THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Andrew J. French, Chairperson
	Dwight D. Keen

Susan K. Duffy

	License No: 6700
the Darling #1 in Montgomery County, Kansas.)	CONSERVATION DIVISION
In the matter of the failure of Robert E. Housel) (Operator) to comply with K.A.R. 82-3-407 at)	Docket No: 21-CONS-3253-CPEN

ORDER DESIGNATING PRESIDING OFFICER AND SETTING PREHEARING CONFERENCE

The Commission rules as follows:

- 1. On May 13, 2021, the Commission issued a Penalty Order against Robert E. Housel (Operator) for one violation of K.A.R. 82-3-407 because Operator had not performed a current, successful mechanical integrity test at the Darling #1 well.¹
 - 2. On June 17, 2021, Operator requested a hearing.²
- 3. Under K.S.A. 77-551(c), the Commission finds a Presiding Officer should be designated in this proceeding to determine procedural matters that may arise prior to a hearing on the merits, including but not limited to conducting prehearing conferences.³
 - 4. The Commission finds a Prehearing Conference should be scheduled.

THEREFORE, THE COMMISSION ORDERS:

A. The Presiding Officer for prehearing matters in this proceeding shall be Jonathan R. Myers, Assistant General Counsel, Kansas Corporation Commission, 266 N. Main Street, Suite 220, Wichita, Kansas, 67202-1513, telephone number (316) 337-6245, email address j.myers@kcc.ks.gov. The Commission may designate other Staff members to serve in this capacity.

¹ See Penalty Order, ¶¶ 7, 11 (May 13, 2021).

² See Request for Hearing (Jun. 17, 2021).

³ See also K.S.A. 77-516 and K.S.A. 77-517.

B. A Prehearing Conference is scheduled for **Tuesday**, **July 20**, **2021**, **at 1:30 p.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 3902542751.

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. 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 may be held in default under the KAPA.⁴

D. Although a Presiding Officer is designated, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room. Any filing received after 5:00 p.m. shall be considered filed the next business day. In addition, any late filing shall be accompanied by a Motion to File Out-of-Time. The Commission directs electronic service of all filings in the docket to include service on the Presiding Officer and mailed service of all filings to be directed to the Presiding Officer's attention.

E. The attorney designated to appear on behalf of the agency in this proceeding is Kelcey Marsh, Litigation Counsel, telephone number (316) 337-6200, k.marsh@kcc.ks.gov.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy	
Dated:06/24/2021	Lynn M. Rog
	Lynn M. Retz
	Executive Director
Mailed Date: 06/24/2021	
JRM	

⁴ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

CERTIFICATE OF SERVICE

21-CONS-3253-CPEN

I, the undersigned	I, certify that a true copy	of the attached Orde	er has been serve	d to the following b	y means of

first class mail and electronic service on 06/24/2021

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/S/ Desirae Mayfield

Desirae Mayfield