

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the matter of the failure of VHR Oil, LLC)	Docket No.: 15-CONS-393-CPEN
("Operator") to comply with K.A.R. 82-3-107)	
and K.A.R. 82-3-130 at the McMillin #1 in)	CONSERVATION DIVISION
Jackson County, Kansas.)	
<hr/>		License No.: 35044

DEFAULT ORDER

The above-captioned matter comes before the State Corporation Commission of the State of Kansas. Having examined the files and records, and being duly 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. The party has seven days to file a written motion to vacate, stating the grounds relied upon.

II. FINDINGS OF FACT

2. On November 6, 2014, the Commission issued a Penalty Order against the operator. The Penalty Order was mailed November 12, 2014.
3. On December 10, 2014, the operator timely submitted its letter of appeal.
4. On January 13, 2015, the Commission issued its Order Designating Prehearing Officer and Setting Prehearing Conference. The Order set a prehearing conference for January 29, 2015, at 3:00 p.m. The Order stated that telephonic attendance was available by request, and it stated that the failure to attend any stage of the proceeding shall result in a default order.

5. On January 29, 2015, at 3:00 p.m., the prehearing conference was held. The operator did not attend the Prehearing Conference in person or by phone. Counsel for Staff verbally moved that the Prehearing Officer propose this default order.

III. CONCLUSIONS OF LAW

6. The operator's failure to attend the Prehearing Conference constituted default under the KAPA. Staff's motion for a default order is granted, and the appeal is dismissed.

THEREFORE, THE COMMISSION ORDERS:

A. Staff's motion for a default order is granted, and the appeal is dismissed.

B. Pursuant to K.S.A. 77-520(b), Operator 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. The motion shall be addressed to the Commission and sent to 266 N. Main, Ste. 220, Wichita, Kansas 67202.

C. The Commission retains jurisdiction of the subject matter and the parties and may enter additional orders as it deems appropriate.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: FEB 19 2015



Neysa Thomas
Acting Secretary

Mailed Date: February 20, 2015

LRP

CERTIFICATE OF SERVICE

I certify that on 2/20/15, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Joe Voth
VHR Oil, LLC
2311 Wakarusa Drive, Suite J
Lawrence, KS 66047

And delivered by hand to:

Jon Myers
Conservation Division Central Office

Rene Stucky
Conservation Division Central Office

/s/ Lane R. Palmateer
Lane Palmateer
Prehearing Officer & Advisory Counsel
Kansas Corporation Commission