

4. K.S.A. 55-605(a) states:

[R]easonable notice shall be given by the person initiating the proceedings, in no case less than 10 days prior to the hearing, by publication of such notice in a newspaper having a general circulation in the state, as designated by the commission, and in some newspaper having general circulation in the county or counties where such lands affected by such proceedings are located, and the commission shall mail by second-class mail, a copy of such notice to each person who shall have filed with the commission such person's name and address for the purpose of notice.

The commission may accept as proof of notice an affidavit sworn to by the person initiating such proceedings that such notice has been perfected. Any such affidavit shall be filed with the commission on or before the hearing date. Each such notice shall state the time and place of hearing and contain such other information as will briefly and adequately disclose the matter to be considered or the relief sought.

5. K.S.A. 55-1310 further requires that, “[i]n addition to the notice provided for by K.S.A. 55-605, and amendments thereto, or such additional notice as the commission may require,” a unitization applicant must provide notice by mail of its “application and the time and place of the hearing . . . at least 10 days prior to the date set for hearing” to “all oil and gas lessees and other oil and gas interest owners owning interests in the pool or the part of the pool underlying the lands described in the application and whose names and addresses applicant has been able to discover after diligent search and inquiry.” The applicant must also provide notice to “lessors, mineral owners and mortgagees of oil and gas interests of record.”

6. In addition, K.S.A. 55-1310 requires that notices of all unitization applications and “the time and place of the hearing shall be published in at least one issue of a newspaper authorized by law to publish legal notices in the county or counties in which the lands involved

are located and in such other newspaper as the commission may designate at least 10 days prior to the date set for hearing.”

7. The Commission possesses no evidence that all of the aforementioned oil and gas lessees, other oil and gas interest owners, lessors, mineral owners and mortgagees of oil and gas interests of record were mailed notice of the time and place of the hearing in this matter, pursuant to K.S.A. 55-1310. The Commission also has no evidence of publication notice of the time and place of the hearing in this matter, pursuant to K.S.A. 55-1310. Therefore, the Commission finds that the hearing scheduled to be held in Wichita on December 15, 2016, was not properly noticed, and such deficient notice renders the Commission unable to hear the case at that time and place.

8. Therefore, the Commission continues the evidentiary hearing in this matter to January 19, 2017, at 10:00 a.m., in the Commission’s First Floor Hearing Room, at 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027.

THEREFORE, THE COMMISSION ORDERS:

A. The evidentiary hearing in this docket shall be continued to January 19, 2017. The hearing will begin at 10:00 a.m., and will take place at 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027.

B. Any person requiring special accommodations under the Americans with Disabilities Act should give notice to the Commission at least 10 days prior to the scheduled hearing date.

C. Parties have 15 days from the date of electronic service of this Order to petition for reconsideration.¹

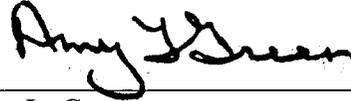
¹ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

D. 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: DEC 15 2016



Amy L. Green
Secretary to the Commission

MJD/sc

CERTIFICATE OF SERVICE

I certify that on December 15, 2016, 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:

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