

**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-3475-CMSC  
License Application Issued to Ernie D. Pratt. )  
) CONSERVATION DIVISION  
)  
) License No.: 35165

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**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 January 18, 2017, Commission Conservation Staff (Staff) sent Ernie D. Pratt (Operator) a Notice of Denial of License Renewal Application. Operator timely requested an evidentiary hearing.<sup>1</sup>

2. On March 2, 2017, the Commission issued its *Order Designating Prehearing Officer and Setting Prehearing Conference* (Order), scheduling a Prehearing Conference for March 23, 2017.<sup>2</sup>

3. On March 21, 2017, Staff moved to reschedule the Prehearing Conference.<sup>3</sup> Staff's Motion was granted by a Prehearing Officer Order on March 21, 2017, setting the Prehearing Conference for April 27, 2017.<sup>4</sup>

4. The parties have agreed to the following procedural schedule:

Staff's Pre-filed Direct Testimony	Due: July 24, 2017
Operator's Pre-filed Direct Testimony	Due: July 31, 2017
Rebuttal Testimony	Due: August 7, 2017

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<sup>1</sup> Request for Hearing (Feb. 2, 2017).

<sup>2</sup> Order, Ordering Clause B (Mar. 2, 2017).

<sup>3</sup> Motion to Reschedule Prehearing Conference (Mar. 21, 2017).

<sup>4</sup> See *Prehearing Officer Order Continuing Prehearing Conference*, Ordering Clause A (Mar. 21, 2017).

Evidentiary Hearing before the Commission  
266 Main, Suite 220, Wichita, Kansas 67202

August 17, 2017, 10:00 a.m.

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 August 7, 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.<sup>5</sup>

**THEREFORE, THE COMMISSION ORDERS:**

A. The procedural schedule set forth in paragraph 4 is adopted.

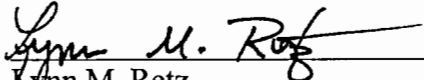
B. The parties have fifteen (15) days, plus three (3) days if mailed service, from the date this Order was served in which to petition for reconsideration.<sup>6</sup>

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

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JUN 13 2017

  
Lynn M. Retz  
Secretary to the Commission

Date Mailed: June 13, 2017

MJD

<sup>5</sup> K.S.A. 77-518(c)(8); K.S.A. 77-520.

<sup>6</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**CERTIFICATE OF SERVICE**

I certify that on 6/13/17, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Ernie D. Pratt  
PO Box 297  
Paola, KS 66071

and delivered by e-mail to:

Joshua D. Wright, Litigation Counsel  
KCC Wichita Central Office

Michael J. Duenes, Assistant General Counsel  
KCC Topeka Office

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