

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

Before Commissioners: Jay Scott Emler, Chairman
Shari Feist Albrecht
Pat Apple

In the matter of the application of Agricultural)	Docket No.: 16-CONS-4029-CEXC
Energy Services, applicant, for an exception to the)	
10-year time limitation of K.A.R. 82-3-111 for its)	CONSERVATION DIVISION
Diamond Sleeper 1-25 well located in the C W)	
<u>NW/4 SE/4 25-33-31W, Seward County, Kansas.</u>)	License No.: 34089

PREHEARING OFFICER ORDER
ADJUSTING PROCEDURAL SCHEDULE

The Prehearing Officer finds and concludes as follows.

1. On September 9, 2016, Warren F. Fox et al. ("Protestants") filed a motion requesting a continuance of the pre-filed testimony submission deadlines in this docket, stating that no parties of record were opposed.
2. The July 8, 2016, Prehearing Officer Order Setting Procedural Schedule set the following deadlines for submission of pre-filed testimony: September 6th for Applicant, September 12th for Protestant, September 19th for Staff, and October 3rd for rebuttal testimony. The evidentiary hearing was set for October 27, 2016.
3. Protestants' motion asks for the following deadlines for submission of pre-filed testimony: October 3rd for Applicant, October 10th for Protestant, and October 17th for Staff. The motion is silent regarding rebuttal testimony and states that no change in date is requested for the evidentiary hearing.
4. The Prehearing Officer notes that no motion for a continuance of deadlines was filed in this docket until after Applicant had already missed its pre-filed testimony deadline, and that the motion for a continuance was filed by Protestants.

5. The Prehearing Officer finds that the dates requested in Protestants' motion would result in rebuttal testimony being due the same day as Staff's testimony, which is not appropriate, absence good cause shown, from a procedural standpoint. The Prehearing Officer further finds that shortening the time between the deadline for rebuttal testimony and the evidentiary hearing date would break with general Commission procedure and might inconvenience the Commission as it prepares for hearing.

6. In light of the foregoing, the Prehearing Officer concludes that the adjusted procedural schedule should be and shall be as follows:

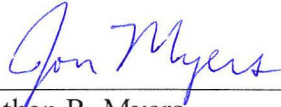
Applicant's Pre-filed Direct Testimony	Due by September 30, 2016
Protestant's Pre-filed Direct Testimony	Due by October 6, 2016
Staff's Pre-filed Direct Testimony	Due by October 12, 2016
Rebuttal Testimony	Due by October 17, 2016
Evidentiary Hearing before the Commission 266 N. Main, Suite 220, Wichita, Kansas 67202	October 27, 2016, 10:00 a.m.

7. Aside from the aforementioned adjustment to the procedural schedule, all previous Prehearing Officer instructions to the parties remains in place.

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: _____

9/20/16



Jonathan R. Myers
Prehearing Officer

JRM

CERTIFICATE OF SERVICE

I certify that on 9/20/2016, I caused a complete and accurate copy of this Order to be served via U.S. mail, with postage prepaid and properly addressed to the following:

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And delivered by email to:

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Conservation Division Central Office


Cynthia K. Maine
Administrative Assistant
Kansas Corporation Commission