

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

In the matter of the Application of John O. Farmer, Inc. for) Docket No. 21-CONS-3175-CUNI
an order authorizing the unitization and unit operation of the)
Sutor-Ziegler Waterflood Unit to be located in Sheridan) CONSERVATION DIVISION
County, Kansas)
_____) License No: 5135

MOTION FOR SUMMARY PROCEEDINGS

John O. Farmer, Inc. ("Farmer") respectfully requests that the State Corporation Commission of the State of Kansas ("Commission") use summary proceedings pursuant to K.S.A. 77-537 to grant the captioned Application. No interested party objects to or protests the Application filed in this docket. The Commission possesses the power and authority to utilize summary proceedings to grant the captioned Application and doing so would be consistent with the Commission's mandate to prevent physical and economic waste. In support of its motion, Farmer states as follows:

1. On February 11, 2021, Farmer filed an Application ("Application") for an order authorizing the Unitization and Unit Operation of its proposed Sutor-Ziegler Waterflood Unit in Sheridan County pursuant to K.S.A. 55-1301, et seq. A proposed plan of Unit Operations consistent with the requirements of K.S.A. 55-1305 was included with the Application.
2. Notice of the Application was mailed to all interested parties on February 11, 2021, and was published in the *Wichita Eagle* and the *Sheridan Sentinel*, an official newspaper of Sheridan County, Kansas, on February 18, 2021.
3. The time period to submit a written protest to the Application has expired.
4. Farmer has received no protests or objections to the Application and none has been docketed by the Commission.

5. Farmer is ready, willing and able to commence Unit Operations on the Sutor-Ziegler Waterflood Unit upon the granting of the Application and has been since the date the protest period expired.

6. On March 11, 2021, the Commission entered an order designating Jonathan R. Myers, Assistant General Counsel, Kansas Corporation Commission, as Prehearing Officer and scheduling a Prehearing Conference for Thursday, March 25, 2021, at 1:30 o'clock P.M. by telephone. The order designating Presiding Officer and setting Prehearing Conference provides that 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").

7. The KAPA provides that the Commission may use summary proceedings in lieu of holding a formal hearing if:

- (1) The use of summary proceedings in the circumstances does not violate any provision of law;
- (2) The protection of the public interest does not require the Commission to give notice and opportunity to participate to persons other than the parties;
- (3) The Commission believes in good faith that the disposition and approval of the Application will be supported to the applicable standard of proof; and
- (4) The order does not take effect until after the time for requesting a hearing has expired.

8. The use of summary proceedings does not violate any provision of law.

9. Notice of the Application has been provided to all interested parties and published in the manner required by law.

10. The oversight provided on behalf of the public by Commission staff is sufficient to protect the public at large.

11. The Application is uncontested and Farmer has complied with all requirements for Unitization.

12. The time to request a hearing has expired making the Application ripe to be granted.

13. The use of summary proceedings would avoid the unnecessary cost and inconvenience of an uncontested evidentiary hearing and allow Farmer to immediately commence Unit Operations thereby preventing economic and physical waste.

14. The Commission may, consistent with paragraph D of the Order Designating Presiding Officer and Setting Prehearing Conference, convert the Prehearing Conference scheduled for March 25, 2021, at 1:30 o'clock P.M., into a summary proceeding for the purpose of granting the Application.

WHEREFORE, for the reasons set forth above, Farmer respectfully requests that the Commission utilize the summary proceedings available under the KAPA to grant Farmer's Application and to provide such further and other relief as the Commission deems just and proper.

Respectfully Submitted,

Thompson, Arthur, Davidson & Katz
525 North Main Street
P.O. Box 111
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Attorneys for John O. Farmer, Inc.

By 


Dennis R. Davidson, #10619

VERIFICATION

STATE OF KANSAS, COUNTY OF RUSSELL:


Dennis R. Davidson, being of lawful age and first being duly sworn upon his oath, deposes and says:

That he is the attorney for John O. Farmer, Inc.; he has read the above and forgoing Application and is familiar with its contents, and that the statements made therein are true and correct to the best of his knowledge and belief.


Dennis R. Davidson

Signed and sworn to before me on March 17, 2021, by Dennis R. Davidson, attorney for John O. Farmer, Inc.




Notary Public (Printed Name) Cindy Ross
My appointment expires: June 1, 2024

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that on the 17th day of March, 2021, I caused the original of this Motion for Summary Proceedings to be electronically filed with the Conservation Division of the State Corporation Commission of the State of Kansas and caused a true and correct copy of the same to be electronically served to the following parties:

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