

**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-3236-CMSC  
License Renewal Application to Eastern )  
Kansas Operating, LLC ("Operator"). ) CONSERVATION DIVISION  
)  
)  
\_\_\_\_\_) License No: 34971

**ORDER CANCELLING EVIDENTIARY HEARING AND CLOSING DOCKET**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed its files and records and being fully advised in the premises, the Commission makes the following findings:

1. On September 30, 2016, Commission Staff (Staff) issued to Eastern Kansas Operating, LLC (Operator) a Notice of Denial of License Renewal Application.
2. On October 12, 2016, Operator timely requested an evidentiary hearing.
3. On November 3, 2016, the Commission issued its *Order Designating Prehearing Officer & Setting Prehearing Conference* (Order), which designated John McCannon as the Prehearing Officer in this proceeding.<sup>1</sup>
4. On January 11, 2017, the Prehearing Officer ordered a procedural schedule, setting an evidentiary hearing for June 15, 2017.<sup>2</sup>
5. On April 13, 2017, the Commission designated Michael J. Duenes as the new Prehearing Officer in this proceeding.<sup>3</sup>

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<sup>1</sup> Order, Ordering Clause A (Nov. 3, 2016).

<sup>2</sup> *Prehearing Officer Order Setting Procedural Schedule*, ¶ 1 (Jan. 11, 2017).

<sup>3</sup> *Order Designating New Prehearing Officer*, ¶ 4 (Apr. 13, 2017).

6. On May 2, 2017, Staff moved to cancel the evidentiary hearing and close the docket, citing its belief that there is not at this time adequate evidence to demonstrate a sufficient nexus between Operator and the three other licenses not in good standing with the Commission so as to further deny Operator's license.<sup>4</sup> Based on Staff's Motion, the Commission affirms Staff's resolution of the issue and finds that the evidentiary hearing should be cancelled and the docket closed.

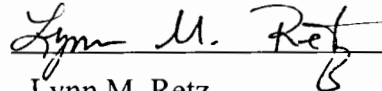
**THEREFORE, THE COMMISSION ORDERS:**

- A. The evidentiary hearing is hereby cancelled, and the docket is closed.
- B. Parties have 15 days, plus three days if mailed service, from the date this Order was served in which to petition the Commission for reconsideration.<sup>5</sup>
- C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary.

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

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: MAY 11 2017

  
Lynn M. Retz  
Secretary to the Commission

Mailed Date: May 11, 2017

MJD

<sup>4</sup> Motion to Cancel Evidentiary Hearing and Close Docket, ¶¶ 1-2 (May 2, 2017).

<sup>5</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**CERTIFICATE OF SERVICE**

I certify that on May 11, 2017, 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:

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And delivered electronically to:

Jonathan R. Myers  
KCC Conservation Division

Michael Duenes  
KCC Prehearing Officer

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