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 Rick Housel dba) Rick's Well Service ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Curragh #NW#1 in Wilson County, Kansas.

Docket No: 18-CONS-3361-CPEN CONSERVATION DIVISION License No. 33969

ORDER SETTING PROCEDURAL SCHEDULE

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 Commission finds the following:

1. On April 10, 2018, the Commission issued a Penalty Order against Rick Housel dba

Rick's Well Service (Operator) for failure to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 due to the Operator's failure to submit a complete and accurate well completion report, with the associated documents, within 120 days of the spud date.¹

2. On May 2, 2018, Operator filed a letter requesting a hearing.

3. On May 24, 2018, the Commission issued an Order Designating Prehearing Officer

and Setting Prehearing Conference, scheduling a Prehearing Conference for July 12, 2018.² Via email communication between the parties, the Prehearing Conference was continued to August 21, 2018, wherein the parties agreed to the following procedural schedule:

> Staff's Pre-filed Direct Testimony Due: September 24, 2018 **Operator's Pre-filed Direct Testimony** Due: October 1, 2018 **Rebuttal Testimony** Due: October 8, 2018 Evidentiary Hearing before the Commission October 18, 2018, 10:00 a.m. 266 N. Main, Suite 220, Wichita, Kansas 67202

¹ Penalty Order, ¶ 12 (Apr. 10, 2018).

² Order Designating Prehearing Officer and Setting Prehearing Conference, Ordering Clause B (May 24, 2018).

4. Failure 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.

5. Any settlement agreement the parties wish to present for Commission consideration shall be due by September 24, 2018.

6. Any person requiring special accommodations under the Americans with Disabilities Act should notify the Commission at least 10 days before the scheduled hearing date.

7. Any party who fails to attend or participate in the evidentiary hearing or in any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act.³

THEREFORE, THE COMMISSION ORDERS:

A. The procedural schedule set forth in paragraph 3 above is adopted.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁴

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

08/28/2018 Dated:

Lynn M. Reg

Lynn M. Retz Secretary to the Commission

Date Mailed: _____08/29/2018 _____

MJD

³ K.S.A. 77-518(c)(8); K.S.A. 77-520.

⁴ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

18-CONS-3361-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 08/28/2018

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 m.duenes@kcc.ks.gov

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

RICK HOUSEL D/B/A RICK'S WELL SERVICE PO BOX 268 CHERRYVALE, KS 67335-0268 rdhousel@yahoo.com KAREN RITTER KANSAS CORPORATION COMMISSION Conservation Division 266 N. Main St. Ste. 220 WICHITA, KS 67202-1513 Fax: 785-271-3354 k.ritter@kcc.ks.gov

LAUREN WRIGHT, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION Conservation Division 266 N. Main St. Ste. 220 WICHITA, KS 67202-1513 Fax: 316-337-6211 I.wright@kcc.ks.gov

/S/ DeeAnn Shupe DeeAnn Shupe