

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

In the matter of the failure of Jeff Crawford ) Docket No.: 22-CONS-3149-CPEN  
dba Jeff's Oilwell Supervision (Operator) to )  
comply with K.A.R. 82-3-111 at the Lerock ) CONSERVATION DIVISION  
#5, Lerock/Harrison #2, Schindler #B-1, )  
Schindler #B-2, and Schindler #B-4 wells in ) License No.: 32247  
Rooks County, Kansas.

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**MOTION TO LIMIT OPERATOR TO CROSS-EXAMINATION, OR IN THE  
ALTERNATIVE, TO CONTINUE THE PROCEDURAL SCHEDULE**

Comes now the Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) and hereby requests that Operator be limited to cross-examination in any evidentiary hearing before the Commission, or in the alternative, requests a continuance of the procedural schedule. In support of its Motion, Staff states as follows:

**I. BACKGROUND**

1. On October 5, 2021, the Commission issued a Penalty Order in this docket for five violations of K.A.R. 82-3-111. The Commission found that Operator's Lerock #5, Lerock/Harrison #2, Schindler #B-1, Schindler #B-2, and Schindler #B-4 wells (Subject Wells) had been inactive in excess of the time allowed by regulation without being plugged, returned to service, or approved for temporary abandonment (TA) status. The Commission ordered Operator to pay a \$500 penalty, and to plug the Subject Wells, return the wells to service, or obtain TA status for the wells.

2. On November 4, 2021, Operator filed a Request for Hearing.

3. On November 6, 2021, the Commission filed an Order Designating Presiding Officer and Setting Prehearing Conference (Order). The Order scheduled a Prehearing Conference for December 2, 2021.

4. Attorneys for Staff and Operator appeared at the Prehearing Conference on December 2, 2021. At the Prehearing Conference, both parties agreed to a procedural schedule proposed by the Presiding Officer.

5. On December 2, 2021, the Presiding Officer filed a Presiding Officer Order Setting Procedural Schedule (Procedural Order). The Procedural Order stated that Staff's pre-filed direct testimony would be due January 10, 2022, Operator's pre-filed direct and rebuttal testimony would be due January 24, 2022, and Staff's pre-filed rebuttal testimony would be due February 7, 2022.<sup>1</sup> Further, the Procedural Order stated that "[f]ailure to submit pre-filed testimony may result in the Commission restricting the right to testify and present evidence at the evidentiary hearing. At the hearing, the Commission may limit the parties' direct and rebuttal testimony to the pre-filed testimony."<sup>2</sup>

6. On January 10, 2022, Staff filed its pre-filed direct testimony, thereby meeting the deadline in the Procedural Order.

7. Operator filed its pre-filed direct and rebuttal testimony on January 26, 2022, after the January 24, 2022, deadline in the Procedural Order.<sup>3</sup> Operator did not request a continuance or additional time to file its testimony.

## II. ARGUMENT

8. Operator filed its pre-filed direct and rebuttal testimony after the deadline in the Procedural Order, thereby making the filing out of time. The Procedural Order states that failure to file pre-filed testimony may result in the Commission restricting a party's right to testify and

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<sup>1</sup> See Docket 22-CONS-3149-CPEN, *Presiding Officer Order Setting Procedural Schedule*, Paragraph 1 (December 2, 2021).

<sup>2</sup> *Id.* at Paragraph 3.

<sup>3</sup> See Docket 22-CONS-3149-CPEN, *Pre-Filed Testimony of Jeff Crawford January 26, 2022* (January 26, 2022).

present evidence.<sup>4</sup> As Operator's testimony was filed out of time, the Commission should not consider the testimony, and should proceed as if Operator did not file any testimony. Consequently, at any evidentiary hearing in front of the Commission, the Commission should not allow Operator to testify or present evidence. At the hearing, Operator should be limited to cross-examination of Staff. Failure by the Commission to limit Operator to cross-examination would be a tacit admission that the deadlines in its procedural schedules are mere guidelines, and safely ignored by parties.

9. In the alternative, if the Commission does not limit Operator to cross-examination, then Staff requests a continuance of the procedural schedule. Staff's pre-filed rebuttal testimony is currently due February 7, 2022. As Operator filed its pre-filed direct and rebuttal testimony out of time, Staff requests that its deadline to submit pre-filed rebuttal testimony be continued to February 10, 2022.

WHEREFORE, Staff respectfully requests the Commission limit Operator to cross-examination in any evidentiary hearing, or in the alternative, continue the procedural schedule in this docket.

Respectfully Submitted,

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<sup>4</sup> See Docket 22-CONS-3149-CPEN, *Presiding Officer Order Setting Procedural Schedule*, Paragraph 3 (December 2, 2021).

## **CERTIFICATE OF SERVICE**

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I, the undersigned, certify that a true and correct copy of the attached Motion to Limit Operator to Cross-Examination, or in the Alternative, to Continue the Procedural Schedule has been served to the following by means of electronic service on January 28, 2022.

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/s/ Paula J. Murray

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