

Kansas Administrative Regulations

Kansas Energy Office

Article 3.—Petroleum Allocation Appeal Procedures

27-3-9. Evaluation.

(a) The director may initiate an investigation of any statement in an appeal and utilize in evaluation any relevant facts obtained by such investigation. In evaluating an appeal, the director may consider any other source of information, and, on the director's own initiative, may convene a conference or hearing. If the director determines that there is insufficient information upon which to base a decision and if, upon request, the necessary additional information is not submitted, the director may dismiss the appeal with leave to amend at a specified time. If failure to supply information is repeated or willful, or not submitted in a timely manner, unless good cause is shown, the director may dismiss the appeal with prejudice.

(b) If the appellant fails to satisfy the requirements of subsection (a) or K.A.R. 27-3-8, the director may issue a denial of the appeal. The denial shall state the grounds for denial and a copy of the denial shall be served upon the appellant and other persons participating in the proceeding. The denial shall become final within ten (10) days of its service upon the appellant unless within such ten (10) day period an amendment to the appeal correcting identified deficiencies is filed with the director. Within ten (10) days of filing such amendment, the director shall notify the appellant whether the amendment corrects the deficiencies. If the amendment does not correct the deficiencies, that notice shall be a denial of the appeal as amended. A denial by the director shall be a final decision of the administrative appeal remedies.

(c) The director may deny an appeal if the appellant does not establish that:

- (1) the appeal was filed by a person aggrieved by the fuels allocation section action,
- (2) the fuels allocation section action was erroneous in fact or in law, or
- (3) the fuels allocation section action was arbitrary or capricious. The denial of an appeal shall be a final decision of the director.

(Authorized by and implementing K.S.A. 74-6804; effective May 1, 1981.)

***** Authenticated Kansas Administrative Regulation *****