

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the matter of the failure of NEC Operating –) Docket No: 26-CONS-3001-CPEN
Kansas, LLC (Operator) to comply with)
K.A.R. 82-3-120 and K.A.R. 82-3-133 by) CONSERVATION DIVISION
operating under a suspended license.)
_____) License No: 35920

PROPOSED DEFAULT ORDER

The Commission rules as follows:

1. On July 3, 2025, the Commission issued a Penalty Order against Operator in this matter. On August 5, 2025, Operator requested a hearing.
2. On August 12, 2025, the Commission designated a presiding officer and set an August 28, 2025, prehearing conference. Operator failed to attend the prehearing conference via counsel, as required by the Commission’s August 12, 2025, order.¹
3. K.S.A. 77-520 provides that “If 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 a written notice of a proposed default order, including a statement of the grounds.” Due to Operator’s failure to attend the prehearing conference, the Commission finds Operator has failed to participate in a stage of this adjudicative proceeding, and serves this Proposed Default Order.
4. Pursuant to K.S.A. 77-520(b), Operator may file a written motion requesting this Proposed Default Order be vacated, stating the grounds relied upon, within seven calendar days after service of this Order.

¹ See Order Designating Presiding Officer and Setting Prehearing Conference, Ordering Clause B (Aug. 12, 2025).

THEREFORE, THE COMMISSION ORDERS:

A. Pursuant to K.S.A. 77-520(c), unless Operator files a timely written motion to vacate this Proposed Default Order, this Order shall be effective.

B. If this Proposed Default Order becomes effective, then this matter shall be completed as follows: (1) the July 3, 2025, Penalty Order shall become a final order, and (2) any party may file and serve a petition for reconsideration of this Proposed Default Order, pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).²

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 09/11/2025



Celeste Chaney-Tucker
Executive Director

Mailed Date: 09/11/2025

JRM

² See K.S.A. 77-520(e); K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

26-CONS-3001-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 on 09/11/2025.

SHANE JONES, ENVIRONMENTAL COMPLIANCE &
REGULATORY SPECIALIST
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 4
2301 E. 13TH STREET
HAYS, KS 67601-2654
shane.jones@ks.gov

KELCEY MARSH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
kelcey.marsh@ks.gov

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
jon.myers@ks.gov

GRANT NORWOOD
NEC OPERATING - KANSAS, LLC
538 SILICON DR
SOUTHLAKE, TX 76092-7516
grant@norwoodenergycorp.net

/S/ KCC Docket Room
KCC Docket Room