

- THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

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.

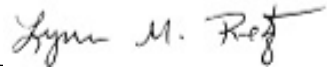
(B) Pursuant to K.S.A. 77-537 and 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 266 N. Main, Suite 220, Wichita, Kansas 67202 within fifteen (15) days from 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.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 07/30/2019



Lynn M. Retz
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/>

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

Laura Kelly, Governor

**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

Staff cannot approve your application at this time. 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 attached Order has been served to the following by means of first class mail and electronic service on 07/30/2019.

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