

Commission Business Meeting at 10:00 am and asked if it would be possible to combine the second Merritt prehearing call with this one for the purposes of scheduling. All parties agreed to this, worked out a schedule for both dockets to have the same procedural deadline dates and to have both dockets heard at the same time on Jan. 24, 2019, 10:00 a.m. Duenes also determined that the hearings should be held at the Commission office at 266 Main, Suite 220, Wichita, Kansas 67202. Protestant Royd-Sykes asked for explanation of the location change (all hearing that Royd-Sykes has been involved with to date have been held in Topeka), explained that she has limited distance driving ability and that Wichita is twice as far for her to travel. Royd-Sykes also said she would file asking for Topeka to be the hearing site.

During this hearing, Prehearing Officer Duenes also noted that Royd-Sykes “had experience in settling these matters prior to the need for a hearing” and encouraged the parties to consider settlement. Royd-Sykes responded that she would consider settlement, but that Mr. Birk would need to present a workable offer.

5) With that narrative completed, Protestant Royd-Sykes states that she lives about 10 minutes from Mr. Birk, in Burlington, Kansas which is an hour straight south of Topeka and the Commission’s Topeka Office, and that the Commission’s Wichita Office is twice that distance from her Burlington home.

Protestant Royd-Sykes also states that due to physical health reasons, she has limited long-distance driving ability. Royd-Sykes has had handicapped parking placards and tags for her car since 1996 when she was diagnosed with MCS (multiple chemical sensitivities), fibromyalgia, chronic fatigue as well as osteoarthritis in her right foot, ankle, knee and hip and leg (which is, of course, the leg and foot she uses to drive with). Due to these physical issues, Royd-Sykes pretty much limits her driving to her own town and immediate proximity, while her husband does most of the driving on any out of town trips. Rarely, and only on necessity, does Royd-Sykes drive far out of town on her own, and, when she must drive out of town, she must keep those trips to between 40 minutes and about an hour each way. When her diagnosed conditions are flaring up, she has days she must use a cane to walk, does not leave the house unaccompanied, and certainly does not drive at all. Additionally, while her husband does take responsibility for nearly all of their out of town driving, he is an on-call substitute teacher who covers all of the schools in Coffey County, and his availability to be her driver cannot always be counted on. (see attachment 1)

Therefore, Protestant Royd-Sykes asks, that if Mr. Birk does not present a workable settlement offer and a hearing cannot be avoided, that the Commission please take the Protestant’s driving issues into consideration and move the location of the Jan. 24, 2019, 10:00 a.m. hearing in DOCKET No. 19-CONS-3107-CUIC (Merritt #5) in the Application of Brian L. dba Birk Petroleum for a Permit to Authorize the Disposal of Saltwater into the Merritt #5, located) in Coffey County, Kansas **from** the Commission office at 266 Main, Suite 220, Wichita, Kansas 67202 **to** the Commission’s Topeka office located at 1500 SW Arrowhead Rd., Topeka, KS 66604.

Susan Royd-Sykes
504 S. 6th St.
Burlington, KS 66839

Attachment 1



VERIFICATION

STATE OF KANSAS)
) ss.
County of Coffey)

Susan Royd-Sykes, of lawful age, being first duly sworn upon oath, deposes and states: that she is the Protestant in this Motion and is responsible for the testimony to which this verification is attached, that she has read the above and foregoing and that the statements therein contained are true and correct according to her knowledge, information and belief.

Susan Royd-Sykes
Susan Royd-Sykes

Subscribed and sworn to before me this 6th day of November, 2018.

My appointment expires: 4/15/2020

Gerris S. Reisbig
Notary Public



CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November, 2018, the above PROTESTANT's MOTION TO CHANGE HEARING LOCATION FROM WICHITA TO TOPEKA was electronically served (with hard copies following in the US Mail) on:

Lynn Retz, KCC Litigation Department
1500 SW Arrowhead Rd.
Topeka, KS 66604-4027

Kansas Corporation Commission
Conservation Division Staff
266 N. Main St., Ste. 220
Wichita, KS 67202-1513

and

via hard copy through the US Mail on:

Brian L. Birk dba Birk Petroleum
874 12th Rd.
Burlington, KS 66839

Susan Royd-Sykes
Susan Royd-Sykes