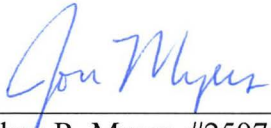


5. Pursuant to K.S.A. 77-520(a), “[i]f a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties written notice of a proposed default order, including a statement of the grounds.” Staff believes Operator was properly noticed and afforded an opportunity to attend and participate in the May 10, 2018, prehearing conference, but failed to do so. Therefore, Staff requests that a default order be issued against Operator.

WHEREFORE, for the reasons set forth above, Staff respectfully requests the Commission issue a default order against Operator for failure to appear and participate, and for any further relief as the Commission deems just and proper.

Respectfully submitted,



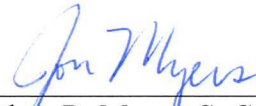
---

Jonathan R. Myers, #25975  
Litigation Counsel, Kansas Corporation Commission  
266 N. Main, Suite 220, Wichita, Kansas 67202  
Phone: 316-337-6200; Fax: 316-337-6211

**VERIFICATION**

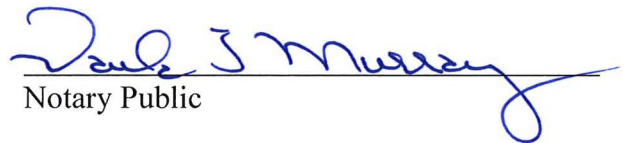
STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF SEDGWICK            )

Jonathan R. Myers, 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.

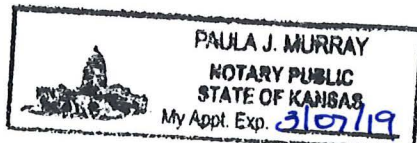


Jonathan R. Myers, S. Ct. #25975  
Litigation Counsel  
State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 4 day of June, 2018.

  
Notary Public

My Appointment Expires: 3/07/19



## **CERTIFICATE OF SERVICE**

18-CONS-3262-CMSC

I, the undersigned, certify that the true copy of the attached Motion has been served to the following parties by means of first class mail and electronic service on June 4, 2018.

JOE BRAKE  
D/B/A JOE BRAKE INC.  
RT 1 BOX 84  
33527 2ND ROAD  
LATHAM, KS 67072

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
m.duenes@kcc.ks.gov

JONATHAN R. MYERS, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
Conservation Division  
266 N. Main St. Ste. 220  
WICHITA, KS 67202-1513  
Fax: 316-337-6211  
j.myers@kcc.ks.gov

/S/ Paula J. Murray  
\_\_\_\_\_  
Paula J. Murray