

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

Before Commissioners:                      Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Pat Apple

In the Matter of the Application of Town Oil                      )                      Docket No.: 15-CONS-241-CUIC  
Company, Inc. to commence injection of                      )  
Saltwater into the Squirrel Formation at the                      )                      CONSERVATION DIVISION  
Savage Lease, Well #1-W, #2-W, #3W, #5W,                      )  
and #6W, located in the NW/4 of Section 5,                      )                      License No.: 6142  
Township 18 South, Range 21 East, Franklin                      )  
County, Kansas                      )

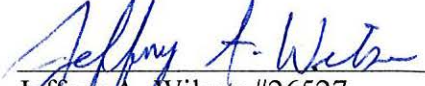
**MOTION TO HOLD PROTESTANTS IN DEFAULT AND DISMISS PROTESTANTS**

Town Oil Company, Inc., (“Applicant”), by and through its counsel, Jeffrey A. Wilson, Anderson & Byrd, LLP, hereby moves the Kansas Corporation Commission (“KCC”) for an order finding the protestants in default, and an order dismissing the protests filed in this docket by Mark and Rebecca Enright, and Terry and Alana Groshong (the Groshongs and Enrights, collectively, “Protestants”), and granting the application filed herein without holding a hearing in this Docket. In support of its Motion, Applicant states:

1. Applicant’s Motion to Dismiss Protests, filed with the KCC on November 19, 2014, is hereby incorporated and made a part of this motion by reference.
2. Applicant and Protestants attended a prehearing conference by telephone on October 28, 2014.
3. At said prehearing, the prehearing officer, Jonathan R. Myers, issued an order setting a procedural schedule.
4. Applicant met all of its deadlines pursuant to the procedural order.
5. The procedural order set a deadline of December 15, 2014 for Protestants to pre-file their direct testimony.

6. Protestants failed to file any direct testimony as of the submission of this motion.
7. The prehearing order stated that “failure to meet any deadline for the submission of pre-filed testimony may result in a default order or the exclusion of evidence by the Commission.”
8. Protestants have defaulted in this proceeding.
9. Therefore, their protests should be dismissed because they were not timely filed, do not comply with KCC regulations, and the Protestants failed to meet the duly established deadlines.
10. In the alternative, the Protestants should not be allowed to present any evidence at the hearing or in the time leading up to the hearing, and the application should be granted or denied based solely on the evidence presented thus far by Protestants, which is none.

WHEREFORE, Applicant prays for an order finding the Protestants in default, an order dismissing the protests filed herein as untimely filed and, in any event, as raising issues that are moot, inapplicable, or too vague to comply with K.A.R. 82-3-135b, and the granting of the application filed herein without a hearing upon said application. In the alternative, Applicant prays for the Commission to exclude any evidence Protestants may wish to present in the future.

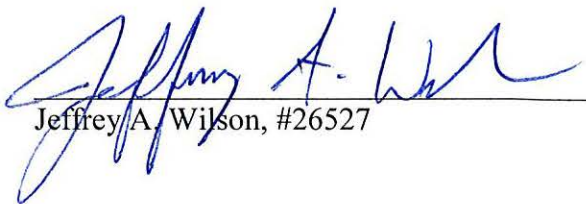
  
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Attorneys for Applicant

VERIFICATION

STATE OF KANSAS )  
 ) ss:  
COUNTY OF FRANKLIN )

Jeffrey A. Wilson, of lawful age, being first duly sworn, upon oath states:

That he is an attorney for Town Oil Company, Inc., the applicant herein, that he has read the above and foregoing Motion to Hold Protestants in Default and Dismiss Protests, knows the contents thereof, knows that all the statements made therein are true, and is authorized to make this Motion to Dismiss for the applicant.

  
Jeffrey A. Wilson, #26527

Subscribed and sworn to before me this 16<sup>th</sup> day of December, 2014.



  
Notary Public

My appointment expires:

**CERTIFICATE OF SERVICE**

On this 16<sup>th</sup> day of December, 2014, the undersigned certifies that he served a copy of the foregoing via first class mail, postage prepaid, as follows:

Alan Snider  
Tony Vail  
KCC UIC Department  
266 N. Main St., Suite 220  
Wichita, KS 67202

Terry and Alana Groshong  
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Jeffrey A. Wilson