

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

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Dwight D. Keen

In the Matter of the Failure of Patrick Development Corporation (“Operator”) to report activity that occurred during the 2017 calendar year in compliance with K.A.R. 82-3-409.) Docket No: 19-CONS-3045-CPEN
) CONSERVATION DIVISION
) License No. 6279

DEFAULT ORDER

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:

Jurisdiction

1. K.S.A. 77-520 provides that if a party fails to attend any stage of an adjudicative proceeding, the agency may issue a default order with a statement of the grounds. Within seven days after service of a proposed default order, the party against whom it was issued has seven days to file a written motion to vacate, which shall state the grounds relied upon.

Findings of Fact

2. On August 9, 2018, the Commission issued a *Penalty Order*, finding that Patrick Development Corporation (Operator) committed one violation of K.A.R. 82-3-409.¹

3. On August 16, 2018, the Operator requested a hearing.

4. On September 6, 2018, the Commission issued its *Order Designating Prehearing Officer and Setting Prehearing Conference*, scheduling a Prehearing Conference for October 11, 2018.²

¹ *Penalty Order*, ¶ 9 (Aug. 9, 2018).

² *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause B (Sept. 6, 2018).

5. On October 11, 2018, a Prehearing Conference was held. Staff appeared at the Prehearing Conference, but the Operator did not.

6. On October 19, 2018, Staff filed a Motion for Default Order (Motion for Default), stating that “Staff believes Operator was properly noticed and afforded an opportunity to attend and participate in the October 11, 2018, prehearing conference, but failed to do so. Therefore, Staff requests that a default order be issued against Operator.”³

Conclusions of Law

7. Pursuant to K.S.A. 77-520(a), the Commission finds the Operator’s failure to attend the Prehearing Conference constitutes default. Thus, Staff’s Motion for Default Order is granted.

THEREFORE, THE COMMISSION ORDERS:

A. Staff’s Motion for Default Order is granted.

B. Pursuant to K.S.A. 77-520(b), any party may file a written motion requesting that this Default Order be vacated and stating the grounds relied upon, within seven calendar days after service of this Order, with three additional days added to account for service by mail.

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 10/30/2018

Mailed Date: 10/31/2018



Lynn M. Retz
Secretary to the Commission

MJD

³ Motion for Default, ¶ 5.

CERTIFICATE OF SERVICE

19-CONS-3045-CPEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 10/30/2018.

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

LAUREN WRIGHT, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
Conservation Division
266 N. Main St. Ste. 220
WICHITA, KS 67202-1513
Fax: 316-337-6211
l.wright@kcc.ks.gov

RENE STUCKY
KANSAS CORPORATION COMMISSION
Conservation Division
266 N. Main St. Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
r.stucky@kcc.ks.gov

KERRY PATRICK
PATRICK DEVELOPMENT CORPORATION
3408 W 93RD RD
LEAWOOD, KS 66206
patrickdev@sbcglobal.net
*And by US mail

/S/ DeeAnn Shupe

DeeAnn Shupe