

**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 Application of John) Docket No: 18-CONS-3212-CMSC
Douglas Pitman Revocable Trust)
("Operator") for an Operator's License) CONSERVATION DIVISION
Renewal.)
_____) License No: 33991

**ORDER DESIGNATING PREHEARING OFFICER AND
SETTING PREHEARING CONFERENCE**

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 November 16, 2017, the Commission issued an Order Denying Application for License as not meeting the requirements of K.S.A. 55-155 and K.A.R. 82-3-120.¹
2. On November 28, 2017, John R. Horst, on behalf of the Operator, filed a letter requesting a hearing.²
3. Upon its own motion and pursuant to K.S.A. 77-551(c), the Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and a Prehearing Conference should be scheduled.
4. Although a Prehearing Officer is designated in this docket, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received

¹ Order Denying Application for License, Nov. 16, 2017.

² Entry of Appearance and Request for Hearing, Nov. 28, 2017.

after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

5. The Commission requests the parties consent to electronic service in this proceeding by emailing the Prehearing Officer to affirm consent.

THEREFORE, THE COMMISSION ORDERS:

A. The Prehearing Officer in this proceeding shall be Samuel Feather, Deputy General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3240, email address s.feather@kcc.ks.gov. The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for **Friday, January 5, 2018, at 4:00 p.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.

D. 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). Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA.³

E. A corporation shall appear before the Commission by a Kansas licensed attorney.⁴

³ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

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

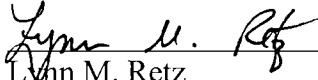
F. The attorney designated to appear on behalf of the agency in this proceeding is Jon Myers, Litigation Counsel, telephone number (316) 337-6245, j.myers@kcc.ks.gov.

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

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: DEC 7 2017


Lynn M. Retz
Secretary to the Commission

Date Mailed: DEC 8 2017

SF/sc

CERTIFICATE OF SERVICE

18-CONS-3212-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/hand delivered on DEC 7 2017.

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

AND BY ELECTRONIC MEANS TO:

JON MYERS, LITIGATION DIVISION
KANSAS CORPORATION COMMISSION
Conservation Division
266 N. Main St. Ste. 220
WICHITA, KS 67202-1513
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SAMUEL FEATHER, DEPUTY GENERAL COUNSEL
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1500 SW ARROWHEAD RD.
TOPEKA, KS 66604
s.feather@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

DEC 8 2017