

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

Before Commissioners:                    Jay Scott Emler, Chairman  
    Shari Feist Albrecht  
    Pat Apple

In the matter of the failure of Benjamin M. Giles        ) Docket No.: 17-CONS-3100-CPEN  
("Operator") to comply with K.A.R. 82-3-111 at        )  
the Clearwater #2 and Clearwater #5 wells in        ) CONSERVATION DIVISION  
Butler County, Kansas.                                    )  
\_\_\_\_\_) License No.: 5446

**ORDER SETTING PROCEDURAL SCHEDULE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings:

1.        On September 15, 2016, the Commission issued its Penalty Order in this docket. On October 17, 2016, Operator filed its request for a hearing in this matter.

2.        On December 9, 2016, a Prehearing Conference was held where all parties agreed to the following procedural schedule:

Staff's Pre-filed Direct Testimony	Due: January 20, 2017
Operator's Pre-filed Direct Testimony	Due: February 3, 2017
Rebuttal Testimony	Due: February 10, 2017

Evidentiary Hearing before the Commission 266 N. Main, Suite 220, Wichita, Kansas 67202	February 20, 2017, 10:00 a.m.
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3.        Failure to submit pre-filed testimony will likely 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.

4.        Any settlement agreement the parties wish to present for Commission consideration shall be due by February 10, 2017.

5. Any person requiring special accommodations under the Americans with Disabilities Act should notify the Commission at least 10 days before the scheduled hearing date.

6. 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>1</sup>

**THEREFORE, THE COMMISSION ORDERS:**

A. The procedural schedule set forth in paragraph 2 is adopted.

B. Parties have 15 days from the date of electronic service of this Order to petition for reconsideration.<sup>2</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.**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: \_\_\_\_\_

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Amy L. Green  
Secretary to the Commission

MJD/sc

<sup>1</sup> K.S.A. 77-518(c)(8); K.S.A. 77-520.

<sup>2</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).