

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

In the matter of the Notice of Denial of	)	Docket No.: 17-CONS-3685-CMSC
License Renewal Application issued to	)	
Tailwater, Inc.	)	CONSERVATION DIVISION
	)	
	)	License No.: 32461

---

**MOTION TO STAY PROCEDURAL SCHEDULE**

Commission Staff (Staff) of the State Corporation Commission of the State of Kansas (Commission) files this Motion. Staff requests that today's rebuttal testimony deadline and the scheduled February 15, 2018, evidentiary hearing be cancelled pending a Commission ruling on Tailwater's uncontested December 6, 2017, motion to join Poverty Knob Production, LLC to this proceeding. In support of its Motion, Staff states as follows:

**I. Background**

1. On June 2, 2017, Tailwater's license renewal application was denied. On June 14, 2017, Operator requested a hearing. Staff timely submitted direct testimony by November 17, 2017. Tailwater timely submitted direct testimony by December 4, 2017. A December 18, 2017, Prehearing Officer Order directed rebuttal testimony be submitted by January 29, 2018 and scheduled an evidentiary hearing for February 15, 2018.

2. On December 6, 2017, Tailwater filed a motion to join Poverty Knob Production, LLC, KCC License #35117, to this proceeding. On December 18, 2017, Staff filed a response stating that it was not opposed. Poverty Knob has not filed a response to the motion.

**II. Argument**

3. It would be an inefficient use of Commission resources for Staff to file rebuttal testimony or for this matter to proceed to hearing without the Commission first ruling on whether Poverty Knob will be joined. If Poverty Knob is joined, then Staff believes the scope of the

proceeding will have expanded, in all likelihood requiring new deadlines for submission of direct testimony by all parties, to allow for analysis of Poverty Knob's responsibility for certain wells.

WHEREFORE, Staff requests that this motion staying the procedural schedule be granted.

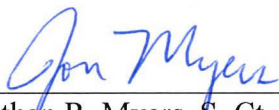
Respectfully submitted,

  
\_\_\_\_\_  
Jonathan R. Myers, #25975  
Litigation Counsel  
Kansas Corporation Commission  
266 N. Main, Suite 220, Wichita, Kansas 67202  
Phone: 316-337-6200; Fax: 316-337-6211

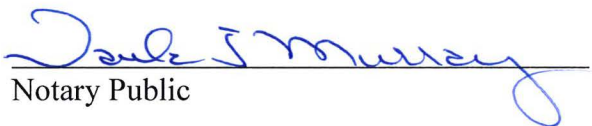
**VERIFICATION**

STATE OF KANSAS                     )  
  ) ss.  
COUNTY OF SEDGWICK            )

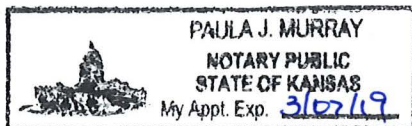
Jonathan R. Myers, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of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

  
\_\_\_\_\_  
Jonathan R. Myers, S. Ct. #25975  
Litigation Counsel  
State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 29 day of Jan, 2018.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires: 3/07/19



**CERTIFICATE OF SERVICE**

I certify that on 1/29/18, I caused a complete and accurate copy of this Order to be served electronically to the following:

John C. Chappell  
PO Box 602  
Lawrence, KS 66044-0602  
[jchappell@jchap.com](mailto:jchappell@jchap.com)  
*Attorneys for Tailwater, Inc.*

Jonathan R. Myers, Litigation Counsel  
KCC Central Office  
[j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov)

Michael J. Duenes, Assistant General Counsel  
KCC Topeka Office  
[m.duenes@kcc.ks.gov](mailto:m.duenes@kcc.ks.gov)

and via United States mail, with the postage prepaid and properly addressed to the following:

Randy Kitchen  
Poverty Knob Production, LLC  
39395 W. 351<sup>st</sup> Street  
Osawatomie, KS 66064

/s/ Paula J. Murray  
Paula J. Murray  
Legal Assistant  
Kansas Corporation Commission