

**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 failure of Tontol, LLC ) Docket No: 17-CONS-3394-CPEN  
("Operator") to comply with K.A.R. )  
82-3-407 at the Fussman #19 in Allen ) CONSERVATION DIVISION  
County, Kansas. )  
License No.: 34525

**PREHEARING OFFICER ORDER CONTINUING PREHEARING CONFERENCE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. On February 9, 2017, the Commission issued in this docket its *Order Designating Prehearing Officer and Setting Prehearing Conference*, scheduling a Prehearing Conference in this matter for February 23, 2017.<sup>1</sup>

2. On February 23, 2017, at the Prehearing Conference, Commission Staff moved to continue the Prehearing Conference to the first week of April. The Prehearing Officer granted the motion and agrees to continue the Prehearing Conference until **Thursday, April 6, 2017, at 11:30 a.m.**

**THEREFORE, THE PREHEARING OFFICER ORDERS:**

A. The Prehearing Conference shall be rescheduled for **Thursday, April 6, 2017, at 11:30 a.m.** by telephone. The conference call information is: telephone number: (866) 620-7326, Conference Code PIN: 7632914771#.

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<sup>1</sup> Docket No. 17-CONS-3394-CPEN, *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause B (Feb. 9, 2017).

B. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, and scheduling of a hearing with the Commission.

C. 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).<sup>2</sup> Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default pursuant to the KAPA.<sup>3</sup>

D. A corporation shall appear before the Commission by its attorney.<sup>4</sup>

E. Parties have 15 days from the date of electronic service of this Order to petition for reconsideration.<sup>5</sup>

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

Dated: February 23, 2017

/s/ Michael J. Duenes

Michael J. Duenes  
Prehearing Officer

MJD/sc

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<sup>2</sup> K.S.A. 77-501 *et seq.*

<sup>3</sup> K.S.A. 77-516(c)(8); K.S.A. 77-520.

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

<sup>5</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(l).

**CERTIFICATE OF SERVICE**

I certify that on February 23, 2017, I caused a complete and accurate copy of this Prehearing Officer Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Donald Bisbee  
Tontol, LLC  
7807 E. Buena Terra Way  
Scottsdale, AZ 85250

and delivered by e-mail to:

Jon Myers  
KCC Conservation Division

John Almond  
KCC District #3

Rene Stucky  
KCC Central Office

/s/ Cynthia K. Maine  
Cynthia K. Maine  
Administrative Assistant  
Kansas Corporation Commission