

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

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

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 the Operator. In support of its motion, Staff states as follows:

1. On August 09, 2018, the Commission issued a Penalty Order against the Operator in the captioned docket.
2. On August 16, 2018, the Operator filed a timely appeal. On September 06, 2018, the Commission issued an order setting this matter for an October 11, 2018, prehearing conference.
3. Counsel for Staff appeared at the pre-hearing conference on October 11, 2018, but the Operator failed to appear.
4. On October 19, 2018, Staff filed a Motion for Default Order stating, "Staff believes Operator was properly noticed and afforded the 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."¹
5. On October 30, 2018, the Commission issued a Default Order granting Staff's Motion for Default Order.²

¹ Motion for Default, ¶ 5.

² Default Order, ¶ A, (Oct. 30, 2018).

6. On October 30, 2018, the Operator filed "Patrick Development Corporation to Appeal the Default Order."³ The Operator stated that he wished to appeal the Default Order due to "serious health problems".⁴

7. On November 29, 2018, the Commission issued an Order on Appeal of Default Order, granting the Operator's Appeal of Default Order and scheduling another prehearing conference for January 10, 2019.

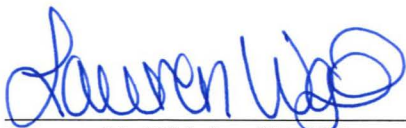
8. On January 10, 2019, a prehearing conference was held. Staff appeared at the Prehearing Conference, but the Operator did not.

9. 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."

10. Staff believes Operator was properly noticed and afforded an opportunity to participate in the January 10, 2019, prehearing conference, but failed to do so. This is the second prehearing conference the Operator has failed to attend. 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,



Lauren N. Wright, #27616
Litigation Counsel, Kansas Corporation Commission
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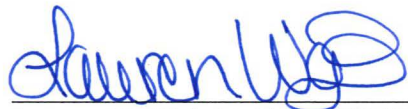
³ Patrick Development Corporation to Appeal the Default Order, (Oct. 30, 2018).

⁴ *Id.* at pp. 1-2.

VERIFICATION


STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

Lauren N. Wright, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of her knowledge, information and belief.

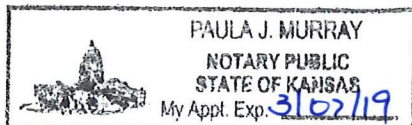


Lauren N. Wright, S. Ct. #27616
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 16 day of Jan, 2019.


Notary Public

My Appointment Expires: 3/02/19



CERTIFICATE OF SERVICE

19-CONS-3045-CPEN

I, the undersigned, certify that the true copy of the attached Motion for Default Order has been served to the following parties by means of electronic service on January 16, 2019.

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/S/ Paula J. Murray

Paula J. Murray