

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

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

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

**MOTION TO VACATE DEFAULT ORDER**

COMES NOW Prairie Gas Operating, LLC, by and through its counsel of record, Lee Thompson of the Thompson Law Firm, L.L.C., Wichita, Kansas, and respectfully moves the Commission, pursuant to K.S.A. 77-520(b) to Vacate a Default Order proposed by a "Proposed Default Order" issued in the captioned docket on May 3, 2018.

The grounds relied upon for the Motion to Vacate are:

1. The Proposed Default Order is based on a failure of the Operator to attend a Status Conference on April 30, 2018.
2. The failure to attend the Status Conference which was set for a telephone conference by order of the Prehearing Officer for 10 AM on April 30, 2018, following an initial status conference was solely the result of counsel for the Operator inexcusably missing the telephone conference and not due in any respect to any action of the Operator.

3. The undersigned counsel was in the office at the time of the status conference and had an email exchange in another matter with the hearing officer at 10:11 AM.
4. It is counsel's responsibility to accurately maintain a calendar of dates which, for various reasons, was not done in this instance. Counsel assumes full responsibility for the failure to appear and understands the Commission's authority to issue the Proposed Default Order.
5. This matter involves a single issue of failure to comply with K.A.R. 82-3-111, and counsel does not anticipate any need for discovery prior to a hearing; which he had preliminarily indicated at the time of the initial status conference.
6. It is respectfully submitted that if the Proposed Default Order is vacated, the matter could be set for hearing without the need for any further proceedings, complications or incursion upon the time of the counsel for Staff or the Hearing Officer.
7. It is also anticipated that the Operator will be in full compliance with the regulation prior to the time of any hearing if set.
8. It is respectfully submitted that vacating the proposed default order will not prejudice any party.

**Therefore,** Operator respectfully moves that the proposed Default Order be vacated, the matter be set for hearing, and no penalty be assessed prior to and after a hearing, if not resolved prior to that time.

Respectfully Submitted,

**s/ Lee Thompson**

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Attorney for Operator

**CERTIFICATE OF SERVICE**

I hereby certify on this 4<sup>th</sup> day of May 2018 the original of the above and foregoing Motion to Vacate was filed by means of the KCC e-filing Express and served on the undersigned as an attachment to an electronic mail.

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And

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Deputy General Counsel

**s/ Lee Thompson**