

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

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

In the Matter of the Notice of Denial of ) Docket No: 17-CONS-3529-CMSC  
License Renewal Application to Agricultural )  
Energy Services. ) CONSERVATION DIVISION  
)  
\_\_\_\_\_) License No: 34089

**PREHEARING OFFICER ORDER SETTING DEADLINES  
REGARDING MOTION FOR SUMMARY JUDGMENT**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. On May 18, 2017, the Commission designated a Prehearing Officer to address any scheduling or procedural matters pursuant to K.S.A. 77-517(b).
2. On August 8, 2017, Agricultural Energy Services (AES) filed a Motion for Summary Judgment and Memorandum in Support.
3. On August 10, 2017, the parties held a Prehearing Conference, wherein Commission Conservation Staff (Staff) indicated its need to conduct further discovery to respond to AES's Motion for Summary Judgment. Staff asked for a sixty (60) day continuance of the Prehearing Conference. AES had no objection to the continuance.
4. On October 12, 2017, the parties again held a Prehearing Conference, wherein the parties asked for another continuance to work out pending discovery issues and perhaps render a hearing unnecessary.
5. On November 9, 2017, the parties held another Prehearing Conference and agreed on deadlines for responding to AES's Motion for Summary Judgment. The Prehearing Officer finds

that Staff shall have until December 8, 2017, to file a response to AES's Motion, and AES shall have until December 22, 2017, to file a reply to Staff's response. The Prehearing Officer also sets December 8, 2017, as the deadline for submitting discovery requests.

**THEREFORE, THE PREHEARING OFFICER ORDERS:**

A. Staff shall have until December 8, 2017, to file a response to AES's Motion for Summary Judgment.

B. AES shall have until December 22, 2017, to file a reply to Staff's response.

C. December 8, 2017 is the deadline for submitting discovery requests.

D. Parties have 15 days from the date of electronic service of this Order to petition for reconsideration.<sup>1</sup>

E. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

Dated: November 9, 2017

/s/ Michael J. Duenes

Michael J. Duenes  
Prehearing Officer

MJD

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<sup>1</sup> K.S.A. 55-162; 55-606; K.S.A. 66-118b; K.S.A. 77-529(a)(l).

**CERTIFICATE OF SERVICE**

I certify that on 11/9/17, I caused a complete and accurate copy of this Order to be served electronically to the following:

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/s/ Paula J. Murray  
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