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

Before Commissioners:

Dwight D. Keen, Chair Shari Feist Albrecht Susan K. Duffy

In the matter of the failure of Benjamin M. Giles) ("Operator") to comply with K.A.R. 82-3-407 at the Paulsen #8B in Butler County, Kansas.

Docket No: 20-CONS-3039-CPEN CONSERVATION DIVISION License No: 5446

PREHEARING OFFICER ORDER SETTING STATUS CONFERENCE AND AMENDING ELECTRONIC SERVICE STATUS

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This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. On August 6, 2019, the Commission issued a Penalty Order against Benjamin M. Giles (Operator) for one violation of K.A.R. 82-3-407 because a current and successful mechanical integrity test had not been performed on the Paulsen #8B well.¹

On September 5, 2019, a hearing was requested.² 2.

3. At an October 1, 2019, prehearing conference, attended by the Prehearing Officer,counsel for Commission Staff, and counsel for MGM Oil Co., Inc., the persons present agreed to set a status conference for October 10, 2019.

4. At the October 10, 2019, status conference, attended by the Prehearing Officer, counsel for Commission Staff, counsel for MGM Oil Co., Inc., and Charlene A. Giles, the persons present agreed to set another status conference for October 22, 2019, to foster additional conversation regarding resolution of this matter absent the need for a procedural schedule.

¹ See Penalty Order, ¶¶ 8, 13 (Aug. 6, 2019).

² Request for Hearing (Sept. 5, 2019). The Commission's September 17, 2019, Order Designating Prehearing Officer and Setting Prehearing Conference mistakenly identified the date of the hearing request as August 20, 2019, although the footnote correctly cited to September 5, 2019.

5. The October 7, 2019, *Prehearing Officer Order Regarding Electronic Service* directed that Charlene Giles shall continue to be served via U.S. Mail unless she files a pleading in this docket consenting to electronic service and providing her email address. At the October 10, 2019, status conference, however, Mrs. Giles agreed to electronic service and provided her email address.

THEREFORE, THE PREHEARING OFFICER ORDERS:

A. A Status Conference is scheduled for **Tuesday**, **October 22**, **2019**, **at 3:00** p.m. by telephone. The conference call information is: telephone number: (866) 620-7326, Conference Code PIN: 3902542751.

B. The requirement that Mrs. Giles continue to be served by U.S. Mail is lifted. Parties may, and the Commission shall, serve Mrs. Giles pursuant to the terms of the October 7, 2019, Prehearing Officer Order Regarding Electronic Service, at the following email address: charlene121965@att.net.

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

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: October 11, 2019

Is Jonathan R. Myers

Jonathan R. Myers Prehearing Officer

JRM

CERTIFICATE OF SERVICE

20-CONS-3039-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

electronic service on 10/11/2019

BENJAMIN M. GILES, CHARLENE A. GILES BENJAMIN J. GILES 821HIGH STREET TOWANDA, KS 67144-9047 charlene121965@att.net

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/S/ DeeAnn Shupe

DeeAnn Shupe