

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

In the Matter of Application of Gateway) Docket No. 24-CONS-3114-CMSC
Resources U.S.A., Inc. (Operator) for an)
Operator's License Renewal.) CONSERVATION DIVISION
)
_____) License No. 32353

JOINT MOTION FOR JUDGMENT ON WRITTEN RECORD

Staff of the Kansas Corporation Commission (Staff and Commission, respectively) and Gateway Resources U.S.A., Inc. (Operator) jointly files this motion requesting a Commission Final Order based upon the written record in the captioned docket. In support of its motion, the parties state the following:

1. On October 19, 2023, the Commission issued an Order Denying Application for license. The denial was based on Operator's application failing to meet the requirements of K.S.A. 55-155(c)(4) and K.A.R. 82-3-120(g)(2) because its license was suspended for non-compliance with the Commission-approved Compliance Agreement in Docket 17-CONS-3474-CMSC (Docket 17-3474).

2. On October 30, 2023, Operator filed a Request for Hearing. In the Request for Hearing Operator stated that it believes it is compliant with the Compliance Agreement in Docket 17-3474, and to the extent that belief was in error, sought to bring itself into compliance.

3. On November 7, 2023, the Commission issued an Order Designating Presiding Officer and Setting Prehearing Conference. Later in the docket, the Presiding Officer issued an Order Setting Procedural Schedule providing the parties deadlines to submit pre-filed, written testimony.

4. On January 2, 2024, Ms. Nancy Borst and Mr. Ryan Duling submitted pre-filed written direct testimony on behalf of Staff. On February 8, 2024, Mr. A. Blaine Hanks submitted

pre-filed written direct and rebuttal testimony on behalf of Operator. On February 16, 2024, Mr. Ryan Duling submitted pre-filed written rebuttal testimony on behalf of Staff.

5. In lieu of an evidentiary hearing, the parties have agreed to allow the pre-filed testimony described in paragraph 4 into the formal record without objection. The parties have also agreed to waive cross examination of the pre-filed testimony described in paragraph 4 and request that the Commission issue an order based upon the written record in the captioned docket. Further, the parties agree to waive any right necessary in order to proceed in this fashion pursuant to K.S.A. 77-504.

6. Additionally, proceeding in this fashion will not prevent the parties from filing a petition for reconsideration pursuant to K.S.A. 77-529(a)(1) or seeking judicial review pursuant to K.S.A. 77-529(d).

WHEREFORE, for the reasons described above, the parties respectfully move for the Commission to issue a Final Order in the captioned matter based upon the written record.

Respectfully submitted,

/s/ Kelcey Marsh
Kelcey A. Marsh #28300
Litigation Counsel | Kansas Corporation Commission
266 N. Main, Suite 220 | Wichita, Kansas 67202
Phone: 316-337-6200 | Email: k.marsh@kcc.ks.gov

/s/ John R. Horst
John R. Horst, S. Ct. #09412
207 W. Fourth Ave.
P.O. Box 560
Caney, Kansas 67333
jrhorst48@yahoo.com
Attorney for Gateway Resources U.S.A., Inc.

CERTIFICATE OF SERVICE

24-CONS-3114-CMSC

I, the undersigned, certify that a true and correct copy of the attached Joint Motion for Judgment on Written Record has been served to the following by means of electronic service on March 21, 2024.

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

JOHN R. HORST, ATTORNEY AT LAW
JOHN R. HORST
207 W. Fourth Ave.
P.O. Box 560
Caney, KS 67333
jrhurst48@yahoo.com

KELCEY MARSH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
k.marsh@kcc.ks.gov

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

/s/ Paula J. Murray

Paula J. Murray