# THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Dwight D. Keen, Chair
	Shari Feist Albrecht
	Susan K. Duffy

In the matter of the failure of Benjamin M. Giles	)	Docket No: 20-CONS-3039-CPEN
("Operator") to comply with K.A.R. 82-3-407	)	
at the Paulsen #8B in Butler County, Kansas.	)	CONSERVATION DIVISION
	)	
	)	License No: 5446

## PREHEARING OFFICER ORDER REGARDING ELECTRONIC SERVICE

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

- 1. On August 6, 2019, the Commission issued a *Penalty Order* against Benjamin M. Giles (Operator) for one violation of K.A.R. 82-3-407 because a current and successful mechanical integrity test had not been performed on the Paulsen #8B well.<sup>1</sup>
  - 2. On September 5, 2019, a hearing was requested.<sup>2</sup>
- 3. At an October 1, 2019, prehearing conference, all persons present consented to the electronic service of all documents<sup>3</sup> and orders.<sup>4</sup> Therefore, the Prehearing Officer directs that service of all documents and orders may be made by email to those persons.<sup>5</sup> To the extent practicable, any electronically served document or order shall be attached to the email and served in pdf format.

<sup>&</sup>lt;sup>1</sup> See Penalty Order, ¶¶ 8, 13 (Aug. 6, 2019).

<sup>&</sup>lt;sup>2</sup> Request for Hearing (Sept. 5, 2019). The Commission's September 17, 2019, *Order Designating Prehearing Officer and Setting Prehearing Conference* mistakenly identified the date of the hearing request as August 20, 2019, although the footnote correctly cited to September 5, 2019.

<sup>&</sup>lt;sup>3</sup> See K.S.A. 77-519; Amended Order Authorizing Use of Electronic Service, Dkt. 14-GIMX-280-MIS (Jul. 31, 2014). <sup>4</sup> See K.S.A. 77-531.

<sup>&</sup>lt;sup>5</sup> The Prehearing Officer notes the October 4, 2019, *Entry of Appearance and Substitution of Counsel* filed by Commission Staff, substituting Mr. Marsh and Mr. Glamann for Ms. Masenthin. While it was Ms. Masenthin who consented to electronic service on behalf of Staff, the other two were also present. While the entry of appearance is silent on the matter, the Prehearing Officer considers Mr. Marsh and Mr. Glamann to have consented to electronic service. The issue may be raised at the October 10, 2019, status conference if necessary.

Service of orders is complete upon transmission.<sup>6</sup> All persons serving documents are encouraged to make sure large pdf files do not result in delivery failure and to work together to resolve any email-based service issues.

- 4. As of this date, these are the email addresses for the persons that were present at the prehearing conference:
  - a. Commission Staff: Kelsey Marsh, k.marsh@kcc.ks.gov; and Michael Glamann, m.glamann@kcc.ks.gov;<sup>7</sup>
  - b. MGM Oil Co., Inc.: Jon Schlatter, jschlatter@morrislaing.com, 8 and
  - c. Prehearing Officer: Jonathan R. Myers; j.myers@kcc.ks.gov.9
- 5. The Prehearing Officer notes the October 4, 2019, Entry of Appearance and Substitution of Counsel filed by Commission Staff.
- 6. The Prehearing Officer directs that Charlene Giles, who signed the request for hearing, shall continue to be served via U.S. Mail, unless she files a pleading in this docket consenting to electronic service and providing her email address.
- 7. The Prehearing Officer notes that filing of documents with the Commission must still be done either through the Commission's "e-filing express" system, or by mail or hand delivery to the Commission. The Prehearing Officer orders that if a document is filed by mail or hand delivery, only the original copy must be supplied. The Commission, however, strongly encourages persons to file through the "e-filing express" system. The Commission is to file through the "e-filing express" system.

<sup>&</sup>lt;sup>6</sup> See K.S.A. 77-531(b).

<sup>&</sup>lt;sup>7</sup> See Footnote 5 above.

<sup>&</sup>lt;sup>8</sup> Operator, through its counsel, has consented to service of orders only through its counsel. See K.S.A. 77-531(a).

<sup>&</sup>lt;sup>9</sup> See Order Designating Prehearing Officer and Setting Prehearing Conference, Ordering Clause A (Sept. 17, 2019).

<sup>&</sup>lt;sup>10</sup> See Amended Order Authorizing Use of Electronic Filing, Dkt. 14-GIMX-280-MIS (Jul. 31, 2014).

<sup>&</sup>lt;sup>11</sup> See id., ¶ 3.

<sup>&</sup>lt;sup>12</sup> *Id.*,  $\P$  4.

## BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: October 7, 2019

Isl Jonathan R. Myers

Jonathan R. Myers Prehearing Officer

**JRM** 

#### **CERTIFICATE OF SERVICE**

#### 20-CONS-3039-CPEN

I, the undersigned, certify that a true copy	of the attached Order has been served to the following by means of
first class mail and electronic service on	10/07/2019

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/S/ DeeAnn Shupe

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