

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Petition of Daylight Petroleum, )  
LLC to Open a Docket Pursuant to K.S.A. 55-605(a). ) Docket No. 25-CONS-3040-CMSC

**MOTION FOR EXTENSION OF TIME TO FILE  
OPERATOR PRE-FILED DIRECT AND REBUTTAL TESTIMONY**

Daylight Petroleum, LLC ("Daylight") by and through its attorney, Keith A. Brock, moves for an order from the Kansas Corporation Commission ("Commission") modifying the Presiding Officer Order Setting Procedural Schedule entered herein on September 24, 2024 to extend the date on which Daylight's Pre-Filed Direct and Rebuttal Testimony is due and adjusting all later deadlines accordingly. In support of its motion, Daylight states as follows:

1. On July 29, 2024, Daylight filed its Petition to open this Docket pursuant to K.S.A. 55-605(a). The issues involved in this docket are unique and require expert testimony not only regarding petroleum engineering, but also hydrology, ground water protection and monitoring and also regarding the economic value of the commercial building which has been constructed over the breakout area and the effect that Staff's recommendation in this Docket would have on such building.

2. Three expert witnesses are necessary in this Docket in order to present Daylight's position to the Commission and Daylight had located all three of the witnesses it intended to submit testimony. However, two days ago one of the outside expert witnesses Daylight was relying upon withdrew from his engagement for reasons unrelated to the merits of this Docket.

3. The procedural schedule which was established in this case, was a relatively condensed schedule, designed in part to plan testimony dates around the holidays and also to accommodate Staff's desire to expedite this Docket. Daylight voluntarily agreed to the condensed procedural schedule in an effort to accommodate Staff's desire to move this Docket quickly, and Daylight remains sensitive

to Staff's desire and is attempting to accommodate Staff to the extent possible. However, additional work is needed to complete the pre-filed testimony for two of Daylight's expert witness, and counsel for Daylight is unavailable due to family engagements over the Thanksgiving holiday. Daylight's third expert witness who would provide testimony concerning the value of the commercial building has withdrawn from this engagement just two days ago; therefore Daylight will need to locate a replacement expert witness to provide testimony on the value of the commercial building and the potential economic waste which would occur if Staff's recommendation were adopted by the Commission.

4. Daylight is requesting an extension of two weeks after the Thanksgiving holiday week, i.e. until December 13, 2024 to file its pre-filed testimony for the two expert witnesses which Daylight has already been working on pre-filed testimony for. Daylight further requests an extension of 30 days after the Thanksgiving holiday week, i.e. until December 31, 2024 to locate a replacement expert witness and pre-file testimony on the value of the commercial building and the potential economic waste which would occur if Staff's recommendation were adopted by the Commission. If the Commission wishes to keep a single deadline for Daylight to file all of its pre-filed testimony, Daylight requests such date be set at December 31, 2024.

5. Staff will undoubtedly argue that this extension will endanger fresh and usable water and should therefore be denied. However, the Commission should be mindful of the following facts in order to keep this argument in perspective.

First, the breakout occurred on June 26, 2023, and Staff and Daylight worked in conjunction with one another for over a year in an attempt to agree upon a solution to this issue. Daylight then filed the Petition initiating this Docket on July 29, 2024. Given the overall time line of this situation and this Docket, the two-week extension being requested by Daylight herein is not material and will not

unreasonably delay this Docket or prejudice anyone.

Second, the samples taken from the four monitoring wells in the prior three quarters from the 139 ft. interval of each well are as follows:

Well	Date	Sampling Method	Chloride Concentration (mg/L)
PMW-1	12/07/23	Hydrasleeve (139')	848
	04/29/24	Bailer	916
	06/17/24	Hydrasleeve (139')	492
	09/12/24	Hydrasleeve (139')	1630
PMW-2	12/07/23	Hydrasleeve (139')	416
	04/29/24	Bailer	1720
	06/17/24	Hydrasleeve (139')	2060
	09/12/24	Hydrasleeve (139')	2370
PMW-3	12/07/23	Hydrasleeve (139')	262
	06/17/24	Hydrasleeve (139')	59.9
	09/12/24	Hydrasleeve (139')	61.9
PMW-4	12/18/23	Hydrasleeve (139')	546
	04/29/24	Bailer	615
	06/17/24	Hydrasleeve (139')	745
	09/12/24	Hydrasleeve (139')	617

To put these volumes into perspective, in 1966 Kansas Geological Survey ("KGS") collected groundwater samples from the same limestone members which are present in these monitoring wells, in the neighboring Neosho County. *See* 1966 KGS Survey Bulletin 183. Chloride concentrations in these groundwater samples ranged from 40 parts per million to 1,250 parts per million. Thus, the chloride concentrations found in three of the above referenced water samples are representative of what should be expected in these formations pursuant to said KGS Survey. The chloride concentrations found in the PMW-2 well are slightly higher than what should be expected in these formations pursuant to said KGS Survey; however the samples taken from the PMW-2 well are from a deeper strata as a result should be expected to have higher chloride concentrations.

To provide further perspective concerning the chloride concentrations found in these water samples and any danger to fresh and usable water. KGS publications indicate that water with chloride concentrations as high as 4,000 - 5,000 ppm are suitable for livestock consumption.

The testimony to be submitted by Daylight will show that the variations in the chloride content found in these monitoring wells are, in all likelihood the result of seasonal fluctuations and also the result of the manner in which Staff mandated these monitoring wells be constructed. Daylight's testimony will show that the chloride concentrations are likely unrelated to the breakout at all and even if they were related, the samples are not demonstrating continuing impacts upon ground water.

6. Assuming the Commission grants this Motion, Daylight recognizes the deadline for Staff's Pre-Filed Rebuttal Testimony would also need to be extended, and Daylight is in agreement with whatever date Staff would like to choose for that deadline.

7. Daylight has consulted with Staff concerning this Motion and Staff is opposed to this Motion.

WHEREFORE, for the reasons set forth herein, Daylight requests this motion to modify the Presiding Officer Order Setting Procedural Schedule entered herein on September 24, 2024 to extend the date on which Daylight's Pre-Filed Direct and Rebuttal Testimony is due, be granted.



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**VERIFICATION**

STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

Keith A. Brock, of lawful age, being first duly sworn on oath, states that he is attorney for Daylight Petroleum, LLC; that he has read the above and foregoing Motion for Extension of Time to File Operator Pre-Filed Direct and Rebuttal Testimony, and the statements contained therein are true.



\_\_\_\_\_  
Keith A. Brock

SUBSCRIBED AND SWORN to before me this 22<sup>nd</sup> day of November, 2024.



\_\_\_\_\_  
Notary Public

Appointment/Commission Expires:

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via electronic mail this 22<sup>nd</sup> day of November, 2024, addressed to:

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Keith A. Brock