

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

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

In the Matter of the Application of Hat Production, )	Docket No. 18-CONS-3207-CUIC
LLC, to authorize injection of saltwater into the )	
Lamotte Sandstone formation at the Post Lease, )	CONSERVATION DIVISION
Well #SWD-1, located in Section 30, Township )	
23 South, Range 24 East, Bourbon County, Kansas. )	License No.: 34045
_____ )	

**PROPOSED DEFAULT ORDER**

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 and concludes as follows:

**I. JURISDICTION**

1. K.S.A. 77-520 provides that if a party fails to attend any stage of an adjudicative proceeding, the agency may issue a default order with a statement of the grounds. The party has seven days to file a written motion to vacate, which shall state the grounds relied upon.

**II. FINDINGS OF FACT**

2. On October 9, 2017, Hat Production, LLC (Operator) filed an Application to authorize injection of saltwater into the Lamotte Sandstone formation at the Post Lease, Bourbon County, Kansas.<sup>1</sup>

3. On October 16, 2017, Susan Royd-Sykes filed a letter of protest followed by a letter requesting hearing on October 27, 2017.

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<sup>1</sup> Application (Oct. 9, 2017).

4. On December 5, 2017, the Commission issued the Order Designating Prehearing Officer and setting a Prehearing Conference for December 19, 2017.<sup>2</sup> At the Prehearing Conference, the Parties agreed to continue the prehearing conference.

5. On January 16, 2017, the Prehearing Officer convened the Prehearing Conference. The sole protestant, Susan Royd-Sykes, failed to attend, and the Operator verbally moved that the Commission issue a default order.

### **III. CONCLUSIONS OF LAW**

6. Pursuant to K.S.A. 77-520(a), the Commission finds Protestant's failure to attend the Prehearing Conference constitutes default and the Operator's verbal motion for a Default Order should be granted.

7. There are no other protests of record in this matter. As such, Staff is directed to process the application accordingly and advise the Commission if a hearing is necessary. Otherwise, the Docket shall be closed.

#### **THEREFORE, THE COMMISSION ORDERS:**

A. The Operator's Motion for Default is granted. Staff shall process the application accordingly.

B. Pursuant to K.S.A. 77-520(b), any party may file a written motion requesting that this Default Order be vacated and stating the grounds relied upon, within seven calendar days after service of this Order, with three additional days added to account for service by mail. If no request to vacate is received the Penalty Order shall become effective.

C. The Commission retains jurisdiction over the subject matter and the parties and may enter additional orders as it deems appropriate.

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<sup>2</sup> Order Designating Prehearing Officer and Setting Prehearing Conference at 2 (Dec. 5, 2017).

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: FEB 06 2018

Lynn M. Retz  
Lynn M. Retz  
Secretary to the Commission

Mailed Date: FEB 07 2018

***EMAILED***

FEB 06 2018

DLK/sc

**CERTIFICATE OF SERVICE**

I certify that on **FEB 06 2018**, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Susan Royd-Sykes  
504 S 6<sup>th</sup> Street  
Burlington, KS 66839-1808

and delivered by e-mail to:

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/s/ DeeAnn Shupe  
DeeAnn Shupe

***EMAILED***

FEB 06 2018