THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:

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

In the matter of the failure of Quito, Inc.) ("Operator") to comply with K.A.R. 82-3-111) at the Solomon #3 and Solomon #5 in) Chautauqua County, Kansas.	Docket No: 19-CONS-3271-CPEN
	CONSERVATION DIVISION
	License No: 33594
In the matter of the failure of Quito, Inc.) ("Operator") to comply with K.A.R. 82-3-111) at the Doty #3 in Chautauqua County, Kansas.	Docket No: 19-CONS-3272-CPEN
	CONSERVATION DIVISION
))	License No: 33594

PREHEARING OFFICER ORDER SETTING PROCEDURAL SCHEDULE

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 February 26, 2019, the Commission issued penalty orders against Quito, Inc. (Operator) in these dockets, finding a total of three violations of K.A.R. 82-3-111.¹ On March 20, 2019, Operator filed a request for hearing in both dockets.² On April 2, 2019, the Commission issued an order joining the dockets and setting an April 23, 2019, prehearing conference.³
- 2. At the April 23, 2019, prehearing conference, all parties agreed to the following procedural schedule:

¹ See Docket 19-CONS-3271-CPEN, Penalty Order, ¶ 6, 10; Docket 19-CONS-3272-CPEN, Penalty Order, ¶ 6, 10.

² See Docket 19-CONS-3271-CPEN, Request for Hearing; Docket 19-CONS-3272-CPEN, Request for Hearing.

³ Order Joining Dockets, Designating Prehearing Officer, and Setting Prehearing Conference, ¶ 4, Ordering Clause A.

Commission Staff Pre-Filed Direct Testimony

Operator Pre-Filed Direct Testimony

Discovery Cut-Off Rebuttal Testimony

Evidentiary Hearing before the Commission

266 N. Main, Suite 220, Wichita, Kansas 67202

Due: June 10, 2019 Due: June 10, 2019

Due: May 13, 2019

Due: May 29, 2019

June 20, 2019, 10:00 a.m.

3. 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.

4. Any settlement agreement the parties wish to present for Commission consideration

shall be due by June 10, 2019.

Any person requiring special accommodations under the Americans with Disabilities 5.

Act should notify the Commission at least 10 days before the scheduled hearing date.

6. Any party who fails to attend or participate in the evidentiary hearing or any other

stage of this proceeding may be held in default under the Kansas Administrative Procedure Act.4

A corporation shall appear before the Commission by a Kansas licensed attorney.⁵ 7.

THEREFORE, THE PREHEARING OFFICER ORDERS:

The procedural schedule set forth in Paragraph 2 above is adopted. A.

B. The Commission retains jurisdiction over the subject matter and parties for the

purpose of entering such further orders as it deems necessary.

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: April 23, 2019

Isl Jonathan R. Myers

Jonathan R. Myers Prehearing Officer

JRM

⁴ K.S.A. 77-518(c)(8); K.S.A. 77-520.

⁵ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

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CERTIFICATE OF SERVICE

19-CONS-3271-CPEN AND 19-CONS-3272-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

electronic service on	04/23/2019	
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/S/ DeeAnn Shupe

DeeAnn Shupe