THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

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

Susan K. Duffy

In the matter of the failure of Thunderbolt)	Docket No: 19-CONS-3400-CPEN
Construction Corp. ("Operator") to comply with)	
K.A.R. 82-3-120.)	CONSERVATION DIVISION
)	
)	License No: 34551

ORDER DESIGNATING PREHEARING OFFICER AND SETTING PREHEARING CONFERENCE

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 the following:

- 1. On June 11, 2019, the Commission issued a *Penalty Order* against Thunderbolt Construction Corp. (Operator) for one violation of K.A.R. 82-3-120(a) because an unplugged well or unplugged wells, for which Operator is responsible, remained on Operator's expired license.¹
 - 2. On July 12, 2019, Operator requested a hearing.²
- 3. The Commission finds a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and a Prehearing Conference should be scheduled.
- 4. Although a Prehearing Officer is designated, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

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¹ See Penalty Order, ¶ 10 (Jun. 11, 2019).

² Request for Hearing (Jul. 12, 2019).

THEREFORE, THE COMMISSION ORDERS:

- A. The Prehearing Officer in this proceeding shall be Jonathan R. Myers, Assistant General Counsel, Kansas Corporation Commission, 266 N. Main Street, Suite 220, Wichita, Kansas, 67202-1513, telephone number (316) 337-6245, email address <u>j.myers@kcc.ks.gov</u>. The Commission may designate other Staff members to serve in this capacity. <u>The Commission directs</u> <u>electronic service of all filings in the docket to include service on the Prehearing Officer and mailed service of all filings to be directed to the Prehearing Officer's attention.</u>
- B. A Prehearing Conference is scheduled for **Tuesday**, **August 6**, **2019 at 1:30 p.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 3902542751.
- C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.
- D. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA). Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA.³
 - E. A corporation shall appear before the Commission by a Kansas licensed attorney.⁴
- F. The attorney designated to appear on behalf of the agency in this proceeding is Carly Masenthin, Litigation Counsel, telephone number (785) 271-3110, c.masenthin@kcc.ks.gov.

³ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

⁴ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

G.	The Commission retains jurisdiction over the subject matter and parties for the purpose
of entering su	ich further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy,	, Commissioner
07/25/2019 Dated:	Lynn M. Retz Executive Director
Mailed Date:	

CERTIFICATE OF SERVICE

19-CONS-3400-CPEN

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 on07/25/2019	·	
NANCY BORST KANSAS CORPORATION COMMISSION CENTRAL OFFICE 266 N. MAIN ST, STE 220 WICHITA, KS 67202-1513 Fax: 785-271-3354 n.borst@kcc.ks.gov	CARLY MASENTHIN, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 c.masenthin@kcc.ks.gov	
JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL KANSAS CORPORATION COMMISSION 266 N. Main St., Ste. 220 WICHITA, KS 67202-1513 Fax: 316-337-6211 j.myers@kcc.ks.gov	THOR MCKIEARNAN THUNDERBOLT CONSTRUCTION CORP. 201 S 11th ST LOUISBURG, KS 66053	

/S/ DeeAnn Shupe DeeAnn Shupe