

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

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Dwight D. Keen

In the Matter of the Application of Joe Brake dba) Docket No: 18-CONS-3262-CMSC
Brake Inc. ("Operator") for an Operator's)
License Renewal.) CONSERVATION DIVISION
)
) License No. 31074

ORDER SETTING PROCEDURAL SCHEDULE

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:

1. On January 18, 2018, the Commission issued its *Order Denying Application for License*, finding that Joe Brake dba Brake Inc.'s (Operator) Application for a license renewal does not meet the requirements of K.S.A. 55-155 and K.A.R. 82-3-120.¹
2. On February 1, 2018, the Operator requested a hearing in this matter.
3. On April 26, 2018, the Commission designated a Prehearing Officer and scheduled a Prehearing Conference for May 10, 2018.² The Operator did not appear at the Prehearing Conference.
4. On June 12, 2018, the Commission issued a *Default Order*, finding the Operator's failure to attend the May 10, 2018 Prehearing Conference constituted default.³
5. On June 21, 2018, the Operator filed a Motion to Vacate the *Default Order*. The Commission subsequently vacated its *Default Order* and scheduled a Prehearing Conference for August 9, 2018.⁴

¹ *Order Denying Application for License*, ¶¶ 3-4 (Jan. 18, 2018) (Order).

² *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clauses A & B (Apr. 26, 2018).

³ *Default Order*, ¶ 7 (June 12, 2018).

⁴ *Order Vacating Default Order and Scheduling Prehearing Conference*, Ordering Clauses A & B (July 17, 2018).

6. On August 9, 2018, a Prehearing Conference was held and the parties agreed to the following procedural schedule:

Staff's Pre-filed Direct Testimony	Due: September 24, 2018
Operator's Pre-filed Direct Testimony	Due: October 1, 2018
Rebuttal Testimony	Due: October 8, 2018
Evidentiary Hearing before the Commission 266 N. Main, Suite 220, Wichita, Kansas 67202	October 18, 2018, 10:00 a.m.

7. Failure to submit pre-filed testimony may result in the Commission restricting the right to testify and present evidence at the evidentiary hearing. At the hearing, the Commission may limit the parties' direct and rebuttal testimony to the pre-filed testimony.

8. Any settlement agreement the parties wish to present for Commission consideration shall be due by September 24, 2018.

9. Any person requiring special accommodations under the Americans with Disabilities Act should notify the Commission at least 10 days before the scheduled hearing date.

10. Any party who fails to attend or participate in the evidentiary hearing or in any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act.⁵

THEREFORE, THE COMMISSION ORDERS:

- A. The procedural schedule set forth in paragraph 6 above is adopted.
- B. 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
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.


⁵ K.S.A. 77-518(c)(8); K.S.A. 77-520.

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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 08/14/2018



Lynn M. Retz
Secretary to the Commission

Date Mailed: 08/15/2018

MJD

CERTIFICATE OF SERVICE

18-CONS-3262-CMSC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 08/14/2018.

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/S/ DeeAnn Shupe

DeeAnn Shupe