

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

In the Matter of the failure of Millennium Oil & Gas, Inc. (“Operator”) to comply with K.A.R. 82-3-120.) Docket No.: 20-CONS-3224-CPEN
)
) CONSERVATION DIVISION
)
) License No.: 32563

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 February 13, 2020, the Commission issued a *Penalty Order* against Operator in the captioned docket.¹
2. On March 12, 2020, Operator filed a *Letter on Penalty Order*.²
3. On April 6, 2020, Operator clarified that it requested an evidentiary hearing after a correspondence from Staff on March 13, 2020.³
4. On May 7, 2020, the Commission issued its *Order Designating Prehearing Officer and Setting Prehearing Conference* in this docket and set the Prehearing Conference for May 21, 2020.⁴ As part of the order, the Commission also noted that failure by a party to attend or participate in any stage of the proceeding, including the Prehearing Conference, may result in that party being held in default under the KAPA.⁵

¹ *Penalty Order*, (Feb. 13, 2020).

² *Letter on Penalty Order* (Mar. 12, 2020).

³ Request for Hearing (Apr. 6, 2020).

⁴ *Order Designating Prehearing Officer and Setting Prehearing Conference* (May 7, 2020).

⁵ *Id.*, at Ordering Clause D.

5. At the Prehearing Conference, Operator and Commission Staff agreed to set a status conference for June 11, 2020 to allow for the possibility of resolution of the matter and to provide Operator an opportunity to obtain counsel if necessary.

6. On June 11, 2020, Operator and Commission Staff agreed to set a status conference for July 2, 2020, to provide Operator an opportunity to obtain counsel if it desired to further pursue its appeal.⁶

7. On July 2, 2020, Operator and Commission Staff both called into the prehearing conference. However, Operator had not obtained counsel.

8. Pursuant to K.S.A. 77-515(c) and K.A.R. 82-1-228(d)(2), A corporation shall appear before the Commission by a Kansas licensed attorney. Millennium Oil and Gas, Inc. is registered as a Kansas For Profit Corporation with the Kansas Secretary of State under the business entity identification number 2805869.

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

10. Staff believes Operator was properly noticed and afforded sufficient opportunity to obtain counsel before the July 2, 2020, prehearing conference, but failed to do so. Therefore, Staff requests that a default order be issued against Operator.

⁶ Staff determined that resolution of this matter was not possible since Operator is currently suspended for non-compliance with a Commission Order in Docket 19-CONS-3233-CPEN.

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,

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CERTIFICATE OF SERVICE

20-CONS-3224-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 July 13, 2020.

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/S/ Paula J. Murray

Paula J. Murray