THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Shari Feist Albred Jay Scott Emler Dwight D. Keen	ch	nt, Chair		
In the Matter of the Failure of Patr Corporation ("Operator") to Com	1 /)	Docket No: 18-CONS-3356-CPEN		
82-3-407 at the Grandon #NO 9 is	n Miami County,)	CONSERVATION DIVISION		
Kansas.)			
)	License No. 6279		

ORDER CONTINUING PROCEEDING AND SETTING STATUS CONFERENCE

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 the following:

- 1. On April 5, 2018, the Commission issued a *Penalty Order* against Patrick Development Corporation (Operator) for a violation of K.A.R. 82-3-407.¹
 - 2. On April 25, 2018, the Operator filed a request for hearing.
- 3. On May 10, 2018, the Commission issued an *Order Designating Prehearing Officer and Setting Prehearing Conference*, scheduling a Prehearing Conference for July 12, 2018.²
- 4. On July 12, 2018, a Prehearing Conference was held. Staff appeared by counsel, but the Operator did not attend. Staff counsel verbally moved for default.
 - 5. On July 19, 2018, Staff filed a Motion for Default Order.
- 6. On July 27, 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/

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¹ Penalty Order, ¶ 13 (Apr. 5, 2018).

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

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." 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."

- 7. On August 23, 2018, the Prehearing Officer scheduled a Status Conference for September 27, 2018.⁵ A Status Conference was held on that date, wherein the parties agreed to a procedural schedule.
- 8. On October 2, 2018, the Commission issued a procedural schedule, setting this matter for hearing on December 20, 2018.⁶
- 9. On October 25, 2018, the Operator requested a continuance of this proceeding, stating that he will be undergoing a serious medical procedure on November 27, 2018, and is unsure of when he might be able to attend a hearing in Wichita.⁷
- 10. With a view towards conserving administrative resources, the Commission finds it imprudent to set a particular hearing date at this time. Instead, the Commission finds that a Status Conference shall be scheduled for January 10, 2019 at 9:00 a.m. At the Status Conference, the Operator shall be prepared to update the Commission on his ability to move forward with this proceeding.
- 11. Any party that fails to attend or participate in the Status Conference, hearing, or other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act.⁸

³ Letter Requesting a Re-hearing, p. 1 (July 26, 2018).

⁴ Letter Requesting a Re-hearing, p. 1.

⁵ Prehearing Officer Order Scheduling Status Conference, Ordering Clause A (Aug. 23, 2018).

⁶ Order Setting Procedural Schedule, ¶ 7 (Oct. 2, 2018).

⁷ Kerry Patrick, Request for Continuance (Oct. 25, 2018).

⁸ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

THEREFORE, THE COMMISSION ORDERS:

- A. The procedural schedule previously set in this docket is cancelled.
- B. A Status Conference is scheduled for **Thursday**, **January 10**, **2019**, **at 9:00 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#
- 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).9
- D. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keer	n, Commissioner
Dated:11/15/2018	Lynn M. Reg
	Lynn M. Retz
	Secretary to the Commission
Date Mailed:11/16/2018	
MJD	

⁹ 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).

CERTIFICATE OF SERVICE

18-CONS-3356-CPEN

I, the undersigned, ce	rtify that the true copy of the attach	ned Order has been served to the following parties by m	neans of
electronic service on	11/15/2018		

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/S/ DeeAnn Shupe

DeeAnn Shupe