

**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 Midstates) Docket No: 18-CONS-3196-CUIC
Energy Operating, LLC to authorize injection of)
saltwater into the Squirrel formation at the) CONSERVATION DIVISION
Thrasher #10 enhanced recovery well, located in)
Section 25, Township 13 South, Range 20 East,) License No. 35503
Douglas County, Kansas.)

**ORDER ON MIDSTATES' MOTION TO STRIKE MOTION TO COMPEL FILED
BY G.M. ZEMANSKY, PH.D.**

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 makes the following findings and conclusions:

BACKGROUND:

1. On October 12, 2017, Midstates Energy Operating, LLC (Midstates) filed an Application with the Commission seeking a permit to authorize the injection of saltwater into the Squirrel formation at the Thrasher #10 well, located in Section 25, Township 13 South, Range 20 East, Douglas County, Kansas.¹
2. On April 10, 2018, G.M. Zemansky filed Information Request No.: 1.
3. On April 19, 2018, the Commission issued its *Order on Midstates' Motion to Dismiss Protests*, ordering that G.M. Zemansky's protest, among other protests, be dismissed from this proceeding.²
4. On April 25, 2018, Dr. Zemansky filed a Motion to Compel Midstates, asking the Commission to "compel MidStates to respond to this information request and provide

¹ Midstates Energy Operating, LLC, Application for Injection Well, p. 1 (Oct. 12, 2017) (Application).

² *Order on Midstates' Motion to Dismiss Protests*, ¶ 26 (Apr. 19, 2018) (Order).

accurate, complete, and substantial answers to all items of it as well as provide requested documents, where applicable, as soon as possible and no later than April 30, 2018.”³

5. On April 25, 2018, Midstates filed a Motion to Strike Motion to Compel Filed by G.M. Zemansky, Ph.D., arguing that, because Gil Zemansky is not a party to this docket by virtue of the aforementioned Commission Order dismissing his protest, he “does not have requisite standing to file pleadings in this docket and the Motion to Compel Midstates should therefore be stricken from the record herein.”⁴ Midstates also argued that based on Dr. Zemansky’s non-party status, Midstates “has no duty or responsibility to respond to requests for information submitted by him.”⁵

DISCUSSION:

6. The Commission finds that, because Dr. Zemansky is not a party to this docket by virtue of the Commission’s April 19, 2018, Order dismissing his protest, he has no standing for further participation in this docket. Thus, he has no standing to issue discovery requests or to ask the Commission to compel any party to respond to discovery requests he has previously filed.⁶ Therefore, the Commission agrees with Midstates that it has no duty to respond to discovery requests by Dr. Zemansky.

7. The Commission also finds that, pursuant K.A.R. 82-1-204(f), the Motion to Compel Midstates is already part of the “formal record” or “record.” Therefore, based on the Commission’s discretion to admit evidence into the record pursuant to K.A.R. 82-1-230(a), the Commission will not formally strike the Motion to Compel Midstates from the record. However, the Commission denies the April 25, 2018, Motion to Compel Midstates.

³ Motion to Compel Midstates, p. 1 (Apr. 25, 2018).

⁴ Motion to Strike Motion to Compel Filed by G.M. Zemansky, Ph.D., ¶ 1 (Apr. 25, 2018) (Motion to Strike).

⁵ Motion to Strike, ¶ 1.

⁶ See K.S.A. 77-522(a); K.A.R. 82-1-234a(a).


THEREFORE, THE COMMISSION ORDERS:

- A. Dr. Zemansky's Motion to Compel Midstates is denied.
- B. Midstates has no duty to respond to any discovery requests within Dr. Zemansky's Motion to Compel Midstates.
- C. The parties have fifteen (15) days, plus three (3) days if mailed service, in which to petition the Commission for reconsideration.⁷
- D. 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: 05/10/2018



Lynn M. Retz
Secretary to the Commission

Mailed Date: 05/11/2018

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⁷ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 77-529(a)(1); *see* K.S.A. 66-118b.

CERTIFICATE OF SERVICE

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I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 05/10/2018.

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