

**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- 3529- CMSC
License Renewal Application for Agricultural	)	
Energy Service, Kansas Operator License	)	CONSERVATION
Number 34089	)	DIVISION
	)	
	)	License No.: 34089

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**REQUEST FOR TRIAL OF ISSUES OF LAW  
by  
LICENSEE AGRICULTURAL ENERGY SERVICES, L.L.C**

1. Agricultural Energy Services, L.L.C. (“AES”) by and through its counsel of record hereby respectfully requests, pursuant to the authority of K.A.R. 82-1-222 that in the context of the prehearing conference the Commission direct a trial of issues of law governing whether, as alleged by the March 24, 2017 Notice of Denial of License Renewal Application, AES is “associated with First National Oil, Inc. License #6320 (“First National”).

2. The issues as to which AES requests a trial of issues of law are:

A. Whether uncontroverted evidence proves that AES has not failed to comply with the requirements of chapter 55 of the Kansas Statutes Annotated;

- B. Whether uncontroverted evidence proves that AES is not associated with an entity not in compliance with Commission statutes, regulations, and orders;
  - C. Whether uncontroverted evidence proves that AES has no relationship with First National proscribed by K.S.A. 55-155(c)(4);
  - D. Whether uncontroverted evidence proves that First National has no relationship with AES proscribed by K.S.A. 55-155(c)(4);
  - E. Whether K.S.A. 55-155(c)(4) violates the due process clause of the 14<sup>th</sup> Amendment to the United States Constitution on the grounds that the statute, as applied by the Commission under the facts of this case, is void for vagueness; and
  - F. Whether the doctrine of issue preclusion bars the assertion of the factual allegations stated in the Notice of Denial.
- 3. All of the foregoing will determine as a matter of law that the Commission should not refuse to renew the application of the license of AES.
  - 4. Complainants further request that the Commission establish a briefing schedule upon consultation with the parties to advance consideration of these issues at the earliest possible moment.

**Respectfully Submitted,  
Agricultural Energy Services, LLC**

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By s/ Lee Thompson  
**Attorney for Petitioner**

### **CERTIFICATE OF SERVICE**

I hereby certify on this 31st day of May, 2017, the true and correct original of the above and foregoing Notice of Voluntary Dismissal Without Prejudice was filed by means of the KCC e-filing Express and served on the undersigned as an attachment to an electronic mail.

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s/ Lee Thompson  
**LEE THOMPSON**