

**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 notice of denial of license) Docket No.: 17-CONS-3701-CMSC
renewal application issued to AX&P, Inc.)
) CONSERVATION DIVISION
)
) License No.: 3830

**MOTION FOR CONTINUANCE OF TESTIMONY DEADLINES AND EVIDENTIARY
HEARING, AND FOR EXTENSION OF SUMMARY JUDGMENT RESPONSE
DEADLINE**

Commission Staff (Staff) of the State Corporation Commission of the State of Kansas (Commission) files this Motion for a continuance of the testimony deadlines and the evidentiary hearing in this docket, and for an extension of Staff's summary judgment response deadline. In support of its Motion, Staff states as follows:

1. On June 19, 2017, Operator's license renewal application was denied. On June 28, 2017, Operator requested a hearing. On September 26, 2017, the Commission issued an order setting a procedural schedule. Staff timely submitted direct testimony by December 4, 2017; Operator's testimony is due today, December 18, 2017; rebuttal testimony is due January 8, 2018; and the evidentiary hearing is scheduled for January 18, 2018.

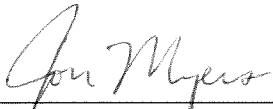
2. On December 8, 2017, Operator filed a motion for summary judgment; Staff's response is due today, December 18, 2017.

3. After consultation with Operator's counsel, Staff believes this matter may be able to be resolved without the need for an evidentiary hearing. Staff therefore requests that the evidentiary hearing be rescheduled for March 15, 2018; that the deadline for rebuttal testimony and settlement be extended to March 5, 2018; for Operator's testimony deadline be continued to

February 26, 2018; and Staff's deadline to respond to Operator's motion for summary judgment be extended to February 12, 2018; as none of the foregoing may wind up being necessary. Staff has spoken with Operator's counsel, who is not opposed.

WHEREFORE, Staff requests this motion be granted.

Respectfully submitted,

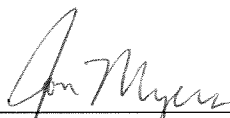
A handwritten signature in cursive script, appearing to read "Jon Myers", is written above a horizontal line.

Jonathan R. Myers, #25975
Litigation Counsel
Kansas Corporation Commission
266 N. Main, Suite 220, Wichita, Kansas 67202
Phone: 316-337-6200; Fax: 316-337-6211

VERIFICATION

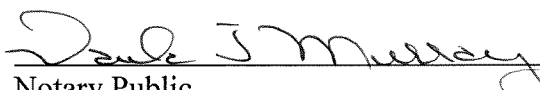
STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

Jonathan R. Myers, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of his knowledge, information and belief.



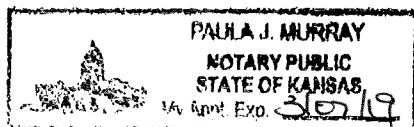
Jonathan R. Myers, S. Ct. #25975
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 18 day of Dec, 2017.



Notary Public

My Appointment Expires: 3/07/19



CERTIFICATE OF SERVICE

I certify that on 12/18/17, I caused a complete and accurate copy of this Motion to be served electronically to the following:

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