

**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 Failure of Benjamin M. Giles) 18-CONS-3057-CPEN
("Operator") to Comply with K.A.R. 82-3-111 at)
the Paulsen #1 in Butler County, Kansas.) CONSERVATION DIVISION
)
_____) License No. 5446

**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 and concludes as follows:

1. On August 1, 2017, the Commission issued a Penalty Order pursuant to K.S.A. 55-152 and K.S.A. 74-623, finding Operator committed one violation of K.A.R. 82-3-111 due to the Paulsen #1 well being inactive in excess of the time allowed by regulation without being plugged, returned to service, or approved for temporary abandonment (TA) status.¹ The Commission ordered the Operator to pay a \$100 penalty for such violation.²
2. On September 5, 2017, the Operator filed a Request for Hearing.
3. The Commission finds that a Prehearing Officer should be designated in this proceeding to address matters pursuant to K.S.A. 77-516 – 517.³ The Commission also finds that a prehearing conference should be scheduled in this matter.

¹ Penalty Order at 3 (Aug. 1, 2017).

² *Id.*

³ See K.S.A. 77-551(c).

THEREFORE, THE COMMISSION ORDERS:

A. The Prehearing Officer in this proceeding shall be Dustin L. Kirk, Deputy General Counsel, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, telephone number 785-271-3198, email address d.kirk@kcc.ks.gov.

B. A Prehearing Conference shall be held on **October 17, 2017 at 9:30 p.m.** by telephone. The conference call information is: telephone number: (866) 620-7326, Conference Code PIN #7632914771.

C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, and scheduling of a hearing with the Commission.

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), K.S.A. 77-501 *et seq.* Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default pursuant to KAPA.

E. A corporation shall appear before the Commission by a Kansas licensed attorney.⁴

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: SEP 12 2017



Lynn M. Retz
Secretary to the Commission

Mailed Date: September 12, 2017
DLK/sc

⁴ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

CERTIFICATE OF SERVICE

I certify that on 9/12/17, 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:

Jonathan A. Schlatter
Morris Laing Evans Brock & Kennedy Chtd.
300 N. Mead, Suite 200
Wichita, KS 67202
Attorney for Benjamin M. Giles

Benjamin M. Giles
346 S. Lulu
Wichita, KS 67211

and delivered by e-mail to:

Joshua D. Wright, Litigation Counsel
KCC Central Office

Dustin L. Kirk, Deputy General Counsel
KCC Topeka Office

/s/ Paula J. Murray
Paula J. Murray
Legal Assistant
Kansas Corporation Commission