

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

5. Counsel for Staff appeared at the pre-hearing conference on August 27, 2019, but the Operator failed to appear. Staff made a verbal Motion for Default at the prehearing conference. The Prehearing Officer requested the Motion be submitted in writing.

6. Pursuant to K.S.A. 77-520(a), “[i]f a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order, including a statement of the grounds.”

7. Staff believes Operator was properly noticed and afforded an opportunity to attend and participate in the August 27, 2019, prehearing conference, but failed to do so. Therefore, Staff requests that a default order be issued against Operator.

WHEREFORE, for the reasons set forth above, Staff respectfully requests the Commission issue a default order against Operator for failure to appear and participate, and for any further relief as the Commission deems just and proper.

Respectfully submitted,



Carly R. Masenthin, #27944
Litigation Counsel, Kansas Corporation Commission
1500 SW Arrowhead Road, Topeka KS 66604
Phone: 785-271-3100 Fax: 785-271-3354

VERIFICATION

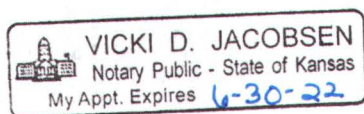
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

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

Carly R. Masenthin

Carly R. Masenthin, S. Ct. #27944
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 28th day of August, 2019.



Vicki D. Jacobsen

Notary Public

My Appointment Expires: 6-30-22

CERTIFICATE OF SERVICE

19-CONS-3400-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on August 28, 2019.

NANCY BORST
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
n.borst@kcc.ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
c.masenthin@kcc.ks.gov

THOR MCKIEARNAN
THUNDERBOLT CONSTRUCTION CORP.
201 S 11th ST
LOUISBURG, KS 66053
thor@tbcc.us

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 316-337-6211
j.myers@kcc.ks.gov

/S/ Paula J. Murray

Paula J. Murray