

**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 failure of Tontol, LLC ) Docket No: 17-CONS-3394-CPEN  
("Operator") to comply with K.A.R. )  
82-3-407 at the Fussman #19 in Allen ) CONSERVATION DIVISION  
County, Kansas. )  
\_\_\_\_\_ ) License No.: 34525

**ORDER DESIGNATING PREHEARING OFFICER AND  
SETTING PREHEARING CONFERENCE**

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:

1. On December 8, 2016, Commission Staff (Staff) issued a Penalty Order to Tontol, LLC (Operator), stating that the Operator committed one violation of K.A.R. 82-3-407 because a current, successful mechanical integrity test (MIT) had not been performed on the Fussman #19 well.
2. On January 12, 2017, Operator timely filed its request for a hearing in this matter.
3. Upon its own motion and pursuant to K.S.A. 77-551(c), the Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and a Prehearing Conference should be scheduled.
4. Although a Prehearing Officer is designated in this docket, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received

after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out of Time.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be Michael J. Duenes, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3181, email address [m.duenes@kcc.ks.gov](mailto:m.duenes@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for Thursday, **February 23, 2017, at 9:30 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

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

D. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA). Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA.<sup>1</sup>

E. A corporation shall appear before the Commission by its attorney.<sup>2</sup>

F. The attorney designated to appear on behalf of the agency in this proceeding is Jon Myers, Litigation Counsel, telephone number (316) 337-6200, [j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov).

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<sup>1</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

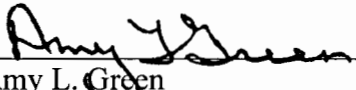
<sup>2</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

G. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

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

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: FEB 09 2017

  
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Amy L. Green  
Secretary to the Commission

Mailed Date: February 9, 2017

MJD/sc

**CERTIFICATE OF SERVICE**

I certify that on 2/9/17, 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:

Donald Bisbee  
Tontol, LLC  
7807 E. Buena Terra Way  
Scottsdale, AZ 85250

and delivered by e-mail to:

John Almond  
KCC District #3

Rene Stucky  
KCC Central Office

/s/ Paula J. Murray  
Paula J. Murray  
Legal Assistant  
Kansas Corporation Commission