

**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 Failure of Kephart ) Docket No: 18-CONS-3067-CPEN  
Gas Production, a General Partnership )  
("Operator") to comply with K.A.R. ) CONSERVATION DIVISION  
82-3-120. )  
\_\_\_\_\_ ) License No: 4995

**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. The party has seven days to file a written motion to vacate, stating the grounds relied upon.

**II. FINDINGS OF FACT**

2. On August 3, 2017, the Commission issued a Penalty Order to Kephart Gas Production (Operator), stating that Operator's license had expired and an unplugged well, or unplugged wells, remained on Operator's expired license in violation of K.A.R. 82-3-120.<sup>1</sup>

2. On August 31, 2017, the Operator filed a timely appeal and request for hearing.<sup>2</sup>

3. On September 19, 2017, the Commission issued its Order Designating Prehearing Officer and Setting a Prehearing Conference for October 23, 2017.<sup>3</sup>

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<sup>1</sup> Penalty Order – Kephart Gas Production, a General Partnership (Aug. 3, 2017).

<sup>2</sup> Appeal Notice and Request for Hearing (Aug. 31, 2017).

<sup>3</sup> Order Designating Prehearing Officer and Setting Prehearing Conference (Sep. 19, 2017).

4. On October 23, 2017, the Prehearing Conference was held as scheduled. The Operator did not appear. Counsel for Commission Staff verbally moved for a default order.

### III. CONCLUSIONS OF LAW

5. The Operator's failure to attend the Prehearing Conference constituted default under K.S.A. 77-520. Staff's motion for a default order is granted.

6. The Commission finds the Operator in default of these proceedings.

#### **THEREFORE, THE COMMISSION ORDERS:**

A. Staff's motion for a default order is granted.

B. The Commission finds the Operator in default of these proceedings.

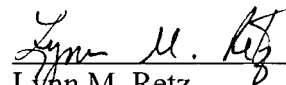
C. Pursuant to K.S.A. 77-520(b), Operator may file a written motion requesting that this Default Order be vacated and stating the grounds relied upon, within seven calendar days after service of this Order, with three additional days added for service by mail. The motion shall be addressed to the Commission and sent to 266 N. Main, Ste. 220, Wichita, Kansas 67202.

D. The Commission retains jurisdiction of the subject matter and the parties and may enter additional orders as it deems appropriate.

#### **BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: NOV 09 2017

  
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Lynn M. Retz  
Secretary to the Commission

Mailed Date: November 9, 2017

SF/sc

**CERTIFICATE OF SERVICE**

I certify that on 11/9/17, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Jeff Kephart  
Kephart Gas Production, a General Partnership  
4230 Douglas Road  
Thayer, KS 66776

and delivered by e-mail to:

Jonathan R. Myers, Litigation Counsel  
KCC Central Office

Samuel Feather, Deputy General Counsel  
KCC Topeka Office

/s/ Paula J. Murray  
Paula J. Murray  
Legal Assistant  
Kansas Corporation Commission