

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

Before Commissioners: Shari Feist Albrecht, Chairman
 Jay Scott Emler
 Dwight D. Keen

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 Wineinger¹ #1 well) CONSERVATION DIVISION
in Greeley County, Kansas.)
) License No: 35442
)
_____)

PREHEARING OFFICER ORDER CLOSING DOCKET

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 Prehearing Officer finds and concludes as follows:

1. On January 5, 2018, the Commission issued a Penalty Order against the Operator for failure to comply with K.A.R. 82-3-111 at the Wineinger #1 well in Greeley County, Kansas.²
2. On March 27, 2018, the Prehearing Officer set the matter for a Status Conference on Monday, April 30, 2018 at 10:00 a.m.
3. On April 30, 2018, the Prehearing Officer convened the Status Conference. The Operator failed to attend and Commission Staff (Staff) verbally moved for default.
4. On May 3, 2018, the Commission issued a Proposed Default Order against the Operator for failure to attend the Prehearing Conference.³
5. On May 4, 2018, the Operator filed a Motion to Vacate Default Order. The Operator stated that failure to attend the Prehearing Conference was solely the error of counsel and

¹ Penalty Order – Prairie Gas Operations, LLC (Jan. 4, 2018).

² Penalty Order at 3 (Jan. 5, 2018).

³ Proposed Default Order at 2 (May 3, 2018).

that the Operator should not be prejudiced by said error.⁴ The Operator added that no discovery is anticipated and that the matter can be scheduled for hearing without further proceedings.⁵ Further, the Operator stated that compliance with the regulation would be achieved prior to any scheduled hearing.⁶ Staff did not file a response to the Motion to Vacate Default Order.

6. On June 7, 2018, the Commission issued the Order Vacating Default Order and set the matter for a Prehearing Conference.⁷

7. On June 12, 2018, the Operator withdrew its Request for Hearing noting that the Operator was in compliance.⁸ Staff did not file a response to the Operator's withdrawal.

8. Noting that the Operator has, on its own volition, withdrawn the request for hearing and complied with the Penalty Order, there is no need for further Commission action. Pursuant to the Prehearing Officer's delegation under K.S.A. 77-551(c) to handle procedural matters, the Prehearing Officer finds that this this docket should be closed.

THEREFORE, THE PREHEARING OFFICER ORDERS:

A. Docket No. 18-CONS-3253-CPEN shall be closed.

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

Dated: July 17, 2018

DLK/sc

//s Dustin L. Kirk

Dustin L. Kirk
Prehearing Officer

⁴ Motion to Vacate Default Order at 1 (May 4, 2018).

⁵ *Id.* at 2.

⁶ *Id.*

⁷ Order Vacating Default Order at 3 (Jun. 7, 2018).

⁸ Prairie Gas Operating, LLC's Notice of Withdrawal of Request for Hearing (Jun. 12, 2018).

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 07/17/2018.

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/S/ DeeAnn Shupe

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