

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

Before Commissioners: Susan K. Duffy, Chair  
Dwight D. Keen  
Andrew J. French

In the matter of resolving various regulatory ) Docket Nos: **23-CONS-3017-CPEN**  
violations associated with Ace Energy, LLC ) 23-CONS-3029-CPEN  
(Operator). ) 23-CONS-3087-CPEN  
) 23-CONS-3135-CPEN  
)  
) CONSERVATION DIVISION  
)  
) License No: 34998

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In the matter of the application of Ace Energy, LLC ) Docket No: 23-CONS-3143-CMSC  
(Operator) for an Operator's License Renewal. )  
) CONSERVATION DIVISION  
)  
) License No: 34998

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**PRESIDING OFFICER ORDER SETTING PROCEDURAL SCHEDULE**

The Presiding Officer finds and concludes as follows:

1. Parties have submitted proposed procedural schedules. Commission Staff recommends the following:

Commission Staff Pre-Filed Direct Testimony	Due: March 24, 2023
Operator Pre-Filed Direct & Rebuttal Testimony	Due: April 7, 2023
Commission Staff Pre-Filed Rebuttal Testimony	Due: April 21, 2023
Evidentiary Hearing before the Commission:	<b>To Be Determined</b>

2. Operator recommends differently:

Commission Staff Pre-Filed Direct Testimony	Due: April 7, 2023
Operator Pre-Filed Direct & Rebuttal Testimony	Due: May 31, 2023
Commission Staff Pre-Filed Rebuttal Testimony	Due: June 20, 2023
Evidentiary Hearing before the Commission:	<b>To Be Determined</b>

3. Staff notes the length of time since the first order was issued in these consolidated dockets. The record reflects:

- Docket 23-3017 was initiated as a July 28, 2022, Penalty Order assessing \$10,000 for violations of K.A.R. 82-3-120 and K.A.R. 82-3-133 for conducting operations on a suspended license;
- Docket 23-3029 was initiated as an August 9, 2022, Penalty Order assessing \$2,000 for violations of K.A.R. 82-3-407 regarding mechanical integrity test violations;
- Docket 23-3087 was initiated as a September 20, 2022, Penalty Order assessing \$45,000 for violations of K.A.R. 82-3-400 regarding unauthorized injection;
- Docket 23-3135 was initiated as a December 1, 2022, Penalty Order assessing \$500 for violation of K.A.R. 82-3-400 and/or K.A.R. 82-3-409; and
- Docket 23-3143 was initiated via a November 30, 2022, Staff motion, and the purpose of such docket is to consider and render a decision upon Operator's November 30, 2022, license renewal application.

4. Operator states that: (1) Staff has not responded to some discovery requests, and that Operator should have 45 days to review such responses; (2) Operator has recently obtained new lead counsel due to medical issues of its prior lead counsel, and new counsel will need time to get up to speed; (3) the dockets have recently been consolidated; (4) another Operator hearing is scheduled for March 10, 2023; (5) these dockets involve numerous issues; and (6) Staff will not be unduly prejudiced by Operator's proposed procedural schedule.

5. Staff's point regarding the amount of time these dockets have already been pending is well taken. Operator's request for adequate time for new counsel to become familiarized with these matters is also reasonable. As Staff has stated it is able to submit testimony by March 24, 2023, there is no need to delay such testimony. As Operator believes it needs 45 days to review certain discovery responses, such seems an adequate amount of time for Operator's new counsel to get up to speed on matters. **Based upon these factors, the following schedule is hereby adopted:**

Commission Staff Pre-Filed Direct Testimony	Due: March 24, 2023
Operator Pre-Filed Direct & Rebuttal Testimony	Due: May 8, 2023
Commission Staff Pre-Filed Rebuttal Testimony	Due: May 26, 2023
Evidentiary Hearing before the Commission:	<b>To Be Determined</b>

6. The Presiding Officer shall be in communication with the parties regarding any further development of the procedural schedule, including scheduling of any evidentiary hearing.

7. Failure to submit pre-filed testimony may result in the Commission restricting the right to testify and present evidence at the evidentiary hearing. At the hearing, the Commission may limit the parties' direct and rebuttal testimony to the pre-filed testimony.

8. Any person requiring special accommodations under the Americans with Disabilities Act should notify the Commission at least 10 days before the scheduled hearing date.

9. Any party who fails to attend or participate in the evidentiary hearing or any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act.<sup>1</sup>

10. Parties shall appear before the Commission via a Kansas-licensed attorney.<sup>2</sup>

**BY THE PRESIDING OFFICER IT IS SO ORDERED.**

Dated: March 7, 2023

/s/ Jonathan R. Myers  
Jonathan R. Myers  
Presiding Officer

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<sup>1</sup> K.S.A. 77-518(c)(8); K.S.A. 77-520.

<sup>2</sup> See K.S.A. 77-515(c); K.A.R. 82-1-228(d).

**CERTIFICATE OF SERVICE**

23-CONS-3017-CPEN, 23-CONS-3029-CPEN, 23-CONS-3087-CPEN, 23-CONS-3135-CPEN, 23-CONS-3143-CMSC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 03/07/2023.

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