

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

In the Matter of the Application of Charles N. Griffin (Operator) for an Order Authorizing the Drilling of Mollie #1H as a Horizontal Wellbore Upon its Mollie Lease Located in Barber County, Kansas	)	Docket No.: 18-CONS-3283-CHOR
	)	CONSERVATION DIVISION
	)	License No.: 33936

**MOTION TO DISMISS APPLICATION & CLOSE DOCKET**

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively) files this *Motion to Dismiss Application & Close Docket*. In support of its Motion, Staff states as follows:

**I. BACKGROUND**

1. On January 23, 2018, the Operator filed an application requesting authorization to drill the Mollie #1H as a horizontal wellbore pursuant to K.A.R. 82-3-103a.
2. On January 29, 2018, the Operator filed a certificate of service
3. On February 12, 2018, Operator provided affidavits of publication of notice from The Wichita Eagle and The Kiowa News.
4. On April 26, 2018, Staff filed a motion to designate a prehearing officer and schedule a prehearing conference. Staff identified various deficiencies with the application.<sup>1</sup>
5. On May 24, 2018, the Commission issued an order setting a prehearing conference for June 19, 2018.
6. One June 13, 2018, John G. Pike entered an appearance on behalf of the Operator.
7. One June 19, 2018, at the Prehearing Conference, the Parties agreed to continue the Prehearing Conference until Tuesday, August 21, 2018, to allow time for the Operator to republish notice in the correct county paper and file an amended application.

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<sup>1</sup> Motion for Designation of a Prehearing Officer and the Scheduling of a Prehearing conference, at ¶4, April 26, 2018.

8. On August 28, 2018, Staff sent a letter to the Operator's Attorney requiring the Operator provide verification of notice and proof of publication in the Gyp Hill Premier by September 28, 2018.<sup>2</sup> The Operator failed to comply with the deadline provided in the letter.

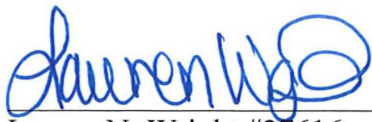
## II. ARGUMENT

9. The Operator's Application should be dismissed for lack of prosecution. The Operator's Application is incomplete and notice of the Application is insufficient. To date, despite ample time and opportunity, there has been no indication that any further progress has been made to remedy the various deficiencies with the application. Staff recommends the Operator's Application be dismissed.

10. The Operator has failed to timely pursue the application, therefore it should be dismissed due to lack of prosecution. Therefore Staff requests the Application be dismissed without prejudice and for this docket to be closed

WHEREFORE, Staff respectfully moves for the Operator's Application to be dismissed and for this docket to be closed.

Respectfully submitted,



Lauren N. Wright #27616  
Litigation Counsel, Kansas Corporation Commission  
266 N. Main, Suite 220, Wichita, Kansas 67202  
Phone: 316-337-6200; Fax: 316-337-6211

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<sup>2</sup> Exhibit A.

# STATE OF KANSAS

CORPORATION COMMISSION  
CONSERVATION DIVISION  
266 N. MAIN ST., STE. 220  
WICHITA, KS 67202-1513



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GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

August 28, 2018

John G. Pike, Attorney At Law  
Withers Gough Pike Pfaff & Peterson, LLC  
200 West Douglas, Suite 1010  
Wichita, Kansas 67202

**Re: Docket #18-CONS-3283-CHOR**

Mr. Pike:

Commission Staff received the application in the referenced docket on January 23, 2018. Staff communicated with your client on March 14, 2018, that it appears they did not mail or deliver notice of its application as required under K.A.R. 82-3-135a(b). Upon further review of the Application it became apparent that your client did not publish notice of its application as required under K.A.R. 82-3-135a(d), as the Kiowa News is not the official county newspaper of Barber County.

The above-mentioned deficiencies were communicated to you by Staff during the June 19, 2018 prehearing conference. At this time, Staff believes your client had ample opportunity to address Staff's concerns; however, to date, we have not received verification of notice pursuant to K.A.R. 82-3-135a(b) or proof of publication in the official county newspaper of the county in which the lands affected by the application are located.

Please provide verification of notice pursuant to K.A.R. 82-3-135a(b) and proof of publication in the Gyp Hill Premier by September 28, 2018. Failure to do so will result in Staff filing a motion to dismiss the application for lack of prosecution.

You may contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren N. Wright", with a stylized flourish at the end.

Lauren N. Wright  
Litigation Counsel  
Kansas Corporation Commission

Cc: Jake Eastes

Exhibit A

**VERIFICATION**

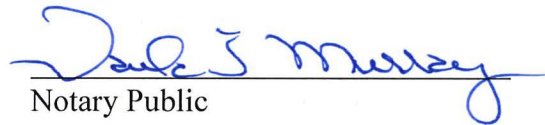
STATE OF KANSAS                     )  
  ) ss.  
COUNTY OF SEDGWICK            )

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



Lauren N. Wright, S. Ct. #27616  
Litigation Counsel  
State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 2nd day of OCT, 2018.

  
Notary Public

My Appointment Expires: 3/07/19



## **CERTIFICATE OF SERVICE**

18-CONS-3283-CHOR

I, the undersigned, certify that the true copy of the attached Motion has been served to the following parties by means of electronic service on October 2, 2018.

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/S/ Paula J. Murray

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Paula J. Murray