

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

Before Commissioners:                      Dwight D. Keen, Chair  
   Shari Feist Albrecht  
   Susan K. Duffy

In the Matter of the Application of Robinette Oil	)	Docket No: 19-CONS-3423-CUIC
Company LLC to authorize injection of saltwater	)	
Into the McLouth formation at the Zachariah #2-	)	CONSERVATION DIVISION
90 and Zachariah #5-90 wells, located in the	)	
SW/4 of Section 9, Township 9 South, Range 20	)	License No: 34978
<u>East, Jefferson County, Kansas</u>	)	

**MOTION FOR DEFAULT ORDER AGAINST NON-APPEARING PROTESTERS**

COMES NOW the applicant Robinette Oil Company, LLC by and through undersigned counsel and respectively requests an order finding that protester, Sandra L. Wisdom, failed to attend or participate in the pre-hearing conference and is in default under the Kansas Administrative Procedure Act (KAPA)<sup>1</sup> and Order Setting Prehearing Conference. In support of its motion, applicant states as follows:

1.        On June 14, 2019, applicant filed an Application with the Commission seeking a permit to authorize the injection of saltwater into the Zachariah 2-90 and the Zachariah 5-90, both located in the SW/4 of Section 9, Township 9S, Range 20E in Jefferson County, Kansas. Applicant published notice of the Application in The Oskaloosa Independent newspaper on June 6, 2019.

2.        A letter protesting the Application and request for hearing was filed in the docket by Sandra L. Wisdom. On its own Motion, the Commission designated a Prehearing Officer and scheduled a Prehearing Conference pursuant to K.S.A. 77-516. On July 9, 2019, the Commission filed an Order Designating Prehearing Officer and Setting Prehearing Conference in which

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<sup>1</sup> K.S.A. 77-516(c)(7)-(8); K.S.A. 77-520

Jonathan R. Myers was designated Prehearing Officer and the Prehearing Conference was scheduled for Tuesday, August 13, 2019, at 2:00 p.m. by telephone.

3. The Commission's Order Designating Prehearing Officer and Setting Prehearing Conference stated "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. On August 13, 2019, at 2:00 p.m., the Prehearing Conference in this docket was held. The applicant appeared by Charles C. Steincamp of Depew Gillen Rathbun & McInteer, LC. The Kansas Corporation Commission appeared by Robert Vincent. The protester, Sandra L. Wisdom, failed to appear. There were no other appearances.

5. The above-named protester failed to appear at, or participate in, the Prehearing Conference. Therefore, pursuant to K.S.A. 77-516(c)(8), she should be held in default under the KAPA and Order Setting Prehearing Conference.

WHEREFORE, the applicant respectfully moves the Commission for an order finding the protester named in paragraph 4 above to be in default in this proceeding under the KAPA and for a default order pursuant to K.S.A. 77-520, and for such other and further relief as the Commission deems appropriate.

Respectfully submitted,  
DEPEW GILLEN RATHBUN & McINTEER, LC  
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By /s/Charles C. Steincamp  
Charles C. Steincamp #16086

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 13<sup>th</sup> day of August, 2019, he caused a complete and accurate copy of the foregoing *Motion for Default Order Against Non-Appearing Protesters* to be served via U.S. Mail, postage prepaid and properly addressed, to the following:

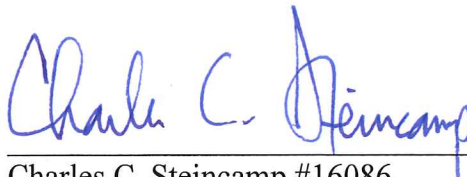
Ed Willis  
Robinette Oil Company, LLC  
P. O. Box 142  
Chanute, KS 66720

Saundra L. Wisdom  
19616 126<sup>th</sup> Street  
McClouth, KS 66054

And delivered electronically to:

Jonathan R. Myers  
Assistant General Counsel  
Kansas Corporation Commission  
266 N. Main St., Ste. 220  
Wichita, KS 67202-1513  
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