

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

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

In the Matter of the Application of Cross Bar Energy, LLC, for a Permit to Authorize the Injection of Saltwater into the Vigle VW-6 Well Located in the SW/4 of Section 14, Township 23 South, Range 10 East, Greenwood County, and an Amendment to Injection Permit E-27315 to Change the Authorized Injection Rate and Pressure.	)	Docket No. 17-CONS-3689-CUIC
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	)	CONSERVATION DIVISION
	)	
	)	License No. 33245
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	)	
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**PREHEARING OFFICER ORDER ON SCHEDULING**

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 makes the following findings and conclusions:

**Background:**

1. On June 8, 2017, Cross Bar Energy, LLC (Applicant) filed an Application for a permit to authorize the injection of saltwater into the Vigle VW-6 Well located in the SW/4 of Section 14, Township 23 South, Range 10 East, Greenwood County, and an amendment to injection permit E-27315 to change the authorized injection rate and pressure.<sup>1</sup>

2. On July 27, 2017, the Commission designated Dustin Kirk as the Prehearing Officer to address any scheduling or procedural matters pursuant to K.S.A. 77-551(c).<sup>2</sup>

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<sup>1</sup> Application to Amend Injection Permit (June 8, 2017).

<sup>2</sup> Order Designating Prehearing Officer and Setting Prehearing Conference at 1-2 (July 27, 2017).

3. On September 14, 2017, the Applicant moved to dismiss for lack of standing the Protestants who were not defaulted because they failed to demonstrate they have suffered an actual or threatened injury and a “direct nexus” between the alleged injury and the Application.<sup>3</sup>

4. On October 19, 2017, the Commission issued an Order on the Motion to Dismiss. The Commission concluded that the Motion to Dismiss should be held in abeyance pending additional proceedings.<sup>4</sup> The Commission then re-scheduled the proceedings in accordance with its conclusions moving the evidentiary hearing to commence at 9:00 a.m. December 12, 2017 at the Commission’s Topeka office location.<sup>5</sup> No Party filed a petition for reconsideration.

5. On December 1, 2017, the Prehearing Officer re-scheduled the evidentiary hearing to 10:30 a.m. on December 12, 2017.

6. To date, the Commission has received no evidence of publication notice provided in excess of ten (10) days of the hearing pursuant to K.S.A. 55-605 and K.A.R. 82-3-135, stating the time and place of the hearing in this matter.

7. Therefore, pursuant to the authority vested in the Prehearing Officer by the Commission’s Order designating a prehearing officer and in accordance with K.S.A. 2016 Supp. 77-551(c) and K.S.A. 77-517(c), the evidentiary hearing in this matter shall be continued pending a prehearing conference.

**THEREFORE, THE PREHEARING OFFICER ORDERS:**

A. The evidentiary hearing scheduled for December 12, 2017 at 10:30 a.m. at 1500 SW Arrowhead Rd. Topeka, KS 66604 is cancelled.

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<sup>3</sup> Applicant’s Motion for Default and Dismissal of the Protests Filed Herein at 2-5 (Sep. 14, 2017).

<sup>4</sup> Order on Default and Standing at 4-8 (Oct. 19, 2017).

<sup>5</sup> *Id.*

B. A Prehearing Conference shall be held on **December 12, 2017 at 10:30 a.m.** by telephone. The conference call information is: telephone number: (866) 620-7326, Conference Code PIN #7632914771.

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

Dated: December 1, 2017

DLK/sc

//s Dustin L. Kirk  
Dustin L. Kirk, Deputy General Counsel  
Prehearing Officer

## CERTIFICATE OF SERVICE

I certify that on December 8, 2017, I caused a complete and accurate copy of this Order to be served by United States mail, with the postage prepaid and properly addressed to the following:

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//DeeAnn Shupe  
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