

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

In the matter of the failure of Tailwater, Inc.)	
("Operator") to comply with K.S.A. 55-172)	Docket 21-CONS-3032-CPEN
and K.A.R. 82-3-603 at the)	
South Kempnich Lease)	CONSERVATION DIVISION
in Anderson County, Kansas)	License No. 32461
_____)	

MOTION FOR ADDITIONAL TIME AND CONTINUANCE

Respondent (Operator), Tailwater, Inc., by and through counsel, requests an additional 30 days to complete discovery and the preparation of pre-filed testimony and a continuance of at least 30 days of the hearing or trial. In support hereof, counsel for Respondent (Operator) states:

1. The present deadline for Respondent's pre-filed testimony is January 6, 2021 and the matter is set for hearing or trial on February 18, 2021.

2. Counsel for Respondent (Operator) has been unable to complete discovery and interview material witnesses necessary to complete pre-filed testimony and to prepare for proper and adequate presentation of Respondent's defense at the hearing or trial in this matter. Counsel has suffered onset of new health problems that have impaired counsel's ability to work effectively during the past six weeks and have prevented counsel from completing discovery, interviewing material and necessary witness, and preparing witness testimony for filing herein. Additionally; COVID-19 restrictions and concerns of witnesses about exposure have prevented counsel from meeting with and interviewing them in order to prepare written testimony for filing in this matter. Material witnesses have not had the ability to utilize remote conferencing technology such as "Zoom" in order to enable counsel to conduct interviews necessary to prepare written testimony for filing herein.

3. Because of the foregoing, counsel for Respondent (Operator) cannot complete pre-filed testimony by the January 6, 2021 deadline, and needs additional time to do so. The extension of such deadline would necessitate extension of Staff's deadline to pre-file rebuttal testimony. Further, under the circumstances, counsel for Respondent (Operator) cannot reasonably prepare

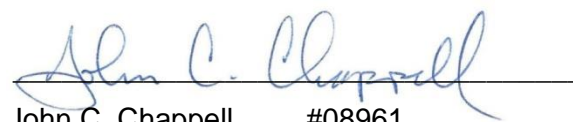
to properly and competently present the Respondent's case at the hearing or trial as presently scheduled on February 18, 2021.

4. Because of the amount of the penalty sought in this case, the survival of Respondent's business is literally at stake. The penalty will effectively render the Respondent (Operator) insolvent and unable to perform its duties as operator, jeopardizing the ongoing validity of the oil and gas lease and potentially resulting in abandonment of productive wells. Because of the gravity of the matters herein, Respondent and its counsel should be afforded the additional time requested in order to properly prepare to meet the issues herein.

5. Respondent (Operator) has not previously requested an extension of time or continuance of hearing in this matter. Counsel for Respondent (Operator) represents and certifies that this motion is not made for the purpose of delaying the proceedings or hindering the administration of justice. Counsel is exploring further means to conduct interviews and expects to be able to complete them and prepare pre-filed testimony within the extended time requested herein. Additionally, counsel is undergoing treatment for health issues and expects to be able perform the work required herein during the extended time requested.

6. Counsel has conferred with KCC staff counsel about this motion. Staff counsel expressed neither consent nor objection thereto.

WHEREFORE, Respondent moves for an order extending the deadline to file Respondent's pre-filed testimony to February 5, 2021, and continuing the hearing or trial to March 18, 2021 or such time thereafter as is convenient for the Commission.

A handwritten signature in blue ink, reading "John C. Chappell", is written over a horizontal line.

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CERTIFICATE OF SERVICE

I certify that on 12/31/2020 a copy of the foregoing or annexed pleading was e-filed with the Commission and

☒ mailed first class postage prepaid to:


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