

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

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

In the matter of resolving K.A.R. 82-3-111 issues) Docket Nos: 20-CONS-3129-CPEN
associated with Prairie Gas Operating, LLC) 20-CONS-3144-CPEN
(Operator) in four consolidated dockets, regarding) 20-CONS-3220-CPEN
wells in Greeley and Hamilton Counties, Kansas.) 21-CONS-3199-CPEN
)
) CONSERVATION DIVISION
)
) License No: 35442

**PRESIDING OFFICER ORDER CONSOLIDATING DOCKETS, CLARIFYING
REMAINING ISSUES, AND SETTING PROCEDURAL SCHEDULE**

On May 13, 2021, the Commission designated the below-signed as Presiding Officer in Docket 21-3199 and set a May 27, 2021, 2:30 p.m. prehearing conference.¹ On May 17, 2021, the below-signed Presiding Officer, previously assigned as Presiding Officer in already-consolidated Dockets 20-3129, 20-3144, and 20-3220, set a May 27, 2021, 2:30 p.m., prehearing conference in those dockets. Upon hearing from the parties on May 27th, the Presiding Officer rules as follows.

Regarding Consolidation

Dockets 20-3129 and 20-3144 have been consolidated since January 2020; Docket 20-3220 was consolidated with those two dockets in April 2021.² Now, Docket 21-3199 is proceeding along the same procedural schedule. The Presiding Officer finds that ruling upon consolidation of Commission dockets is within the ambit of things a Presiding Officer may do.³ Further, the Presiding Officer finds that at the May 27, 2021 prehearing conference, parties were not opposed to consolidation. Under K.A.R. 82-1-224, two or more dockets may be consolidated for hearing on a

¹ See Docket 21-3199, Order Designating Presiding Officer and Setting Prehearing Conference, Ordering Clauses A, B (May 13, 2021).

² See Order on Petitions for Lifting of Suspension and Setting Prehearing Conference, ¶ 1 (Apr. 20, 2021).

³ See K.S.A. 77-517(b), K.S.A. 77-551(c).

common record if in the public interest, and the Presiding Officer concludes, for the sake of judicial efficiency, that consolidation of these four dockets is in the public interest.

The captioned dockets are consolidated. Each subsequent filing submitted in these dockets shall be captioned in the manner this order is captioned and shall be filed only in Docket 20-3220. Commission employees shall then populate the filing in the other three dockets. As agreed to by parties at the May 27, 2021 prehearing conference, electronic service in these consolidated dockets is authorized as described by the June 4, 2020, Prehearing Officer Order Regarding Electronic Service in Docket 20-3220.

Regarding Clarification of Remaining Issues

Given the multiple consolidations and procedural history of these dockets, clarification of the remaining issues is appropriate.⁴ At the May 27, 2021, prehearing conference, parties agreed the remaining issues as they presently stand in these consolidated dockets are: (1) whether the Earl #1, Fecht D #1, and Watson #1 wells need to have casing integrity tests conducted upon them and/or be repaired or plugged,⁵ and (2) all matters related to the Penalty Order in Docket 21-3199 and Operator's request for hearing thereon. The Prehearing Officer finds, concludes, and orders that the above constitutes the remaining issues in these consolidated dockets as they presently stand.

Regarding the Procedural Schedule

At the May 27, 2021, prehearing conference, all parties agreed to the following procedural schedule, which is hereby adopted:

Commission Staff Pre-Filed Direct Testimony
Operator Pre-Filed Direct & Rebuttal Testimony
Commission Staff Pre-Filed Rebuttal Testimony
Evidentiary Hearing before the Commission:

Due: July 23, 2021
Due: August 20, 2021
Due: September 10, 2021
To Be Determined

⁴ See K.S.A. 77-517(b) ("The presiding officer shall conduct the prehearing conference, as may be appropriate, to deal with such matters as...clarification of issues...").

⁵ See Dockets 20-3129, 20-3144, 20-3220, Order on Petitions for Lifting of Suspension and Setting Prehearing Conference, ¶ 5, Ordering Clause B (Apr. 20, 2021).

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

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.

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

Any party who fails to attend or participate in any evidentiary hearing or any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act.⁶

Parties shall appear before the Commission via a Kansas-licensed attorney.⁷

BY THE PRESIDING OFFICER IT IS SO ORDERED.

Dated: May 28, 2021

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

JRM

⁶ K.S.A. 77-518(c)(8); K.S.A. 77-520.

⁷ See K.S.A. 77-515(c); K.A.R. 82-1-228(d).

CERTIFICATE OF SERVICE

20-CONS-3129-CPEN, 20-CONS-3144-CPEN, 20-CONS-3220-CPEN, 21-CONS-3199-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
electronic service on May 28, 2021.

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/S/ Sally Conn

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