

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

Before Commissioners: Susan K. Duffy, Chair
Shari Feist Albrecht
Dwight D. Keen

In the matter of the failure of Viva International,) Docket No: 20-CONS-3255-CPEN
Inc. (“Operator”) to comply with K.S.A. 55-164)
and K.A.R. 82-3-120 at the Campbell, Carlson,) CONSERVATION DIVISION
and Gillian Simpson leases in Wilson and)
Sedgwick County, Kansas.) License No: 5556

**ORDER DESIGNATING PREHEARING OFFICER
AND SETTING PREHEARING CONFERENCE**

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 finds the following:

1. On March 17, 2020, the Commission issued a *Penalty Order* against Operator for failing to cease operations upon the June 19, 2019, suspension of Operator’s license.¹
2. On March 19, 2020, the Commission issued an *Emergency Order Staying All Dockets* (Emergency Order) staying all open dockets and suspending all deadlines in all open Commission dockets, effective immediately.²
3. On April 23, 2020, the Commission issued a *Special Order Regarding Conservation Matters* (Special Order) stating that the *Emergency Order* no longer applied to matters involving the Conservation Division.³ The *Special Order* provided that in penalty dockets where no request for hearing was submitted, but as of March 16, 2020, the time for requesting a hearing had not elapsed,

¹ See *Penalty Order*, ¶ 17 (Mar. 17, 2020).

² See Docket 20-GIMX-393-MIS, *Emergency Order Staying All Dockets*, ¶¶ 4, Ordering Clause A (Mar. 19, 2020).

³ See Docket 20-GIMX-393-MIS, *Special Order Regarding Conservation Matters*, ¶ 7 (Apr. 23, 2020).

that the Commission intended to recognize any request for hearing as timely so long as it was submitted by May 25, 2020.⁴

4. On May 1, 2020, Operator requested a hearing.⁵ Because the request for hearing was received within the timeframe allowed by the *Special Order*, the Commission shall consider the request for hearing to be timely.

5. The Commission finds a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b),⁶ and a Prehearing Conference should be scheduled.

6. Although a Prehearing Officer is designated, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

THEREFORE, THE COMMISSION ORDERS:

A. The Prehearing Officer in this proceeding shall be Jonathan R. Myers, Assistant General Counsel, Kansas Corporation Commission, 266 N. Main Street, Suite 220, Wichita, Kansas, 67202-1513, telephone number (316) 337-6245, email address j.myers@kcc.ks.gov. The Commission may designate other Staff members to serve in this capacity. **The Commission directs electronic service of all filings in the docket to include service on the Prehearing Officer and mailed service of all filings to be directed to the Prehearing Officer's attention.**

B. A Prehearing Conference is scheduled for **Thursday, May 28, 2020, at 1:30 p.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 3902542751.

⁴ See *id.* at ¶ 9e.

⁵ See Letter Requesting Hearing (May 1, 2020).

⁶ See also K.S.A. 77-551(c).

C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.

D. 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). Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA.⁷


E. A corporation shall appear before the Commission by a Kansas licensed attorney.⁸

F. The attorney designated to appear on behalf of the agency in this proceeding is Kelcey Marsh, Litigation Counsel, telephone number (316) 337-6200, k.marsh@kcc.ks.gov.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 05/12/2020



Lynn M. Retz
Executive Director

Mailed Date: 05/12/2020

JRM

⁷ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

⁸ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

CERTIFICATE OF SERVICE

20-CONS-3255-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 05/12/2020.

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/s/ DeeAnn Shupe

DeeAnn Shupe