

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

In the Matter of the Application of KanOK ) Docket No.: 22-CONS-3473-CMSC  
Energy, LLC (Operator) for an Operator's )  
License Renewal. ) CONSERVATION DIVISION  
)  
)  
\_\_\_\_\_ ) License No.: 35428

**RESPONSE TO OPERATOR'S MOTION TO REVISE SCHEDULING ORDER**

Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) submits its response to Operator's *Motion to Revise Scheduling Order* filed September 12, 2022. In support of Staff's response, Staff states as follows:

**I. BACKGROUND**

1. On June 30, 2022, the Commission issued an *Order Denying Application for License* to Operator because Operator's license renewal application did not meet the requirements of K.S.A. 55-155(c)(4) and K.A.R. 82-3-120(g)(2).<sup>1</sup> Operator timely filed a request for hearing on July 7, 2022.<sup>2</sup>

2. On August 2, 2022, the Presiding Officer filed an Order setting the procedural schedule in this docket.<sup>3</sup> The Order set Staff's pre-filed and direct testimony to be due on August 26, 2022.<sup>4</sup> The Order also set Operator's pre-filed direct and rebuttal testimony to be due September 13, 2022, and Staff's pre-filed rebuttal testimony to be due September 27, 2022.<sup>5</sup>

3. On August 26, 2022, Staff filed its pre-filed direct testimony.<sup>6</sup>

<sup>1</sup> Docket 22-CONS-3473-CMSC, *Order Denying Application for License*, ¶ 8 (Jun. 30, 2022).

<sup>2</sup> Docket 22-CONS-3473-CMSC, *Request for Hearing* (Jul. 7, 2022).

<sup>3</sup> Docket 22-CONS-3473-CMSC, *Presiding Officer Order Setting Procedural Schedule*, ¶ 1 (Aug. 2, 2022).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Docket 22-CONS-3473-CMSC, *Pre-Filed Direct Testimony of Nancy Borst on Behalf of Commission Staff August 26, 2022* (Aug. 26, 2022); *Pre-Filed Direct Testimony of Kenny Sullivan on Behalf of Commission Staff August 26, 2022* (Aug. 26, 2022).

4. After a discussion between the parties and the Presiding Officer, the Presiding Officer cancelled Operator's pre-filed direct and rebuttal testimony deadline, and directed Operator to file a motion proposing an alternative deadline.<sup>7</sup>

5. Operator filed its *Motion to Revise Scheduling Order* on September 12, 2022. Operator proposed that its testimony deadline be extended to October 28, 2022.<sup>8</sup>

## II. ARGUMENT

6. Staff filed its direct testimony on August 26, 2022. If the Commission were to adopt a new deadline for Operator's testimony of October 28, 2022, then the Commission would be allowing Operator 63 days to file its testimony after the filing of Staff's testimony. This is a wildly excessive amount of time given the matters at issue in this docket. As the Presiding Officer's Order setting the procedural schedule suggests, the Commission typically gives operators two weeks to file testimony after Staff has filed its testimony, not two months.

7. In its *Motion to Revise Scheduling Order*, Operator argues that it needs additional time to file testimony because Staff's testimony raised unexpected issues.<sup>9</sup> Staff's testimony simply pointed out the number of penalty orders the Commission has issued against Operator's license, as well as the number of times Operator's license has been suspended. These issues should be well known to Operator, as every penalty order was mailed directly to Operator and a letter was sent to Operator every time its license was suspended. These issues should not require several months for Operator to investigate.

8. Staff requests that Operator's deadline to file direct and rebuttal testimony be set for October 4, 2022. This deadline would more than double the amount of time Operator was

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<sup>7</sup> Docket 22-CONS-3473-CMSC, *Presiding Officer Order Cancelling Upcoming Testimony Deadlines and Setting Motion Deadline* (Sep. 9, 2022).

<sup>8</sup> Docket 22-CONS-3473-CMSC, *Motion to Revise Scheduling Order*, p. 1 (Sep. 12, 2022).

<sup>9</sup> *Id.*

originally given to file its testimony. Staff also requests that its deadline to file rebuttal testimony be set for October 18, 2022.

WHEREFORE, Staff respectfully requests the Commission set a deadline of October 4, 2022, for Operator to file testimony, and a deadline of October 18, 2022, for Staff to file rebuttal testimony.

Respectfully Submitted,

/s/Tristan Kimbrell  
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## **CERTIFICATE OF SERVICE**

22-CONS-3473-CMSC

I, the undersigned, certify that a true and correct copy of the attached Response to Operator's Motion to Revise Scheduling Order has been served to the following by means of electronic service on September 14, 2022.

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/s/ Paula J. Murray

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