

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

In the matter of the failure of Benjamin M. Giles) Docket No.: 17-CONS-3684-CPEN
("Operator") to comply with K.A.R. 82-3-104)
and K.A.R. 82-3-111 at the Flying J Geer #2) CONSERVATION DIVISION
OWWO well in Butler County, Kansas.)
_____) License No.: 5446

In the matter of the failure of Benjamin M. Giles) Docket No.: 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

In the matter of the failure of Benjamin M. Giles) Docket No.: 18-CONS-3160-CPEN
("Operator") to comply with K.A.R. 82-3-604 at)
the Ralston Lease Tank Battery in Butler County,) CONSERVATION DIVISION
Kansas.)
_____) License No.: 5446

In the matter of the failure of Benjamin M. Giles) Docket No.: 18-CONS-3167-CPEN
("Operator") to comply with K.A.R. 82-3-104)
and K.A.R. 82-3-111 at the Wright #1 OWWO) CONSERVATION DIVISION
well in Butler County, Kansas.)
_____) License No.: 5446

In the matter of the failure of Benjamin M. Giles) Docket No.: 18-CONS-3188-CPEN
("Operator") to comply with K.A.R. 82-3-602 at)
the Wright #1 OWWO well in Butler County,) CONSERVATION DIVISION
Kansas.)
_____) License No.: 5446

In the matter of the failure of Benjamin M. Giles) Docket No.: 18-CONS-3189-CPEN
("Operator") to comply with K.A.R. 82-3-608 at)
the Wright #1 OWWO well in Butler County,) CONSERVATION DIVISION
Kansas.)
_____) License No.: 5446

**MOTION TO CONSOLIDATE DOCKETS,
CANCEL PREHEARING CONFERENCES, CONTINUE PROCEDURAL DEADLINES,
AND RESCHEDULE EVIDENTIARY HEARINGS**

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively) files this *Motion to Consolidate Dockets, Cancel Prehearing Conferences, Continue Procedural Deadlines, and Reschedule Evidentiary Hearings*.

In support of its Motion, Staff states as follows:

I. Background

1. On June 27, 2017, in Docket 17-CONS-3684-CPEN, Operator was penalized \$2,600 for violations of K.A.R. 82-3-104 and K.A.R. 82-3-111. Operator was directed to conduct a bond log on the Flying J. Geer #2 OWWO, and if the log failed to demonstrate casing effectiveness, then to repair or plug the well.

2. On August 1, 2017, in Docket 18-CONS-3057-CPEN, Operator was penalized \$100 for a violation of K.A.R. 82-3-111. Operator was directed to plug, return to service, or obtain TA status for the Paulsen #1.

3. On September 28, 2017, in Docket 18-CONS-3160-CPEN, Operator was penalized \$500 for two violations of K.A.R. 82-3-604. Operator was directed to remove fluids from the diked area around the Ralston lease tank battery and file Waste Transfer CDP-5 forms.

4. On October 12, 2017, in Docket 18-CONS-3167-CPEN, Operator was penalized \$10,100 for violations of K.A.R. 82-3-104 and K.A.R. 82-3-111. Operator was directed to plug or complete the Wright #1 OWWO, and to obtain TA status if the well was completed but not returned to service.

5. On October 26, 2017, in Docket 18-CONS-3188-CPEN, Operator was penalized \$250 for a violation of K.A.R. 82-3-602. Operator was directed to file a Surface Pit Closure CDP-4 form for the pit associated with the Wright #1OWWO.

6. On October 26, 2017, in Docket 18-CONS-3189-CPEN, Operator was penalized \$250 for a violation of K.A.R. 82-3-608. Operator was directed to file a Waste Transfer CDP-5 form for the Wright #1 OWWO.

II. Current Procedural Stance

7. Dockets 17-CONS-3684-CPEN and 18-CONS-3057-CPEN are not consolidated, but are both scheduled for March 15, 2018, evidentiary hearings, with Staff's testimony due February 19, 2018, Operator's testimony due February 26, 2018, and rebuttal testimony due March 5, 2018.

8. Dockets 18-CONS-3160-CPEN and 18-CONS-3167-CPEN are currently set for separate March 8, 2018, prehearing conferences.

9. Dockets 18-CONS-3188-CPEN and 18-CONS-3189-CPEN had prehearing conferences held February 6, 2018, and while no order has yet been issued, Staff's understanding was that these prehearing conferences were to be continued to March 8, 2018, and the dockets were to be consolidated with 18-CONS-3167-CPEN.

III. Motion

10. Staff and Operator are working toward a single settlement of all six of these dockets. Judicial efficiency would be greatly enhanced by a single procedural schedule, rather than six separate schedules.

11. Additional time in Dockets 17-CONS-3684-CPEN and 18-CONS-3057-CPEN would greatly enhance the possibility of settlement.

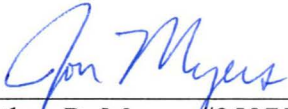
12. Staff requests that all current deadlines, pre-hearing conferences, deadlines, and evidentiary hearings in the six dockets be cancelled, that the dockets be consolidated, and that the following procedural schedule govern proceedings.

Deadline for discovery requests	March 30, 2018
Deadline for dispositive motions	March 30, 2018
Staff's pre-filed direct testimony	Due: April 23, 2018
Operator's pre-filed direct testimony	Due: April 30, 2018
Rebuttal testimony	Due: May 7, 2018
Evidentiary Hearing	May 17, 2018, 10:00 a.m. 266 N. Main, Suite 220 Wichita, Kansas 67202

13. Staff has consulted with counsel for Operator, who is not opposed to this motion.

WHEREFORE, Staff requests that this motion be granted.

Respectfully submitted,




Jonathan R. Myers, #25975
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VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

Jonathan R. Myers, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of his knowledge, information and belief.



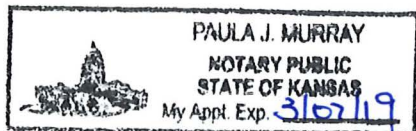
Jonathan R. Myers, S. Ct. #25975
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 19 day of FEB, 2018.



Notary Public

My Appointment Expires: 3/02/19



CERTIFICATE OF SERVICE

I certify that on 2/19/18, I caused a complete and accurate copy of this Motion to be served via electronic mail, addressed to the following.

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/s/ Paula J. Murray
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