

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Application of Midstates) Docket No: 19-CONS-3173-CUIC
Energy Operating, LLC to authorize injection)
of saltwater into the Squirrel formation at the) CONSERVATION DIVISION
Thrasher Wells #I-5, #I-4, and #I-3, and to)
increase the injection pressure on all wells) License No: 35503
encompassed by Permit E-31965, located in)
Section 25, Township 13 South, Range 20)
East, Douglas County, Kansas.)

**ORDER SETTING PROCEDURAL SCHEDULE,
DESIGNATING NEW PREHEARING OFFICER, AND
CORRECTING DESCRIPTIVE TITLE OF DOCKET**

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 the following:

1. On October 19, 2018, Midstates Energy Operating, LLC (Operator) filed an Application to authorize injection of saltwater into the Squirrel formation at the Thrasher Wells #I-5, #I-4, and #I-3, and to increase the injection pressure on all wells encompassed by Permit E-31965, located in Section 25, Township 13 South, Range 20 East, Douglas County, Kansas.¹
2. Between November 7, 2018, and November 13, 2018, protests were filed by James and Patricia Bondurant, Karin Pagel-Meiners, Judith L. Wells, and Richard Bettinger.
3. On November 29, 2018, the Commission issued an *Order Designating Prehearing Officer and Setting Prehearing Conference*, scheduling a January 10, 2019, Prehearing Conference.²

¹ Application, p. 1, 13-17 (Oct. 19, 2018); Affidavit of Publication (Oct. 19, 2018).

² *Order Designating Prehearing Officer and Setting Prehearing Conference* (Nov. 29, 2018).

I. Procedural Schedule

4. A Prehearing Conference was held on January 10, 2019, at which the following procedural schedule was proposed:

Operator Pre-filed Direct Testimony	Due: February 25, 2019
Protestant Pre-Filed Direct Testimony	Due: March 11, 2019
Discovery Cut-Off	Due: March 25, 2019
Staff Pre-Filed Direct Testimony	Due: March 25, 2019
Rebuttal Testimony	Due: April 8, 2019
<u>Evidentiary Hearing before the Commission</u>	April 18, 2019, 10:00 a.m.
266 Main, Suite 220, Wichita, Kansas 67202	

5. Failure to submit pre-filed testimony may result in the Commission restricting the right to testify and present evidence at the evidentiary hearing. At the hearing, the Commission may limit the parties' direct and rebuttal testimony to the pre-filed testimony.

6. Any settlement agreement the parties wish to present for Commission consideration shall be due by April 8, 2019.

7. Any person requiring special accommodations under the Americans with Disabilities Act (ADA) should notify the Commission at least 10 days before the scheduled hearing date.

8. Any party who fails to attend or participate in the evidentiary hearing or in any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act.³

9. A corporation shall appear before the Commission by a Kansas licensed attorney.⁴

II. New Prehearing Officer

10. The Commission designates Jonathan R. Myers, Assistant General Counsel, 266 N. Main Street, Suite 220, Wichita, KS 67202, 316-337-6245, j.myers@kcc.ks.gov, as the new

³ K.S.A. 77-518(c)(8); K.S.A. 77-520.

⁴ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

Prehearing Officer.⁵ The Prehearing Officer may conduct Prehearing Conferences necessary to address any appropriate matters, including all items listed in K.S.A. 77-517(b) of the Kansas Administrative Procedure Act (KAPA). The Commission may designate other Staff members to serve in this capacity.

III. Correcting Descriptive Title of Docket

11. The descriptive title of this docket,⁶ as originally published in the Commission's *Order Designating Prehearing Officer and Setting Prehearing Conference*, omitted the Thrasher #I-5 well. Operator's Application,⁷ Operator's Affidavit of Publication, and the Commission's *Order Adopting Staff's Report and Recommendation* in Docket 18-CONS-3196-CUIC⁸ however, indicate injection authorization at the Thrasher #I-5 is an issue in this docket. Accordingly, the descriptive title in this docket should hereafter be amended to reflect such issue, for ease of both current and future reference.

THEREFORE, THE COMMISSION ORDERS:

- A. The procedural schedule set forth in paragraph 4 above is adopted.
- B. Jonathan R. Myers is designated as the new Prehearing Officer.
- C. The descriptive title of this docket, in all pleadings and orders, shall subsequently appear as it does atop this Order.
- D. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁹
- E. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

⁵ K.S.A. 77-514; K.S.A. 77-516; K.S.A. 77-551(c).

⁶ See K.A.R. 82-1-219(a); K.A.R. 82-1-232.

⁷ Application, p. 13-17.

⁸ See *Order Adopting Staff's Report and Recommendation*, ¶ 9 (Jan. 9, 2019).

⁹ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 02/05/2019



Lynn M. Retz
Secretary to the Commission

Date Mailed: 02/06/2019

JRM/sc

CERTIFICATE OF SERVICE

19-CONS-3173-CUIC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 02/05/2019.

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CERTIFICATE OF SERVICE

19-CONS-3173-CUIC

DeeAnn Shupe