

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

In the Matter of the failure of Quito, Inc. ) Docket No.: 19-CONS-3271-CPEN  
("Operator") to comply with K.A.R. 82-3-111 )  
at the Solomon #3 and Solomon #5 in ) CONSERVATION DIVISION  
Chautauqua County, Kansas. )  
 ) License No.: 33594  
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In the Matter of the failure of Quito, Inc. ) Docket No.: 19-CONS-3272-CPEN  
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at the Doty #3 in Chautauqua County, Kansas. ) CONSERVATION DIVISION  
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**RESPONSE TO MOTION TO COMPEL**

Comes now the Staff of the State Corporation Commission of the State of Kansas  
("Staff" and "Commission," respectively) in response to Mr. Smith and Mr. Kennedy's Motion  
to Compel. In support of Staff's response, Staff states as follows:

**I. BACKGROUND**

1. On February 26, 2019, the Commission issued a Penalty Order in both of the referenced dockets against Operator for multiple violations of K.A.R. 82-3-111.<sup>1</sup>
2. On March 20, 2019, Operator filed a Request for Hearing alleging Commission Staff has imposed unfair restrictions on testing these wells.<sup>2</sup>
3. On April 23, 2019, a Prehearing Conference was held and this matter was set for hearing with a corresponding procedural schedule which set the Discovery Cut-Off for June 10, 2019.<sup>3</sup>

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<sup>1</sup> Penalty Order – Quito, Inc. (Feb. 26, 2019).

<sup>2</sup> Request for Hearing (Mar. 20, 2019).

<sup>3</sup> Prehearing Officer Order Setting Procedural Schedule (Apr. 23, 2019).

4. On June 4, 2019, Operator filed a Notice of Service of Data Requests to the Kansas Corporation Commission for Data Requests No. 1 through 3 to the Kansas Corporation Commission.<sup>4</sup> The subject of Data Request No. 1 were all temporary abandonment (TA) applications filed in the District #3 Office of the Commission within the last three years. Data Request No. 2 requested every document, memo, e-mail, including text messages related in any way to TA applications made within the District #3 for the last three years. Data Request No. 3 requested all fines issued related to wells in the District #3 for the past three years.

5. On June 10, 2019, Operator filed a Motion for Extension of Hearing Date to continue the evidentiary hearing to July 18, 2019.<sup>5</sup>

6. On June 11, 2019, the Prehearing Officer issued an Order Granting Motion for Extension of Hearing Date.<sup>6</sup>

7. On June 28, 2019, the Commission's calendar necessitated the evidentiary hearing be rescheduled for September 19, 2019.<sup>7</sup>

8. On September 3, 2019, the parties filed a Joint Motion to move the evidentiary hearing for this docket to November 20, 2019.<sup>8</sup> On or about this date documents pertaining to Data Request No. 1 were also delivered to Mr. Kennedy.

9. On October 2, 2019, Operator filed a Motion to Compel in that Commission Staff be forced to comply with Data Request No. 2.<sup>9</sup>

10. On October 8, 2019, documents pertaining to Data Request No. 2 and Data Request No. 3 were delivered to Mr. Kennedy via e-mail.

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<sup>4</sup> Notice of Service of Data Requests to the Kansas Corporation Commission (June 4, 2019).

<sup>5</sup> Motion for Extension of Hearing Date (June 10, 2019).

<sup>6</sup> Prehearing Officer Order Granting Motion for Extension of Hearing Date (June 11, 2019).

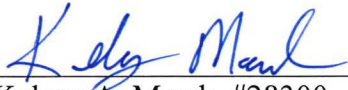
<sup>7</sup> Prehearing Officer Order Continuing Hearing Date (June 28, 2019).

<sup>8</sup> Joint Motion for Continuance of Hearing (Sept. 3, 2019).

<sup>9</sup> Quito, Inc. Motion to Compel (Oct. 2, 2019).

WHEREFORE, Staff requests the Commission deny Operator's Motion to Compel as the issue is now moot because the discovery request has been fully satisfied by Staff.

Respectfully submitted,



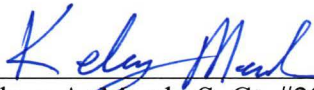
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Kelcey A. Marsh, #28300  
Litigation Counsel  
Kansas Corporation Commission  
266 N. Main, Suite 220  
Wichita, Kansas 67202-1513  
Phone: 316-337-6200  
Fax: 316-337-6106

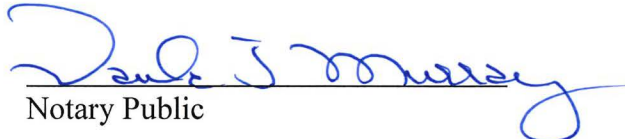
**VERIFICATION**

STATE OF KANSAS                    )  
  ) ss.  
COUNTY OF SEDGWICK            )

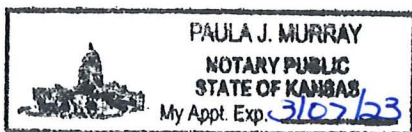
Kelcey A. Marsh, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of his knowledge, information and belief.

  
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Kelcey A. Marsh, S. Ct. #28300  
Litigation Counsel  
State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 9 day of Oct, 2019.

  
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Notary Public

My Appointment Expires: 3/07/23



## **CERTIFICATE OF SERVICE**

19-CONS-3271-CPEN, 19-CONS-3272-CPEN

I, the undersigned, certify that a true copy of the attached Response to Motion to Compel has been served to the following by means of electronic service on October 9, 2019.

JOHN ALMOND  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 3  
137 E. 21ST STREET  
CHANUTE, KS 66720  
Fax: 785-271-3354  
j.almond@kcc.ks.gov

JEFF KENNEDY  
MARTIN, PRINGLE, OLIVER, WALLACE & BAUER, LLP  
100 N. Broadway  
Suite 500  
Wichita, KS 67202  
Fax: 913-491-3341  
jkennedy@martinpringle.com

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
266 N. Main St., Ste. 220  
WICHITA, KS 67202-1513  
Fax: 316-337-6211  
j.myers@kcc.ks.gov

MICHAEL GLAMANN, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
CENTRAL OFFICE  
266 N. MAIN ST, STE 220  
WICHITA, KS 67202-1513  
Fax: 785-271-3354  
m.glamann@kcc.ks.gov

KELCEY MARSH, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
CENTRAL OFFICE  
266 N. MAIN ST, STE 220  
WICHITA, KS 67202-1513  
Fax: 785-271-3354  
k.marsh@kcc.ks.gov

STANFORD J. SMITH, JR., ATTORNEY  
MARTIN, PRINGLE, OLIVER, WALLACE & BAUER, LLP  
645 E. DOUGLAS STE 100  
WICHITA, KS 67202  
Fax: 316-265-2955  
sjsmith@martinpringle.com

/S/ Paula J. Murray  
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Paula J. Murray