

B. Any party that fails to attend or participate in the Status Conference, hearing, or other stage of this proceeding may be held in default pursuant to the Kansas Administrative Procedure Act.⁷

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁸

⁴ Motion for Default, ¶ 5.

⁵ Letter Requesting a Re-hearing, p. 1 (July 26, 2018).

⁶ Letter Requesting a Re-hearing, p. 1.

⁷ K.S.A. 77-516(c)(8); K.S.A. 77-520.

⁸ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

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

Dated: August 23, 2018

/s/ *Michael J. Duenes*

Michael J. Duenes
Prehearing Officer

MJD

CERTIFICATE OF SERVICE

18-CONS-3356-CPEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Prehearing Officer Order Scheduling Status Conference was served via electronic service this 23rd day of August, 2018, to the following:

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