

**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 application of Eastern                      )    Docket No.: 18-CONS-3258-CVAC  
Kansas Operating, LLC, for authorization to                      )  
impose a vacuum on its Someday #32-12 lease                      )    CONSERVATION DIVISION  
located in Section 12, Township 16 South,                      )  
Range 4 East, Miami County, Kansas.                      )    License No.: 34971

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**MOTION FOR THE DESIGNATION OF A PREHEARING OFFICER AND THE  
SCHEDULING OF A PREHEARING CONFERENCE**

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively) files this Motion seeking the designation of a prehearing officer and scheduling a prehearing conference in this matter.

In support of its motion, Staff states as follows:

**I. Background**

1.        On January 2, 2018, Operator filed an application seeking authorization to install a vacuum on its Someday #32-12 (“the subject well”).
2.        On January 9, 2017, Operator provided affidavits of publication of notice in the Miami County Republic and the Wichita Eagle.

**II. Argument**

3.        Upon review of the application, Staff notes the following:
  - a.        Operator’s application lists a business address that was not provided by Operator during its license renewal process pursuant to K.A.R. 82-3-120(c), or updated pursuant to K.A.R. 82-3-120(l).

- b. Operator's application does not correctly identify the Range in which the subject well is located.
- c. Operator's application does not provide an accurate API Number for the subject well.
- d. Operator's application estimates 70 MMcf of natural gas remains on the lease. In an August 21, 2017 filing in Docket 18-CONS-3112-CVAC, however, Operator estimated 75.679 MMcf of natural gas remains on the lease, and the present application provides no explanation of the discrepancy.
- e. Operator's plat map does not correctly identify the Township in which the subject well is located.
- f. Operator's affidavits of publication do not correctly identify the Township in which the subject well is located.
- g. Operator is a corporate entity, and thus must be represented by counsel.<sup>1</sup> No counsel has entered an appearance on behalf of Operator.

4. In addition, Staff believes it may have additional concerns regarding the application, which may be fleshed out as this matter develops.

### **III. Conclusion**

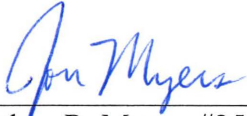
5. Based upon the above, Staff does not recommend approval of Operator's application at this time, and believes it would be appropriate for this matter to be set for an evidentiary hearing.

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<sup>1</sup> See K.A.R. 82-1-228(d)(2); *see also* Order Denying Intervention to IBEW, Local Unions No. 304 and 225 (Feb. 6, 2018), KCC Docket 18-KCPE-095-MER.

WHEREFORE, for the reasons described above, Staff respectfully requests an Order designating a prehearing officer and scheduling a prehearing conference, in anticipation of an evidentiary hearing where Staff may recommend denial of the application.

Respectfully submitted,



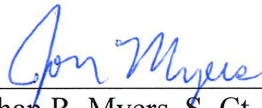
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Jonathan R. Myers, #25975  
Litigation Counsel  
Kansas Corporation Commission  
266 N. Main, Suite 220  
Wichita, Kansas 67202  
Phone: 316-337-6200; Fax: 316-337-6211

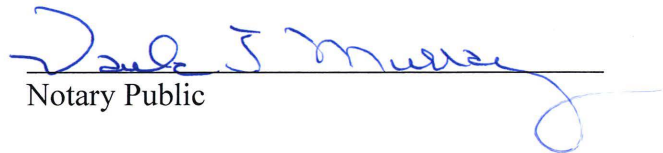
**VERIFICATION**

STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF SEDGWICK            )

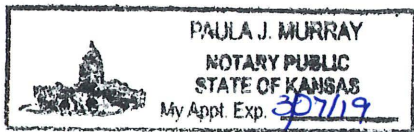
Jonathan R. Myers, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of his knowledge, information and belief.

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

SUBSCRIBED AND SWORN to before me this 12 day of Mar, 2018.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires: 3/07/19



**CERTIFICATE OF SERVICE**

I certify that on 3/12/12, 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:

Eastern Kansas Operating, LLC  
9532 Riggs Road  
Sun Lakes, AZ 85248

James Osborn  
Eastern Kansas Operating, LLC  
2221 W. Baseline Road, Suite 101  
Tempe, AZ 85283

and delivered by e-mail to:

Jonathan R. Myers, Litigation Counsel  
KCC Central Office

Jim Hemmen  
KCC Central Office

Troy Russel, District #3 Supervisor  
KCC District #3

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