

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

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

In the Matter of the Notice of Denial of) Docket No: 17-CONS-3701-CMSC
License Renewal Application of AX&P, Inc.)
(Operator).) CONSERVATION DIVISION
)
) License No: 3830

ORDER SETTING PROCEDURAL SCHEDULE

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 makes the following findings and conclusions:

1. On July 25, 2017, the Commission issued its *Order Designating Prehearing Officer and Setting Prehearing Conference* in this docket.
2. On August 8, 2017, Timothy E. McKee and Amy Fellows Cline entered their appearance on behalf of AX&P, Inc. (Operator).
3. On September 14, 2017, a Prehearing Conference was held where the parties agreed to the following procedural schedule:

Staff's Pre-filed Direct Testimony	Due: December 4, 2017
Operator's Pre-filed Direct Testimony	Due: December 18, 2017
Rebuttal Testimony	Due: December 4, 2017
Evidentiary Hearing before the Commission 266 N. Main, Suite 220, Wichita, Kansas 67202	December 14, 2017, 10:00 a.m.

4. At the Prehearing Conference, the parties also agreed to use electronic service in this proceeding. Moreover, the Operator anticipates filing a Motion for Summary Judgment and Oral Argument, and subsequent to such filing, anticipates a schedule for resolving the issue.

Pursuant to K.S.A. 77-519(a), all parties shall have full opportunity to file pleadings, objections and motions, including, but not limited to, motions to dismiss and motions for summary judgment.

5. Failure to submit pre-filed testimony may result in the Commission restricting the right to testify and present evidence at the evidentiary hearing. At the hearing, the Commission may limit the parties' direct and rebuttal testimony to the pre-filed testimony.

6. Any settlement agreement the parties wish to present for Commission consideration shall be due by December 4, 2017.

7. Any person requiring special accommodations under the Americans with Disabilities Act should notify the Commission at least 10 days before the scheduled hearing date.

8. Any party who fails to attend or participate in the evidentiary hearing or in any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act.¹

THEREFORE, THE COMMISSION ORDERS:

A. The procedural schedule set forth in paragraph 3 is adopted.

B. The parties have fifteen (15) days from the date of electronic service of this Order to petition for reconsideration.²

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

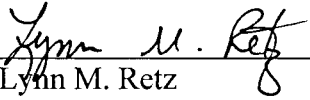
¹ K.S.A. 77-518(c)(8); K.S.A. 77-520.

² K.S.A. 55-162; K.S.A. 55-606; K.S.A. 77-529(a)(1); *see* K.S.A. 66-118b.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: SEP 19 2017



Lynn M. Retz
Secretary to the Commission

MJD

CERTIFICATE OF SERVICE

I certify that on September 19, 2017, I caused a complete and accurate copy of this Order to be served electronically to the following:

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