

**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

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**PREHEARING OFFICER ORDER CONTINUING PREHEARING CONFERENCE**

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 June 8, 2017, at the Prehearing Conference, the parties agreed to continue the Prehearing Conference until July 6, 2017, to allow parties to file pleadings, objections and motions.<sup>1</sup>
3. On July 6, 2017, a Prehearing Conference was held, wherein the parties indicated that discovery was in process, but requested an additional five weeks to complete discovery and allow parties file any desired pleadings, objections or motions.
4. On August 8, 2017, Agricultural Energy Services (AES) filed a Motion for Summary Judgment and Memorandum in Support.
5. On August 10, 2017, the parties held a Prehearing Conference, wherein 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 to allow for adequate discovery and response time. AES had no objection to the continuance.

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<sup>1</sup> See K.S.A. 77-519(a).

6. 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.

**THEREFORE, THE PREHEARING OFFICER ORDERS:**

A. The Prehearing Conference shall be rescheduled for **Thursday, November 9, 2017, at 10:30 a.m.** by telephone. The conference call information is: telephone number: (866) 620-7326, Conference Code PIN: 7632914771#.

B. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA).<sup>2</sup> Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default pursuant to the KAPA.<sup>3</sup>

C. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>4</sup>

D. Parties have 15 days from the date of electronic service of this Order to petition for reconsideration.<sup>5</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: October 12, 2017

/s/ Michael J. Duenes

Michael J. Duenes  
Prehearing Officer

MJD

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<sup>2</sup> K.S.A. 77-501 *et seq.*

<sup>3</sup> K.S.A. 77-516(c)(8); K.S.A. 77-520.

<sup>4</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

<sup>5</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 10/12/17, I caused a complete and accurate copy of this Order to be served electronically to the following:

Lee Thompson  
Thompson Law Firm, LLC  
106 E. 2<sup>nd</sup> Street North  
Wichita, KS 67202-2005  
lthompson@tslawfirm.com  
*Attorney for Agricultural Energy Service*

Karl F. Hirsch  
Hirsch, Heath & White, PLLC  
901 Cedar Lake Boulevard  
Oklahoma City, OK 73114  
khirsch@hhwlawfirm.com  
*Attorney for Agricultural Energy Services*

Jonathan R. Myers, Litigation Counsel  
KCC Central Office

Michael J. Duenes, Assistant General Counsel  
KCC Topeka Office

/s/ Paula J. Murray  
Paula J. Murray  
Legal Assistant  
Kansas Corporation Commission