

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

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

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| In the matter of the application of Quail Oil) | Docket No: 17-CONS-3484-CUIC |
| & Gas, LC to authorize injection of saltwater) | |
| into the Arbuckle formation at the Sly 2-6) | CONSERVATION DIVISION |
| SWD well, located in the NE NE SE of) | |
| Section 6, Township 17S, Range 6E in) | License No. 33185 |
| <u>Morris County, Kansas.</u>) | |

**RESPONSE TO MOTION OF PROTESTANTS
TO AMEND ORDER SETTING PROCEDURAL SCHEDULE**

COMES NOW the applicant Quail Oil & Gas, LC (“Quail Oil”), by and through its undersigned counsel, and for its response to the Motion of Protestants to Amend Order Setting Procedural Schedule, states as follows:

1. On January 12, 2017, Quail Oil filed its Application with the Commission seeking a permit to authorize the injection of saltwater into the Sly 2-6 SWD well.
2. On March 2, 2017, the Commission issued its Order Designating Prehearing Officer and Setting Prehearing Conference, and scheduled a Prehearing Conference for March 23, 2017.
3. Certain of the Protestants filed protests in January and February of 2017.
4. At the March 23, 2017, Prehearing Conference, attended by Quail Oil’s counsel and the moving Protestants, all parties agreed to the following procedural schedule:

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| Quail Oil & Gas (Operator) Pre-Filed Direct Testimony | Due: April 24, 2017 |
| Protestants Pre-Filed Testimony | Due: May 8, 2017 |
| Commission Staff Pre-Filed Testimony | Due: May 22, 2017 |
| Rebuttal Testimony | Due: June 5, 2017 |

5. On March 30, 2017, the Commission entered its Order Setting Procedural Schedule as set forth above.

6. On April 21, 2017, Robert V. Eye of the Robert V. Eye Law Office, LLC, entered his appearance on behalf of the moving Protestants and filed the subject Motion of Protestants to Amend.

7. On April 24, 2017, as called for in the Order Setting Procedural Schedule, Quail Oil filed its Pre-Filed Direct Testimony.

8. On May 1, 2017, Joseph Schremmer and Robert J. Vincze of Depew Gillen Rathbun & McInteer, LC, on behalf of Quail Oil, and Robert V. Eye, on behalf of the moving Protestants, participated in a status conference with Michael J. Duenes, Assistant General Counsel, and Jonathan R. Myers, Litigation Counsel, of the Commission.

9. Counsel for the Commission stated that they would take the parties contentions into consideration, and, with agreement of the parties, that Quail Oil may file a Response to the Motion of Protestants to Amend on May 2, 2017.

10. Quail Oil reiterates that it is willing to accommodate opposing counsel by agreeing to (a) move the date for the filing of Protestants' Pre-Filed Testimony from May 8, 2017 to May 22, 2017; and (b) move the date for the Commission Staff Pre-Filed Testimony to May 31, 2017; provided that the date of the Evidentiary Hearing remains on June 15, 2017.

11. Quail Oil is opposed to moving the Evidentiary Hearing to July 20, 2017, or later.

12. The accommodations in Paragraph 10 above would allow counsel for the Protestants additional time to prepare their Pre-Filed Testimony without prejudicing Quail Oil. What is more, the Protestants already have Quail Oil's Pre-Filed Direct Testimony.

13. An extension of the Evidentiary Hearing could serve to cause economic loss to Quail Oil or waste due to the necessity to haul saltwater or its inability to produce the Sager 1-6 and Sly 1-6, the wells supplying produced saltwater in the subject Application.

14. With all due consideration to the recent entry of counsel for the Protestants, certain of the moving Protestants have been involved in this matter since January 2017, and so, they certainly have had adequate time to engage counsel before now. Please note that the moving Protestants also willingly participated in the Prehearing Conference that set the schedule of which they now complain.

WHEREFORE, the applicant respectfully moves the Commission for an order denying the Motion of Protestants to Amend Order Setting Procedural Schedule, and setting such a schedule for the remaining Pre-Filed and Rebuttal Testimony as the Commission deems just and proper without moving the date for the Evidentiary Hearing from June 15, 2017.

Respectfully submitted,

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Attorneys for Quail Oil & Gas, LC

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of May, 2017, I caused a true and correct copy of the foregoing Response to Motion of Protestants to Amend Order Setting Procedural Schedule to be served via U.S. Mail, postage prepaid and properly addressed, to the following:

Robert V. Eye
Robert V. Eye Law Office, LLC
Suite 1010
4840 Bob Billings Parkway
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Attorney for Protestants

And delivered electronically to:

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