

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

In the matter of the failure of Tailwater, Inc.)	
("Operator") to comply with K.S.A. 55-172)	Docket 21-CONS-3032-CPEN
and K.A.R. 82-3-603 at the)	
South Kempnich Lease)	CONSERVATION DIVISION
in Anderson County, Kansas)	License No. 32461
_____)	

MOTION FOR EXTENSION OF TIME

Respondent (Operator), Tailwater, Inc., by and through counsel, requests an additional nine (9) days to file pre-filed testimony. In support hereof, counsel for Respondent states:

1. The present deadline for Respondent's pre-filed testimony is February 8, 2021; Staff's deadline for rebuttal testimony is March 1, 2021, and the matter is set for hearing on March 18, 2021.

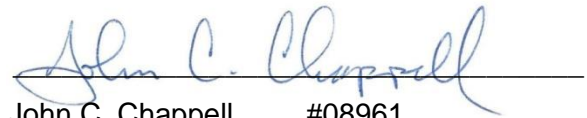
2. On February 3, 2021 Staff filed its response to Respondent's Request for Production of Documents. Staff provided 355 documents, 342 of which are transmittal messages with multiple additional documents attached. Opening the 342 message requires conversion to Outlook and then downloading multiple additional files attached with the messages. Counsel for Respondent has begun the process of doing so but has yet to complete it, having crashed counsel's office computer twice so far in the process. Counsel estimates that, ultimately, there may be well in excess of 1,000 documents. The process of just retrieving the files is consuming inordinate time, not counting the additional time that will be necessary to view the multiple attachments for relevancy and materiality, followed by the time necessary to review relevant and material documents with the client in order to prepare testimony pertaining thereto.

3. Because of the foregoing, counsel for Respondent cannot complete pre-filed testimony by the February 8, 2021 deadline and requests an extension to February 17, 2021. This extension should not prejudice Staff or necessitate an extension of Staff's deadline for rebuttal testimony, although it could be extended without necessity of a continuance of the hearing date.

4. Counsel for Respondent (Operator) represents and certifies that this motion is not made for the purpose of delaying the proceedings or hindering the administration of justice. The extension is necessary to enable counsel to deal with the plethora of documents provided by Staff less than a week before Respondent's deadline for testimony and to enable counsel to discharge his duties to his client in the preparation thereof.

5. Counsel has conferred with KCC staff counsel about this motion. Staff counsel expressed neither consent nor objection and reserved the right to file a response..

WHEREFORE, Respondent moves for an order extending the deadline to file Respondent's pre-filed testimony to February 17, 2021.

A handwritten signature in blue ink, reading "John C. Chappell", is written over a horizontal line.

John C. Chappell #08961
P.O. Box 602
Lawrence, KS 66044
Phone: (785) 841-2110
Fax: (785) 841-0483
Email: jchappell@jchap.com
Attorney for Respondent

CERTIFICATE OF SERVICE

I certify that on 02/05/2021 a copy of the foregoing or annexed pleading was e-filed with the Commission and

☒ mailed first class postage prepaid to:


KCC, Conservation Division
266 N. Main St., Ste. 220
Wichita, KS 67202-1513

Lynn M. Retz
Executive Director
KCC, Conservation Division
266 N. Main St., Ste. 220
Wichita, KS 67202-1513
(316) 337-6200

☒ emailed to:

Kelcey Marsh
Litigation Counsel
KCC, Conservation Division
266 N. Main St., Ste. 220
Wichita, KS 67202-1513
(316) 337-6200 - phone
(785) 271-3354 – fax
k.marsh@kcc.ks.gov

Jonathan R. Myers
Ass't. General Counsel
KCC, Conservation Division
266 N. Main St., Ste. 220
Wichita, KS 67202-1513
(316) 337-6200 - fax
(316) 337-6211 - fax
j.myers@kcc.ks.gov


John C. Chappell