

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

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the matter of an Order to Show Cause issued) Docket No.: 17-CONS-3262-CSHO
to Edward Broyles dba Jenkins & Broyles)
Production Company (“Operator”) regarding) CONSERVATION DIVISION
responsibility under K.S.A. 55-179 for)
unplugged wells on an expired license.) License No.: 5643

MOTION FOR DEFAULT ORDER

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively), moves the Commission for a Default Order to be issued against Operator. In support of its motion, Staff states as follows:

1. On October 20, 2016, Staff filed a motion for an order to show cause against Operator, alleging unplugged wells on an expired license.
2. On January 19, 2017, the Commission issued an Order to Show Cause, assigned a Prehearing Officer and scheduled a prehearing conference in this matter for February 9, 2017. The pre-hearing conference was continued at the joint request of the parties on February 9, 2017 and once at the request of Staff on April 6, 2017, to May 4, 2017, to allow additional time to discuss the docket.
3. On April 6, 2017, the Prehearing officer issued an order which memorialized the continuance and provided necessary information to attend the hearing by telephone.¹ Operator was included on the certificate of service. Counsel for Staff appeared at the pre-hearing conference on May 4, 2017, but Operator failed to appear. Staff made an oral motion for default but was instructed by the prehearing officer to file a written motion for default.

¹ See Exhibit A, Prehearing Officer Order Continuing Prehearing Conference, dated April 6, 2017.

4. 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 4, 2017, prehearing conference, but failed to do so. Therefore, Staff recommends 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,



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CERTIFICATE OF SERVICE

I certify that on 7/21/17, I caused a complete and accurate copy of this Motion to be served via United States mail, with the postage prepaid and properly addressed to the following:

Edward Broyles dba Jenkins & Broyles Production Company
PO Box 902
Arkansas City, KS 67005

and delivered by email to:

Joshua D. Wright, Litigation Counsel
KCC Central Office

Samuel Feather, Deputy General Counsel
KCC Topeka Office

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