

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

Before Commissioners: Susan K. Duffy, Chair  
Dwight D. Keen  
Andrew J. French

In the matter of the application of Skyy ) Docket No: 23-CONS-3149-CMSC  
Drilling, LLC (Applicant) for an Operator's )  
License Renewal. ) CONSERVATION DIVISION  
)  
\_\_\_\_\_ ) License No: 33557

**PROPOSED DEFAULT ORDER**

The Commission rules as follows:

1. On December 7, 2022, Commission Staff motioned for the designation of a presiding officer and the setting of a prehearing conference in this matter. On December 15, 2022, the Commission issued an order designating a presiding officer and setting a prehearing conference, noting the purpose of this docket would be to consider and render a decision regarding Applicant's April 15, 2022, license renewal application. The order noted Applicant's obligation to appear via counsel in this matter.

2. Applicant appeared via counsel at December 29, 2022, and January 26, 2023, prehearing conferences, but on February 16, 2023, Applicant's counsel motioned to withdraw as counsel, citing the wishes of Applicant. On February 17, 2023, the motion was granted. In the order granting the motion, Presiding Officer Myers gave Applicant until March 10, 2023, to obtain new counsel, noting that failure to have new counsel enter an appearance by such date might result in issuance of a proposed default order. To date, Applicant has failed to have a new counsel enter an appearance.

3. K.S.A. 77-520 provides that “If a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a written notice of a proposed default order, including a statement of the grounds.”

4. Due to Applicant’s failure to have counsel timely enter an appearance, the Commission finds Applicant has failed to participate in a stage of this adjudicative proceeding, and the Commission serves this Proposed Default Order.

5. Pursuant to K.S.A. 77-520(b), Applicant may file a written motion requesting this Proposed Default Order be vacated, stating the grounds relied upon, within seven calendar days after service of this Order.

**THEREFORE, THE COMMISSION ORDERS:**

A. Pursuant to K.S.A. 77-520(c), unless Applicant files a timely written motion to vacate this Proposed Default Order, this Order shall be effective. Any motion to vacate must be filed by a licensed attorney, who must first file an entry of appearance, comporting with the pleading requirements of K.A.R. 82-1-219 and identifying the filer as a Kansas-licensed attorney.<sup>1</sup>

B. If this Proposed Default Order becomes effective, then this matter shall be completed in the following manner:

- i. Applicant’s April 15, 2022, license renewal application shall be considered denied as of the date this order becomes effective; and
- ii. Any party may file and serve a petition for reconsideration, through a licensed attorney, pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1), so long as such party has first had an attorney enter an appearance in the manner described above.<sup>2</sup>

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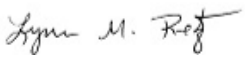
<sup>1</sup> See *id.* at Ordering Clause A; K.S.A. 77-515(c).

<sup>2</sup> See *id.*; K.S.A. 77-520(e); K.S.A. 77-529(a)(1).

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

Duffy, Chairperson; Keen, Commissioner; French, Commissioner

Dated: 03/23/2023

  
Lynn M. Retz  
Executive Director

Mailed Date: 03/23/2023

JRM

## **CERTIFICATE OF SERVICE**

23-CONS-3149-CMSC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

first class mail and electronic service on 03/23/2023.

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/S/ KCC Docket Room  
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