

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

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

In the Matter of the Failure of Prairie Gas ) Docket No: 18-CONS-3253-CPEN  
Operating, LLC (Operator) to Comply )  
with K.A.R. 82-3-111 at the Wineinger #1 ) CONSERVATION DIVISION  
well in Greeley County, Kansas. )  
   ) License No: 35442  
   )  
\_\_\_\_\_ )

**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 January 4, 2018, the Commission issued a Penalty Order to Prairie Gas Operating, LLC (Operator), for failure to comply with K.A.R. 82-3-111 at the Wineinger #1 well in Greeley County, Kansas.<sup>1</sup>
2. On January 31, 2018, Ian B. Acrey, manager of Prairie Gas Operating, LLC, filed a “confidential” letter requesting a hearing and proposal to enter into a settlement agreement.<sup>2</sup>
3. On February 12, 2018, Staff for the Commission (Staff) filed a Motion to Eliminate Confidential Designation and to Require Operator’s Attorney to Enter Appearance to Avoid Default.<sup>3</sup> Staff requested the Commission to eliminate the confidential designation of

<sup>1</sup> Penalty Order – Prairie Gas Operations, LLC (Jan. 4, 2018).

<sup>2</sup> Confidential Request for Hearing and Proposed Settlement Offer – Ian B. Acrey (Jan. 31, 2018).

<sup>3</sup> Motion to Eliminate Confidential Designation and to Require Operator’s Attorney to Enter Appearance to Avoid Default (Feb. 12, 2018).

Operator's letter and further requested Operator be provided a date certain in which to have its required attorney enter an appearance.<sup>4</sup>

4. Upon its own motion and pursuant to K.S.A. 77-551(c), the Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and a Prehearing Conference should be scheduled.

5. Although a Prehearing Officer is designated in this docket, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

6. The Commission requests the parties consent to electronic service in this proceeding by emailing the Prehearing Officer to affirm consent.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be Samuel Feather, Deputy General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3240, email address [s.feather@kcc.ks.gov](mailto:s.feather@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for **Monday, March 26, 2018, at 10:30 a.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, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.

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<sup>4</sup> *Id.*, p. 5.

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). Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA.<sup>5</sup>

E. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>6</sup>

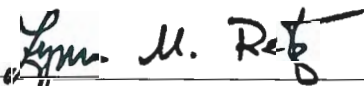
F. The attorney designated to appear on behalf of the agency in this proceeding is Lauren N. Wright, Litigation Counsel, telephone number (316) 337-6200, [l.wright@kcc.ks.gov](mailto:l.wright@kcc.ks.gov).

G. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: Feb. 27, 2018

  
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Lynn M. Retz  
Secretary to the Commission

Date Mailed: Feb. 27, 2018

SF/sc

<sup>5</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

<sup>6</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

**CERTIFICATE OF SERVICE**

18-CONS-3253-CPEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

Electronic Service on Feb. 27, 2018.

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/S/ DeeAnn Shupe  
DeeAnn Shupe