THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Dwight D. Kee Shari Feist Alb Susan K. Duffy	recht
In the Matter of the Application of Kottwitz dba Kottwitz Oil Co., a Co.		Docket No: 20-CONS-3025-CMSC
Partnership ("Operator") for an Operator's License Renewal.		CONSERVATION DIVISION
)	License No. 8013

ORDER DENYING APPLICATION FOR LICENSE

The above captioned matter comes before the State Corporation Commission of the State of Kansas ("Commission") for consideration and determination. Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings:

I. JURISDICTION

- 1. Pursuant to K.S.A. 55-155, the Commission is authorized to license operators and contractors as defined by K.S.A. 55-150.
- 2. K.S.A. 55-155 and K.A.R. 82-3-120 outline requirements of the applicant seeking a license or renewed license.

II. STAFF'S STATEMENT OF FACTS

- 3. On July 1, 2019, Operator submitted an application for license renewal.
- 4. Upon review of the application, Staff determined the application does not meet the requirements of K.S.A. 55-155 and K.A.R. 82-3-120. Specifically, the application does not satisfy K.S.A. 55-155(c)(4) as available records demonstrate Operator's license is currently suspended due to non-compliance with the Commission's Penalty Order in Docket 18-CONS-3296-CPEN and is therefore not in compliance with all requirements of K.S.A. Chapter 55.

5. On July 2, 2019, the Conservation Division mailed Operator a letter notifying Operator of the deficiencies in its application, a copy of which is attached to this Order as Attachment A and hereby incorporated by reference. The letter provided Operator with a detailed explanation of Staff's basis for recommending denial of the Operator's license application, and required a response by July 17, 2019. To date, Operator has not provided a response.

III. STAFF'S RECOMMENDATION

6. Staff recommends the subject application be denied.

IV. CONCLUSIONS OF LAW

- 7. Based on the available facts, the Commission finds Operator's application does not meet the requirements of K.S.A. 55-155 and K.A.R. 82-3-120, and Staff's recommendation to deny Operator's application is reasonable.
- 8. Pursuant to K.A.R. 82-3-120(i), denial of Operator's application for license constitutes a summary proceeding under K.S.A. 77-537.

THEREFORE, THE COMMISSION ORDERS THAT:

- (A) The Operator's license application is hereby denied.
- (B) Pursuant to K.S.A. 77-537 and 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 266 N. Main, Suite 220, Wichita, Kansas 67202 within fifteen (15) days from the date of service of this Order. If service is by certified mail, service is complete upon the date delivered shown on the Domestic Return Receipt. If no hearing is requested, this summary order shall become final effective upon the expiration of the time for requesting a hearing.

	(C)	The Commission retains jurisdiction over the subject matter and the parties for the			
purpose of entering such further orders as it may deem necessary.					
		MMISSION IT IS SO ORDERED. Albrecht, Commissioner; Duffy, Commissioner			

Dated:07/30	0/2019	Lynn M. Rest Executive Director	
Mailed Date:	07/30/2109		
CRM			

Conservation Division 266 N. Main St., Ste. 220 Wichita, KS 67202-1513



Phone: 316-337-6200 Fax: 346-337-6211 http://kcc.ks.gov/

Laura Kelly, Governor

Dwight D. Keen. Chair Shari Feist Albrecht, Commissioner Susan K. Duffy, Commissioner

ACTION REQUIRED: POSSIBLE LICENSE DENIAL

July 2, 2019

Harold Kottwitz Kottwitz Oil Co. 3009 W. 30th ST. Lawrence, KS 66047

RE: License Renewal

Operator:

Commission Staff is in receipt of your July 1, 2019 license renewal application. Available records indicate that your license is currently suspended for non-compliance with a Commission order in KCC Docket 18-CONS-3296-CPEN.

Under K.S.A. 55-155(c)(4), no application or renewal shall be approved until the applicant has demonstrated to the Commission's satisfaction that the operator complies with all requirements of K.S.A. Chapter 55, all rules and regulations adopted thereunder, and all Commission orders and enforcement actions

<u>Staff cannot approve your application at this time.</u> If the underlying compliance issue is not resolved then Staff shall recommend to the Commission that your license renewal application be denied. Upon resolution of the underlying compliance issue, please contact the legal department at the number listed above, so that Staff may confirm it has been resolved.

Please contact Staff by July 17, 2019, to discuss your options to avoid license denial.

Sincerely,

Lauren Wright
Litigation Counsel
Conservation Division
Kansas Corporation Commission

Cc: Nancy Borst

CERTIFICATE OF SERVICE

20-CONS-3025-CMSC

I, the undersigned, certify that a true copy of the attache	
first class mail and electronic service on	119
NANCY BORST KANSAS CORPORATION COMMISSION CENTRAL OFFICE 266 N. MAIN ST, STE 220 WICHITA, KS 67202-1513 Fax: 785-271-3354 n.borst@kcc.ks.gov	HAROLD KOTTWITZ D/B/A KOTTWITZ OIL CO., A GENERAL PARTNERSHIP 3009 W 30th ST LAWRENCE, KS 66047-3936
CARLY MASENTHIN, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 c.masenthin@kcc.ks.gov	
	/S/ DeeAnn Shupe
	DeeAnn Shupe