

**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 failure of Seth Farmer) Docket No: 17-CONS-3524-CPEN
("Operator") to comply with K.A.R. 82-3-120.)
) CONSERVATION DIVISION
)
) License No: 34863

**ORDER RESCHEDULING EVIDENTIARY HEARING AND ADJUSTING
TESTIMONY DEADLINES**

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 makes the following findings and conclusions:

1. On June 6, 2017, the Commission issued its *Order Designating [a] Prehearing Officer and Setting [a] Prehearing Conference*, scheduling a Prehearing Conference for June 22, 2017.¹

2. On June 22, 2017, a Prehearing Conference was held, wherein the parties agreed to a procedural schedule.

3. On June 29, 2017, the Commission adopted a procedural schedule setting an evidentiary hearing for August 17, 2017.²

4. On July 25, 2017, Commission Conservation Staff (Staff) filed a Motion stating that "the parties jointly request that the evidentiary hearing in this docket . . . be rescheduled to September 21, 2017, and that the pre-filed testimony deadlines be adjusted

¹ *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause B (June 6, 2017).

² *See Order Setting Procedural Schedule*, Ordering Clause A (June 29, 2017).

accordingly” because a resolution may be forthcoming without the need for a hearing.³ Staff stated that “[a] rescheduling would assist in the efficient resolution of this docket.”⁴

5. On August 1, 2017, the Commission rescheduled the evidentiary hearing for September 21, 2017.⁵

6. On August 25, 2017, Staff filed another Motion to Reschedule Evidentiary Hearing and Adjust Testimony Deadlines, stating that “[t]he parties jointly request that the evidentiary hearing in this docket, currently scheduled for September 21, 2017, be rescheduled to October 19, 2017, and that the pre-filed testimony deadlines be adjusted accordingly.”⁶ The Motion reiterated Staff’s assessment that resolution of this matter may be achieved without a hearing.⁷

7. The Commission agrees with Staff’s Motion and amends the procedural schedule as follows:

Staff’s Pre-filed Direct Testimony	Due: September 21, 2017
Operator’s Pre-filed Direct Testimony	Due: September 28, 2017
Rebuttal Testimony	Due: October 5, 2017
Evidentiary Hearing before the Commission 266 N. Main, Suite 220, Wichita, Kansas 67202	October 19, 2017, 10:00 a.m.

8. Any settlement agreement the parties wish to present for Commission consideration shall be due by October 5, 2017.

THEREFORE, THE COMMISSION ORDERS:

A. The modified procedural schedule set forth in paragraph 7 above is adopted. All other procedural matters remain as previously ordered.

³ Motion to Reschedule Evidentiary Hearing and Adjust Testimony Deadlines (July 25, 2017).

⁴ *Id.*

⁵ *Order Rescheduling Evidentiary Hearing and Adjusting Testimony Deadlines*, ¶ 5 (Aug. 1, 2017).

⁶ Motion to Reschedule Evidentiary Hearing and Adjust Testimony Deadlines, p. 1 (Aug. 25, 2017).

⁷ *Id.*

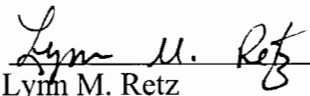
B. The parties have fifteen (15) days, plus three (3) days if mailed service, from the date this Order was served in which to petition for reconsideration.⁸

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

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: AUG 31 2017


Lynn M. Retz
Secretary to the Commission

Date Mailed: August 31 2017

MJD

⁸ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 77-529(a)(1); *see* K.S.A. 66-118b.

CERTIFICATE OF SERVICE

I certify that on 8/31/17, 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:

Seth Farmer
4760 E. Hwy 160
Independence, KS 67301

and delivered by e-mail to:

Joshua D. Wright, Litigation Counsel
KCC Wichita Central Office

Michael J. Duenes, Assistant General Counsel
KCC Topeka Office

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