

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of the Application of Orca) Docket No: 19-CONS-3266-CUIC
Operating Company, LLC to Authorize)
Injection of Saltwater into the Arbuckle) CONSERVATION DIVISION
Formation at the Shoffner SWD #12-1,)
located in Section 12, Township 25 South,) License No: 34358
Range 9 West, Reno County, Kansas.)

PREHEARING OFFICER ORDER SETTING PROCEDURAL SCHEDULE

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Prehearing Officer finds the following:

1. On January 18, 2019, Orca Operating Company, LLC (Operator) filed an Application for injection authority at its proposed Shoffner SWD #12-1 well.¹ Adam and Jessica Pickett requested a hearing on the Application.²

2. On February 21, 2019, the Commission issued an *Order Designating Prehearing Officer and Setting Prehearing Conference*, scheduling a March 19, 2019, prehearing conference.³

3 At the March 19, 2019, prehearing conference, all parties agreed to the following procedural schedule:

Operator Pre-filed Direct Testimony	Due: N/A – Already Submitted
Protestor Pre-Filed Direct Testimony	Due: March 28, 2019
Discovery Cut-Off	Due: April 4, 2019
Staff Pre-Filed Direct Testimony	Due: April 4, 2019
Rebuttal Testimony	Due: April 11, 2019
<u>Evidentiary Hearing before the Commission</u>	April 18, 2019, 10:00 a.m.
266 N. Main, Suite 220, Wichita, Kansas 67202	

¹ Application (Jan. 18, 2019).

² Letter of Protest – Adam and Jessica Pickett (Feb. 1, 2019); Letter Requesting Hearing (Feb. 8, 2019).

³ *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause B (Feb. 21, 2019).

4. 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.

5. Any settlement agreement the parties wish to present for Commission consideration shall be due by April 8, 2019.

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

7. 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.⁴

8. A corporation shall appear before the Commission by a Kansas licensed attorney.⁵

THEREFORE, THE PREHEARING OFFICER ORDERS:

A. The procedural schedule set forth in Paragraph 3 above is adopted.

B. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: March 19, 2019

/s/ Jonathan R. Myers

Jonathan R. Myers
Prehearing Officer

JRM

⁴ K.S.A. 77-518(c)(8); K.S.A. 77-520.

⁵ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

CERTIFICATE OF SERVICE

19-CONS-3266-CUIC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 03/19/2019.

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/S/ DeeAnn Shupe

DeeAnn Shupe