

**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 notice of denial of license) Docket No.: 17-CONS-3701-CMSC
renewal application issued to AX&P, Inc.)
) CONSERVATION DIVISION
)
) License No.: 3830

MOTION TO CLOSE DOCKET

Commission Staff (Staff) of the State Corporation Commission of the State of Kansas (Commission) files this Motion requesting the Commission close this docket. In support of its Motion, Staff states as follows:

1. On June 19, 2017, Operator's license renewal application was denied. On June 28, 2017, Operator timely requested a hearing. On September 26, 2017, the Commission issued an order setting a procedural schedule, including an evidentiary hearing scheduled for January 18, 2018. Parties have timely submitted direct testimony.

2. On December 8, 2017, Operator filed a motion for summary judgment, and on December 18, 2017, Staff filed an uncontested motion for a continuance of the rebuttal testimony deadline, the evidentiary hearing, and Staff's deadline for to respond to Operator's motion. Both motions remain pending.

3. Subsequent to Staff filing its December 18, 2017, motion, Operator provided Staff adequate documentation demonstrating parties associated with Operator are not sufficiently associated with the non-compliant entities listed in the June 19, 2017, denial to implicate K.S.A. 55-155(c)(4). Specifically, while Staff believes individuals associated with Operator were associated with the non-compliant entities, those individuals had disassociated themselves prior

to any compliance issues arising with those entities. This belief is supported by Operator's pre-filed testimony in comparison to Commission records as it pertains to Mr. Hanke and Mr. Goodrich, and also by a Texas Payday Law Decision by the Texas Workforce Commission Wage Claim Appeal Tribunal in Case 13-052573-3 as it pertains to Mr. Viets. Accordingly, Staff believes it would be appropriate for Operator's license to be renewed, and Staff has renewed the license. Staff has consulted with Operator's counsel, who is not opposed to this motion.

WHEREFORE, Staff requests this motion be granted.

Respectfully submitted,

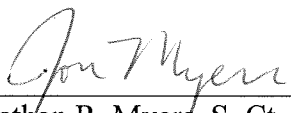


Jonathan R. Myers, #25975
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VERIFICATION

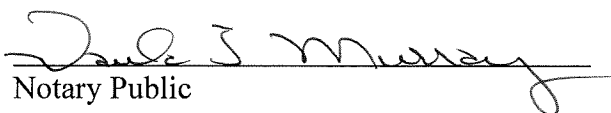
STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

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



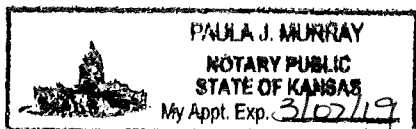
Jonathan R. Myers, S. Ct. #25975
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 2 day of Jan, 2018.



Notary Public

My Appointment Expires: 3/07/19



CERTIFICATE OF SERVICE

I certify that on 1/12/18, I caused a complete and accurate copy of this Motion to be served electronically to the following:

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/s/ Paula J. Murray
Paula J. Murray
Legal Assistant
Kansas Corporation Commission