

**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 Hawkins Oil, LLC, License #32693 for an exception to the 3 year time expiration for the Appleman #4 well, located NW NE NW T25S R5E Sec 31 Butler County, Kansas.)	Docket No.: 18-CONS-3281-CEXC
)	CONSERVATION DIVISION
)	License No.: 32693

**MOTION FOR THE DESIGNATION OF A PREHEARING OFFICER AND THE
SCHEDULING OF A PREHEARING CONFERENCE**

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively) files this Motion seeking the designation of a prehearing officer and the scheduling of a prehearing conference in this matter.

In support of its motion, Staff states as follows:

I. Background

1. On January 12, 2018, Operator filed an application seeking an exemption from the 10-year temporary abandonment limitation of K.A.R. 82-3-111.
2. On February 21, 2018, and March 6, 2018, Operator filed affidavits of publication from the Butler County Gazette and Wichita Eagle, respectively.

II. Argument

3. Upon review of the application, Staff notes the following:
 - a. Operator’s application states its operator’s license expires July 16, 2018,¹ but it actually expires August 30, 2018.
 - b. Operator’s application states it seeks an exemption for the Appleman #4,² but Commission databases, reflecting a well inventory certified annually by Operator,

¹ Application, ¶2.

indicate the well with the API Number and location identified by Operator is called the Appleman #4-A.

- c. Operator's application states the well has maintained temporary abandonment status "from 4/2008 to 9/2018,"³ but September 2018 is six months in the future. Further, as Operator notes in Paragraph 5 of its application, the well does not currently have temporary abandonment status.
- d. Operator's application states the basis for the application is that Operator needs more time to evaluate the well for conversion to a disposal well, but the well is already authorized for disposal under permit D-23,479.⁴
- e. The heading of Operator's application is significantly different than the heading as published in the Butler County Gazette and Wichita Eagle. Further, the notices state the application "will be granted pursuant to K.A.R. 82-3-111 after said 15-day period," although in fact the Commission may or may not eventually grant the application.
- f. The certificate of service for Operator's application certifies "on this 1 day of 12, true and correct copies of the above" were served. The certificate of service as written is insufficient to create a presumption of service on whatever date upon which Operator is alleging such service to have occurred.
- g. Operator is a corporate entity, and thus must be represented by counsel.⁵ No counsel has entered an appearance on behalf of Operator.

² *Id.*, ¶3.

³ *Id.*, ¶4.

⁴ *See, e.g.*, Exhibit A.

⁵ *See* K.A.R. 82-1-228(d)(2); *see also* Order Denying Intervention to IBEW, Local Unions No. 304 and 225 (Feb. 6, 2018), KCC Docket 18-KCPE-095-MER; Order Opening General Investigation (Nov. 11, 2017), KCC Docket 18-CONS-3224-CINV, footnote 14, citing a case holding that "the privilege of providing legal services to others is entrusted only to those who are duly licensed to practice law."


4. In addition, Staff believes it may have additional concerns regarding the application, which may be fleshed out as this matter develops.

III. Conclusion

5. Based upon the above, Staff does not recommend approval of Operator's application at this time, and believes it would be appropriate for this matter to be set for an evidentiary hearing.

WHEREFORE, for the reasons described above, Staff respectfully requests an Order designating a prehearing officer and scheduling a prehearing conference, in anticipation of an evidentiary hearing where Staff may recommend denial of the application.

Respectfully submitted,

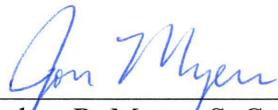


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VERIFICATION

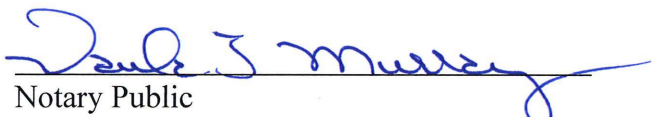
STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

Jonathan R. Myers, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of his knowledge, information and belief.



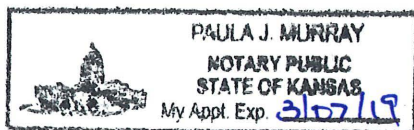
Jonathan R. Myers, S. Ct. #25975
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 2 day of Apr, 2018.



Notary Public

My Appointment Expires: 3/07/19



CERTIFICATE OF SERVICE

18-CONS-3281-CEXC

I, the undersigned, certify that the true copy of the attached Motion has been served to the following parties by means of first class mail and electronic service on 4/2/18.

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/S/ Paula J. Murray

Paula J. Murray