

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of Palomino) Docket No: 19-CONS-3078-CUIC
Petroleum, Inc., to authorize the injection of)
saltwater into the Arbuckle formation at the) CONSERVATION DIVISION
Carter Trust SWD #1 well in the SW/4 of)
Section 23, Township 17 South, Range 26) License No: 30742
West, Ness County, Kansas.)

ORDER SETTING PROCEDURAL SCHEDULE

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds the following:

1. On July 13, 2018, Palomino Petroleum, Inc. (Applicant) filed an Application to authorize injection of saltwater into the Arbuckle formation at the Carter Trust SWD #1 well in Ness County, Kansas.¹ Notice of the Application was published in The Wichita Eagle newspaper on July 26, 2018,² and in the Ness County News newspaper on July 19, 2018.³
2. On August 17, 2018, Cindy Hoedel filed a letter of protest and request for hearing.⁴
3. On September 6, 2018, the Commission issued an *Order Designating Prehearing Officer and Setting Prehearing Conference*, setting the Conference for September 27, 2018.⁵
4. On September 21, 2018, the Applicant filed a Motion to Dismiss Protest of Cindy Hoedel.⁶ The Applicant stated the facts alleged in the protest do not demonstrate the Protestant has standing and requested the Commission dismiss the protest.⁷

¹ Application, p. 1 (July 13, 2018).

² Legal Proof of Publication – The Wichita Eagle (Aug. 7, 2018).

³ Affidavit of Publication – Ness County News (Aug. 7, 2018).

⁴ Letter of Protest and Request for Hearing – Cindy Hoedel (Aug. 17, 2018).

⁵ *Order Designating Prehearing Officer and Setting Prehearing Conference* (Sep. 6, 2018).

⁶ Motion to Dismiss Protest of Cindy Hoedel (Sep. 21, 2018).

⁷ *Id.*, ¶ 4.

5. On September 28, 2018, the Protestant filed a Response to Applicant's Motion to Dismiss the Protest of Cindy Hoedel.⁸

6. On September 28, 2018, the Protestant filed a Motion for Default and Dismissal of Application Filed Herein, requesting the Applicant be held in default for not attending the Prehearing Conference on September 27, 2018.⁹

7. On October 1, 2018, the Applicant filed a Response to Protester's Motion to Dismiss Application which stated the reason for counsel's absence from the Prehearing Conference.¹⁰

8. On October 23, 2018, the Commission issued an *Order on Protestant's Motion for Default and Dismissal of Applicant*.¹¹ The Commission denied the Protestant's Motion for Default and Dismissal of the Application Filed Herein and set a Prehearing Conference for November 8, 2018.¹²

9. On October 25, 2018, a *Prehearing Officer Order Amending the Time of Prehearing Conference* was issued, changing the time of the Prehearing Conference from 9:00 a.m. to 11:30 a.m.¹³

10. At the Prehearing Conference held on November 8, 2018, the parties agreed to the following procedural schedule:

Operator's Pre-filed Direct Testimony	Due: December 10, 2018
Protestant's Pre-filed Direct Testimony	Due: December 17, 2018
Staff's Pre-filed Direct Testimony	Due: January 7, 2019
Rebuttal Testimony	Due: January 14, 2019
<u>Evidentiary Hearing before the Commission</u>	January 24, 2019, 10:00 a.m.
266 N. Main, Suite 220, Wichita, Kansas 67202	

⁸ Response to Applicant's Motion to Dismiss the Protest of Cindy Hoedel (Sep. 28, 2018).

⁹ Protestant's Motion for Default and Dismissal of the Application Filed Herein (Sep. 28, 2018).

¹⁰ Applicant's Response to Protester's Motion to Dismiss Application (Oct. 1, 2018).

¹¹ *Order on Protestant's Motion for Default and Dismissal of Application* (Oct. 23, 2018).

¹² *Id.*, p. 7.

¹³ *Prehearing Officer Order Amending the Time of Prehearing Conference*, ¶ 4 (Oct. 25, 2018).

11. Failure to submit pre-filed testimony may result in the Commission restricting the right to testify and present evidence at the evidentiary hearing. At the hearing, the Commission may limit the parties' direct and rebuttal testimony to the pre-filed testimony.

12. Any settlement agreement the parties wish to present for Commission consideration shall be due by January 7, 2019.

13. Any person requiring special accommodations under the Americans with Disabilities Act should notify the Commission at least 10 days before the scheduled hearing date.

14. Any party who fails to attend or participate in the evidentiary hearing or in any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act.¹⁴


THEREFORE, THE COMMISSION ORDERS:

- A. The procedural schedule set forth in paragraph 10 above is adopted.
- B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).¹⁵
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 11/20/2018



Lynn M. Retz
Secretary to the Commission

Date Mailed: _____

MJD/sc

¹⁴ K.S.A. 77-518(c)(8); K.S.A. 77-520.

¹⁵ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

19-CONS-3078-CUIC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 11/20/2018.

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/S/ DeeAnn Shupe

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