THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

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In the Matter of the Failure of Andrew L. Bohl ("Operator") to comply with K.A.R. 82-3-120.

Docket No.: 19-CONS-3193-CPEN CONSERVATION DIVISION

License No.: 33681

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 December 11, 2018, the Commission issued a Penalty Order against the Operator in the captioned docket.

2. On January 4, 2019, the Operator filed a timely appeal. On January 29, 2019, the Commission issued an order setting this matter for a February 14, 2019, prehearing conference.

3. Counsel for Staff appeared at the pre-hearing conference on February 14, 2019, but the Operator failed to appear. Staff made a verbal Motion for Default at the prehearing conference. The Prehearing Officer requested the Motion be submitted in writing.

4. 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."

5. Staff believes Operator was properly noticed and afforded an opportunity to attend and participate in the February 14, 2019, 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,

Lauren N. Wright, #27616 Litigation Counsel, Kansas Corporation Commission 266 N. Main, Suite 220, Wichita, Kansas 67202 Phone: 316-337-6200; Fax: 316-337-6211

VERIFICATION

STATE OF KANSAS)) ss. COUNTY OF SEDGWICK)

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

Lauren N. Wright, S. Ct. #27616 Litigation Counsel State Corporation Commission of the State of Kansas

SUBSCRIBED AND SWORN to before me this 18 day of 52, 2019.

Miller Notary Public

My Appointment Expires: 307/19

PAULA J. MURRAY NOTARY PUBLIC STATE OF KANSAS Av Appt. Exp. 🗲

CERTIFICATE OF SERVICE

19-CONS-3193-CPEN

I, the undersigned, certify that the true copy of the attached Motion has been served to the following parties by means of first class mail and electronic service on <u>February 18, 2019</u>.

ANDREW L. BOHL 505 E CEDAR OLATHE, KS 66061-4766 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

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> /S/ Paula J. Murray Paula J. Murray