

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

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

In the matter of the failure of Drake	)	Docket No.: 16-CONS-512-CPEN
Exploration, LLC to comply with K.A.R. 82-3-	)	
603 at the Mitchell Lease Tank Battery in	)	CONSERVATION DIVISION
Sumner County, Kansas.	)	
<hr/>		) License No.: 33556

**ORDER DESIGNATING PREHEARING OFFICER  
AND SETTING PREHEARING CONFERENCE**

1.        On September 3, 2015, the Commission issued the Penalty Order in this docket.  
On September 23, 2015, the operator submitted a timely appeal through counsel.

2.        Upon its own motion and pursuant to K.S.A. 77-551(c), the Commission finds  
that a Prehearing Officer should be designated in this proceeding to address any matters listed in  
K.S.A. 77-517(b), and that a prehearing conference should be scheduled.

**THEREFORE, THE COMMISSION ORDERS:**

A.        The Prehearing Officer in this proceeding shall be Lane R. Palmateer, Counsel,  
Kansas Corporation Commission, 266 N. Main, Ste. 220, Wichita, Kansas 67202, telephone  
number 316-337-6200, email address [l.palmateer@kcc.ks.gov](mailto:l.palmateer@kcc.ks.gov).

B.        A Prehearing Conference is scheduled for Tuesday, November 3, 2015. The  
Prehearing Conference shall begin at 11:00 a.m. and end by 11:30 a.m., at the Commission's  
offices, 266 N. Main St., Ste. 220, Wichita, Kansas 67202. Telephonic attendance may be  
permitted upon advance request. The Prehearing Conference will focus on the development of a  
procedural schedule for this docket.

C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.

D. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act ("KAPA"). Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding shall be held in default under the KAPA.

E. Pursuant to K.A.R. 82-1-228(d)(2), corporations must enter an appearance via an attorney. If a corporation fails to enter an appearance via an attorney prior to the Prehearing Conference, it shall be held in default under the KAPA.

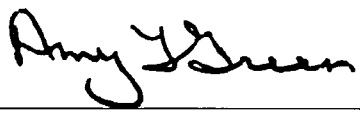
F. The attorney designated to appear on behalf of the agency in this proceeding is Jon Myers, Litigation Counsel, telephone number 316-337-6200, [j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov).

G. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: OCT 15 2015

  
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Amy L. Green  
Secretary to the Commission

Mailed Date: Oct. 15, 2015

LRP

**CERTIFICATE OF SERVICE**

I certify that on 10/15/15, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Jeff Kennedy  
Martin Pringle Oliver Wallace & Bauer LLP  
100 North Broadway, Suite 500  
Wichita, KS 67202  
*Attorney for Drake Exploration, LLC*

Darren Broyles  
Drake Exploration, LLC  
15894 294<sup>th</sup> Circle  
Arkansas City, KS 67005

Dan Fox  
KCC District #2  
3450 N. Rock Road, Bldg. 600, Suite 601  
Wichita, KS 67226

And delivered by hand to:

Jonelle Rains  
Conservation Division Central Office

Jonathan R. Myers  
KCC Central Office

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