

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Susan K. Duffy

In the matter of resolving K.A.R. 82-3-111 issues) Docket Nos: 20-CONS-3129-CPEN
associated with Prairie Gas Operating, LLC) 20-CONS-3144-CPEN
(Operator) in four consolidated dockets, regarding) 20-CONS-3220-CPEN
wells in Greeley and Hamilton Counties, Kansas.) 21-CONS-3199-CPEN
)
) CONSERVATION DIVISION
)
) License No: 35442

**ORDER DENYING STAFF'S MOTION
FOR SUMMARY JUDGMENT IN PART**

Staff motions for summary judgment on one of the two remaining issues in these consolidated dockets: whether the Earl #1, Fecht D #1, and Watson #1 wells need to have casing integrity tests conducted upon them and/or be repaired or plugged.¹ Operator argues summary judgment is inappropriate. Upon review, the Commission finds limited upside in providing a detailed ruling analyzing the merits of Staff's motion and Operator's argument in opposition.

Staff's factual and legal allegations regarding K.A.R. 82-3-111(c) are not the entirety of what the Commission wishes to consider. The Commission solicits and intends to fully consider evidence regarding whether the status of the wells presents the threat of waste or violation of correlative rights, or a pollution threat to soils or waters of the state, necessitating casing integrity tests, repairs, plugging, or other action.

This matter appears headed for an evidentiary hearing, regardless, as the second remaining issue in these consolidated dockets is unresolved. So, in addition to the above, there is limited judicial


¹ See Order on Petitions for Lifting of Suspension and Setting Prehearing Conference, ¶ 5 (Apr. 20, 2021); Presiding Officer Order Consol. Dockets, Clarifying Remaining Issues, and Setting Procedural Schedule, p. 2 (May 28, 2021).

economy in granting Staff's motion. In short, the Commission believes it will be able to best rule upon the underlying, in-the-field issue presented in this case after receiving evidence from the parties at hearing. Accordingly, Staff's motion is denied.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 08/10/2021



Lynn M. Retz
Secretary to the Commission

Mailed Date: 08/10/2021

JRM

CERTIFICATE OF SERVICE

20-CONS-3129-CPEN, 20-CONS-3144-CPEN, 20-CONS-3220-CPEN, 21-CONS-3199-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 08/10/2021.

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