

**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 ) Docket No: 17-CONS-3701-CMSC  
License Renewal Application of AX&P, Inc. )  
(Operator). ) CONSERVATION DIVISION  
)  
) License No: 3830

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**ORDER DESIGNATING PREHEARING OFFICER AND  
SETTING PREHEARING CONFERENCE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On June 19, 2017, Commission Conservation Staff (Staff) issued a Notice of Denial of License Renewal Application to AX&P, Inc. (Operator), stating that Operator appears to be associated with entities not in compliance with Commission statutes, regulations, and orders.
2. On June 28, 2017, Operator filed timely filed a Motion to Set Aside Summary Denial of License Application and/or Request for Hearing.
3. Upon its own motion and pursuant to K.S.A. 77-551(c), the Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and a Prehearing Conference should be scheduled.
4. Although a Prehearing Officer is designated in this docket, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received

after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be Michael J. Duenes, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3181, email address [m.duenes@kcc.ks.gov](mailto:m.duenes@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for **Thursday, September 14, 2017 at 9:30 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.

D. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA). Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA.<sup>1</sup>

E. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>2</sup>

F. The attorney designated to appear on behalf of the agency in this proceeding is Joshua D. Wright, Litigation Counsel, telephone number (316) 337-6217, [j.wright@kcc.ks.gov](mailto:j.wright@kcc.ks.gov).

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<sup>1</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

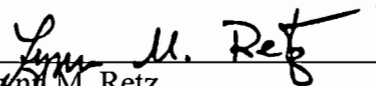
<sup>2</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

G. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JUL 25 2017

  
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Lynn M. Retz  
Secretary to the Commission

Date Mailed: July 25, 2017

MJD/sc

**CERTIFICATE OF SERVICE**

I certify that on 7/25/17, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Jon R. Viets  
PO Box 1176  
Independence, KS 67301  
*Attorney for A X & P, Inc.*

Jon Viets  
A X & P, Inc.  
PO Box 1176  
Independence, KS 67301

and delivered by e-mail to:

Joshua D. Wright, Litigation Counsel  
KCC Central Office

Michael J. Duenes, Assistant General Counsel  
KCC Topeka Office

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