

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Application of Orca) Docket No: 19-CONS-3266-CUIC
Operating Company, LLC to Authorize)
Injection of Saltwater into the Arbuckle) CONSERVATION DIVISION
Formation at the Shoffner SWD #12-1,)
located in Section 12, Township 25 South,) License No: 34358
Range 9 West, Reno County, Kansas.)

**ORDER DESIGNATING PREHEARING OFFICER
AND SETTING PREHEARING CONFERENCE**

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 January 18, 2019, Orca Operating Company, LLC (Operator) filed an Application for injection authority at its proposed Shoffner SWD #12-1 well.¹
2. On February 1, 2019, Adam and Jessica Pickett filed a letter with the Commission, citing concerns with the Application.² The same day, Commission Staff (Staff) sent a letter to the Picketts, asking whether they requested a hearing on this matter.³
3. On February 5, 2019, Operator filed an Affidavit of Publication, evidencing a January 19, 2019, publication of notice in The Hutchinson News.⁴
4. On February 8, 2019, Adam and Jessica Pickett confirmed with Staff that they were requesting a hearing.⁵

¹ Application (Jan. 18, 2019).

² Letter of Protest – Adam and Jessica Pickett (Feb. 1, 2019).

³ Letter of Acknowledgement of Protest (Feb. 1, 2019).

⁴ Affidavit of Publication (Feb. 5, 2019).

⁵ Letter Requesting Hearing (Feb. 8, 2019).

5. The Commission finds a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and a Prehearing Conference should be scheduled.

6. Although a Prehearing Officer is designated, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

THEREFORE, THE COMMISSION ORDERS:

A. The Prehearing Officer in this proceeding shall be Jonathan R. Myers, Assistant General Counsel, Kansas Corporation Commission, 266 N. Main Street, Suite 220, Wichita, Kansas, 67202-1513, telephone number (316) 337-6245, email address j.myers@kcc.ks.gov. The Commission may designate other Staff members to serve in this capacity. **The Commission directs electronic service of all filings in the docket to include service on the Prehearing Officer and mailed service of all filings to be directed to the Prehearing Officer's attention.**

B. A Prehearing Conference is scheduled for **Tuesday, March 19, 2019 at 8:30 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 3902542751.

C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.

D. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA). Any party that fails to attend or participate in the

Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA.⁶

E. A corporation shall appear before the Commission by a Kansas licensed attorney.⁷


F. The attorney designated to appear on behalf of the agency in this proceeding is Lauren Wright, Litigation Counsel, telephone number (316) 337-6200, l.wright@kcc.ks.gov.

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

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 02/21/2019



Lynn M. Retz
Secretary to the Commission

Mailed Date: 02/22/2019

JRM

⁶ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

⁷ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

CERTIFICATE OF SERVICE

19-CONS-3266-CUIC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 02/21/2019.

ADAM AND JESSICA PICKETT
ADAM & JESSICA PICKETT
22617 W IRISH CREEK RD
ARLINGTON, KS 67514
pickettfamilyfarming@gmail.com

TODD BRYANT, GEOLOGIST SPECIALIST
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
t.bryant@kcc.ks.gov

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

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

JASON ANDREWS
ORCA OPERATING COMPANY LLC
427 S BOSTON STE 400
TULSA, OK 74103

DAVID E. BENGTON, ATTORNEY
STINSON LEONARD STREET LLP
1625 N WATERFRONT PKWY STE 300
WICHITA, KS 67206
Fax: 316-265-1349
david.bengtson@stinson.com

/S/ DeeAnn Shupe
DeeAnn Shupe
