

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

In the Matter of the Application of TDR)	Docket No.: 20-CONS-3043-CUIC
Construction, Inc. for a permit to authorize the)	
enhanced recovery of saltwater into the)	CONSERVATION DIVISION
Moldenhauer #W-42 well, located in Franklin)	
County, Kansas.)	License No.: 32218

In the Matter of the Application of TDR)	Docket No.: 20-CONS-3079-CUIC
Construction, Inc. for a permit to authorize the)	
enhanced recovery of saltwater into the)	CONSERVATION DIVISION
Moldenhauer #30 and Moldenhauer #45 wells,)	
located in Franklin County, Kansas.)	License No.: 32218

MOTION TO FILE RESPONSE OUT OF TIME

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively), moves the Commission to allow Staff to file out of time its response to the Motion to Compel filed by Ms. Shteamer and Mr. Yeargain (collectively “Protestants”). In further support of Staff’s response, Staff states the following:

1. On November 12, 2019, Protestants filed a Motion to Compel against Commission Staff pertaining to three data requests. Specifically the Motion to Compel involves Data Request #14 from the First Set of Discovery issued by Protestants, and Data Requests #4 and #8 from the Second Set of Discovery.

2. Pursuant to the Discovery Order in this matter, responses to motions to compel are due within three business days,¹ which is standard Commission practice. However, the Discovery Order also directed responses to motions to compel be filed by November 14, 2019 notwithstanding the standard three (3) day response time allowed.²

3. However, the timing of Protestants’ Motion to Compel on November 12, 2019 resulted in Staff having only two (2) business days in which to file its response. Due to the press

¹ Prehearing Officer Protective and Discovery Order, ¶ 2(f) (Oct. 16, 2019).


² *Id.*

of other Commission business, Staff was unable to file its response within this shortened timeframe, and as such seeks Commission approval to file its response beyond the November 14, 2019 deadline. However, Staff is filing its response contemporaneously with this motion, which is within the standard three (3) day response time generally afforded by the Commission for responses of this nature.

4. Staff posits that the delay of one (1) day in filing its response does not prejudice any party to the proceeding.

WHEREFORE, for the reasons set forth above, Staff respectfully requests the Commission grant this motion, thereby accepting Staff's response to Protestants' Motion to Compel one (1) day beyond the stated November 14, 2019 deadline, but within the standard three (3) day response time generally afforded for such responses.

Respectfully submitted,

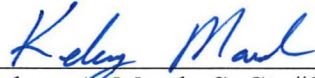


Kelcey A. Marsh #28300
Litigation Counsel
Kansas Corporation Commission
266 N. Main, Suite 220
Wichita, Kansas 67202
Phone: 316-337-6200; Fax: 316-337-6211

VERIFICATION

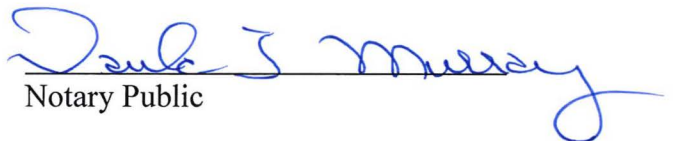
STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

Kelcey A. Marsh, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of his knowledge, information and belief.



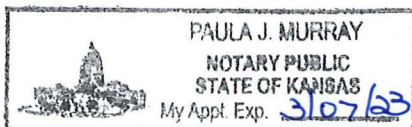
Kelcey A. Marsh, S. Ct. #28300
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 15 day of Nov, 2019.



Notary Public

My Appointment Expires: 3/07/23



CERTIFICATE OF SERVICE

20-CONS-3043-CUIC, 20-CONS-3079-CUIC

I, the undersigned, certify that a true copy of the attached Motion to File Response Out of Time has been served to the following by means of electronic service on November 15, 2019.

LESLI BAKER
TDR CONSTRUCTION, INC.
PO Box 716
Louisburg, KS 66053
lesli@dbdoil.com

JAKE EASTES, GEOLOGIST SPECIALIST
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
j.eastes@kcc.ks.gov

KELCEY MARSH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
k.marsh@kcc.ks.gov

POLLY SHTEAMER
2263 NEVADA RD
OTTAWA, KS 66067
pshteamer@gmail.com

KEITH A. BROCK, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
Fax: 785-242-1279
kbrock@andersonbyrd.com

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 316-337-6211
j.myers@kcc.ks.gov

RENE STUCKY
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
r.stucky@kcc.ks.gov

SCOTT YEARGAIN
2263 NEVADA RD
OTTAWA, KS 66067
syeargai2@gmail.com

/s/ Paula J. Murray

Paula J. Murray