THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Dwight D. Keer Shari Feist Albr Susan K. Duffy	recht
In the matter of the failure	<i>'</i>	Docket No: 19-CONS-3400-CPEN
Construction Corp. ("Operator K.A.R. 82-3-120.) to comply with)	CONSERVATION DIVISION
)	License No: 34551

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. After service of a proposed default order, the party against whom it was issued has seven days to file a written motion to vacate, which shall state the grounds relied upon.

II. Findings of Fact

- 2. On June 11, 2019, the Commission issued a *Penalty Order* against Thunderbolt Construction Corp. (Operator) for one violation of K.A.R. 82-3-120(a) because an unplugged well or unplugged wells, for which Operator is responsible, remained on Operator's expired license.¹
 - 3. On July 12, 2019, Operator requested a hearing.²

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¹ See Penalty Order, ¶ 10 (Jun. 11, 2019).

² Request for Hearing (Jul. 12, 2019).

- 4. On August 27, 2019, a Prehearing Conference was held.³ 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."⁴
- 5. The Commission takes administrative notice of its records,⁵ 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).⁶

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

⁴ Motion for Default Order, ¶ 6. (Jul. 24, 2019).

⁵ See K.A.R. 82-1-230(h).

⁶ 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; Duff	y, Commissioner
Dated:07/17/2019	Lynn M. Ref
	Lynn M. Retz
	Executive Director
Mailed Date:	_
JRM	

CERTIFICATE OF SERVICE

19-CONS-3400-CPEN

I, the undersigned, ce	rtify that a true copy o	f the attached Order has been served to the following by means of
	07/17/2019	
electronic service on _		·

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/S/ DeeAnn Shupe

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