

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

In the matter of the application of Weinkauf)	Docket No: 17-CONS-3693-CEXC
Petroleum, Inc. for an exception to the 10-)	
year time limitation of K.A.R. 82-3-111 for its)	CONSERVATION DIVISION
Rexroad #1 well located in the SE/4 of)	
Section 34, Townshop 33 South, Range 29)	License No. 30902
West, Meade County, Kansas.)	

STATUS UPDATE AND RENEWAL OF MOTION FOR DEFAULT

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively) files this *Status Update and Renewal of Motion for Default*. In support of its Motion, Staff states as follows:

I. Background

1. On June 23, 2017, Weinkauf Petroleum (“Operator”) filed an application for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Rexroad #1 well. The matter was scheduled for a November 7, 2017, prehearing conference.¹

2. On October 30, 2017, Operator filed a letter stating that the “Rexroad #1 is an active producing well as of October 25, 2017.”²

3. On November 7, 2017, Operator failed to attend the prehearing conference, and Staff verbally moved that the Commission issue a default order.³

4. On February 15, 2018, the Commission issued an order noting Staff’s motion for default but taking no action upon it, and directing Staff to supplement the record regarding the status of the Rexroad #1.⁴

¹ See *Order Denying Applicant’s Motion and Order to Supplement the Record* (Feb. 15, 2018), ¶1.

² See *id.*, ¶4.

³ See *id.*, ¶5.

⁴ See *id.*, ¶5, 7 & A.

II. Status Update


5. As Operator stated in its October 30, 2017 letter, the Rexroad #1 was returned to service. This allegation of fact was uncontested by Staff in the pleadings, has been accurately reported in Commission databases, of which the Commission may take administrative notice, since October 31, 2017, and was confirmed by Staff at the November 7, 2017, prehearing conference. In other words, Operator does not need temporary abandonment status.

III. Renewal of Motion for Default

6. Staff posits that the merits of its November 7, 2017, motion for default due to Operator's nonattendance at the prehearing conference are unaffected by the status of the Rexroad #1. Operator has failed to pursue its application for temporary abandonment. For the purposes of considering Staff's motion, it should make no difference whether the Rexroad #1 was returned to service, plugged, or remains inactive; failure to pursue an application should result in the application being dismissed.

WHEREFORE, Staff renews its motion from November 7, 2017, that the Commission hold Operator in default for its non-attendance at the prehearing conference.

Respectfully submitted,


Jonathan R. Myers, #25975
Litigation Counsel, Kansas Corporation Commission
266 N. Main, Suite 220
Wichita, Kansas 67202
Phone: 316-337-6200; Fax: 316-337-6211

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.



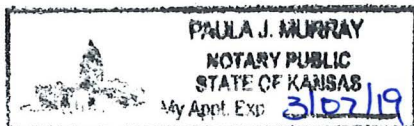
Jonathan R. Myers, S. Ct. #25975
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 16 day of FEB, 2018.



Notary Public

My Appointment Expires: 3/07/19



CERTIFICATE OF SERVICE

I certify that on 2/16/18, I caused a complete and accurate copy of this Motion to be served via United States mail, with the postage prepaid and properly addressed to the following:

Julia Atherton, Production Asst.
Weinkauff Petroleum, Inc.
6540 S. Lewis Avenue
Tulsa, OK 74136-1009

and delivered by e-mail to:

Jonathan R. Myers, Litigation Counsel
KCC Central Office
j.myers@kcc.ks.gov

Dustin L. Kirk, Deputy General Counsel
KCC Topeka Office
d.kirk@kcc.ks.gov

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