



4. On August 27, 2019, a Prehearing Conference was held.<sup>3</sup> Commission Staff (Staff) appeared at the Prehearing Conference, but Operator did not. The next day, Staff filed a Motion for Default Order, stating that “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.”<sup>4</sup>

5. The Commission takes administrative notice of its records,<sup>5</sup> which indicate Operator’s license has not been renewed and Operator has not paid the penalty assessed in this matter.

### **III. Conclusions of Law**

6. Pursuant to K.S.A. 77-520(a), the Commission concludes that Operator’s failure to attend the August 27, 2019, Prehearing Conference constitutes default. Thus, Staff’s *Motion for Default Order* may be granted.

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

A. Staff’s *Motion for Default Order* is granted. Operator is found to be in default in this proceeding.

B. Pursuant to K.S.A. 77-520(b), any party 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 to account for service by mail.

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).<sup>6</sup>

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<sup>3</sup> See Prehearing Officer Order Setting Prehearing Conference, Ordering Clause A (Aug. 7, 2019).

<sup>4</sup> Motion for Default Order, ¶ 6. (Jul. 24, 2019).

<sup>5</sup> See K.A.R. 82-1-230(h).

<sup>6</sup> 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).

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

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 07/17/2019



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Lynn M. Retz  
Executive Director

Mailed Date: \_\_\_\_\_

JRM

**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 07/17/2019.

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