

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

Before Commissioners: Susan K. Duffy, Chair
Shari Feist Albrecht
Dwight D. Keen

In the matter of the failure of Viva)	Docket No.: 20-CONS-3182-CPEN
International, Inc. ("Operator") to comply)	
with K.A.R. 82-3-603 at the Wright lease in)	CONSERVATION DIVISION
Linn County, Kansas.)	
) License No.: 5556

MOTION FOR DEFAULT ORDER

The Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission," respectively), moves the Commission for a Default Order to be issued against the Operator. In support of its motion, Staff states as follows:

1. On January 7, 2020, the Commission issued a Penalty Order against the Operator in the captioned docket.¹
2. On January 27, 2020, Operator filed a request for hearing.²
3. On February 4, 2020, an Order Designating Prehearing Officer and Setting Prehearing Conference was filed in this docket and set the Prehearing Conference for February 18, 2020.³
4. Counsel for Staff appeared at the pre-hearing conference on February 18, 2020, but the Operator failed to appear.
5. Pursuant to K.S.A. 77-520(a), "[i]f a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer

¹ *Penalty Order*, ¶ 14 (Jan. 7, 2020).

² *Letter Requesting Hearing* (Jan. 27, 2020).

³ *Order Designating Prehearing Officer and Setting Prehearing Conference* (Feb. 4, 2020).

may serve upon all parties written notice of a proposed default order, including a statement of the grounds.”

6. Staff believes Operator was properly noticed and afforded an opportunity to attend and participate in the February 18, 2020, prehearing conference, but failed to do so. Therefore, Staff requests that a default order be issued against Operator.

WHEREFORE, for the reasons set forth above, Staff respectfully requests the Commission issue a default order against Operator for failure to appear and participate, and for any further relief as the Commission deems just and proper.

Respectfully submitted,




Michael Glamann, #28240
Litigation Counsel
Kansas Corporation Commission
266 N. Main, Suite 220
Wichita, Kansas 67202
Phone: 316-337-6200; Fax: 316-337-6211
m.glamann@kcc.ks.gov

VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

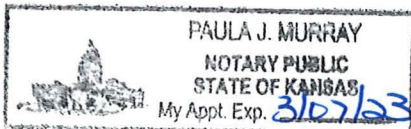
Michael Glamann, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of his knowledge, information and belief.


Michael Glamann, S. Ct. #28240
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 18 day of Feb, 2020.


Notary Public

My Appointment Expires: 3/07/23



CERTIFICATE OF SERVICE

20-CONS-3182-CPEN

I, the undersigned, certify that a true copy of the attached Motion for Default Order has been served to the following by means of first class mail and electronic service on February 18, 2020.

JOHN ALMOND
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 3
137 E. 21ST STREET
CHANUTE, KS 66720
Fax: 785-271-3354
j.almond@kcc.ks.gov

ROBERT P BUKATY
VIVA INTERNATIONAL, INC.
13200 METCALF AVE STE 200
OVERLAND PARK, KS 66213-2821
vivainternational@sbcglobal.net

MICHAEL GLAMANN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
m.glamann@kcc.ks.gov

RICHARD HESTERMANN
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
r.hestermann@kcc.ks.gov

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 316-337-6211
j.myers@kcc.ks.gov

/S/ Paula J. Murray

Paula J. Murray