

**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 Roger Krier dba Krier) Docket No.: 17-CONS-3105-CPEN
Oil Operation (“Operator”) to comply with K.A.R.)
82-3-600 and K.A.R. 82-3-603 at the Eichman) CONSERVATION DIVISION
Tank Battery in Russell County, Kansas.)
_____) License No.: 33153

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 22, 2016, the Commission issued its Penalty Order in this docket. On October 21, 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 27, 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.¹

THEREFORE, THE COMMISSION ORDERS:

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

B. The parties have fifteen (15) days, plus three (3) days if mailed service, from the date this Order was served in which to petition for reconsideration.²

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: _____

Amy L. Green
Secretary to the Commission

Date Mailed: _____

MJD/sc

¹ K.S.A. 77-518(c)(8); K.S.A. 77-520.

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