

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

In the matter of the failure of Viva International, Inc. ("Operator") to comply with K.A.R. 82-3-603 at the Wright Lease in Linn County, Kansas.)))))	Docket No. 20-CONS-3182-CPEN CONSERVATION DIVISION License No. 5556
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**MOTION WITHDRAWING MOTION FOR DEFAULT ORDER AND
REQUESTING A PRE-HEARING CONFERENCE**

The Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission," respectively) files this Motion, withdrawing Staff's previous Motion for Default Order. In support of its Motion, Staff states as follows:

1. On January 7, 2020, the Commission issued a Penalty Order against Operator in the captioned docket.¹
2. On January 27, 2020, Operator filed a request for hearing.²
3. On February 4, 2020, an Order Designating Prehearing Officer and Setting Prehearing Conference was filed in this docket and set the Prehearing Conference for February 18, 2020. The Order was served via electronic service.³
4. Counsel for Staff appeared at the pre-hearing conference on February 18, 2020, but the Operator failed to appear.
5. On February 18, 2020, Staff, through Counsel, filed a Motion for Default Order in light of the Operator's failure to participate in the pre-hearing conference.⁴

¹ *Penalty Order*, ¶ 14 (Jan. 7, 2020).

² Letter Requesting Hearing.

³ *Order Designating Prehearing Officer and Setting Prehearing Conference* (Feb. 4, 2020).

⁴ *Motion for Default Order* (Feb. 18, 2020).

6. Staff moves to withdraw its Motion for Default in light of the fact that Operator has not consented to electronic service in this matter.

7. Staff has consulted with Operator in this matter and Operator has agreed that it will respond to the Motion for Default Order accordingly.

8. Staff requests that a pre-hearing conference be scheduled to discuss the development of a procedural schedule.

WHEREFORE, Staff withdraws its February 18, 2020, Motion for Default Order and moves the Commission to schedule a pre-hearing conference plus any further relief the Commission deems just and reasonable.

Respectfully submitted,




Michael Glamann, #28240
Litigation Counsel
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VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

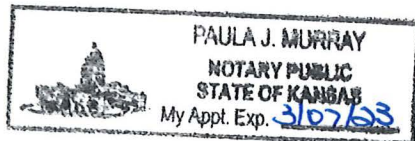
Michael Glamann, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of his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


Michael Glamann, S. Ct. #28240
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 24 day of Feb, 2020.


Notary Public

My Appointment Expires: 3/07/23



CERTIFICATE OF SERVICE

20-CONS-3182-CPEN

I, the undersigned, certify that a true copy of the attached Motion Withdrawing Motion for Default Order and Requesting a Prehearing Conference has been served to the following by means of first class mail and electronic service on February 24, 2020.

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/S/ Paula J. Murray

Paula J. Murray