

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

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the matter of the application of Bee Gee Exploration Company for an order establishing 160 acre spacing for the Mississippian Chert Formation underlying lands in Stafford and Reno Counties, Kansas.	)	Docket No: 17-CONS-3506-CBSO (178,910-C), (C-26,425)
	)	CONSERVATION DIVISION
	)	License No: N/A
In the matter of the application of Raymond Oil Company, Inc. for an order to extend field limits for the Mississippian Chert Formation underlying lands in Stafford and Reno Counties, Kansas	)	

**ORDER DESIGNATING PREHEARING OFFICER AND  
SETTING PREHEARING CONFERENCE**

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 Commission finds and concludes as follows:

1. On March 14, 1994, the Commission issued an Order in Docket No. 178,910-C (C-26,425) creating spacing rules for a portion of the Mississippian Chert Formation in Stafford and Reno Counties, which rules were extended to additional sections in Reno County via a September 22, 1994, Order.

2. On March 1, 2017, Commission Conservation Staff (Staff) filed a Motion for the Designation of a Prehearing Officer and the Scheduling of a Prehearing Conference Regarding Cancellation of the Commission's March 14, 1994 and September 22, 1994 Orders (Motion). Staff stated its belief that "[t]he Orders do little more than require 160-acre spacing for the area and formation in question, rather than allowing 10-acre spacing under the Commission's general rules. Staff believes the Order no longer serves any utility, and that the Order should be

cancelled.”<sup>1</sup> Staff further stated it had “recently communicated with both [relevant] operators . . . stating that Staff was considering filing this motion, and asking whether the operators disagreed with Staff’s belief that the Order should be cancelled. No operator expressed opposition to cancellation.”<sup>2</sup>

3. Upon its own motion and pursuant to K.S.A. 77-551(c), the Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and a Prehearing Conference should be scheduled.

4. Although a Prehearing Officer is designated in this docket, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission’s Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be Michael J. Duenes, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3181, email address [m.duenes@kcc.ks.gov](mailto:m.duenes@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for **Thursday, February 22, 2018 at 9:00 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

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<sup>1</sup> Motion for the Designation of a Prehearing Officer and the Scheduling of a Prehearing Conference Regarding Cancellation of the Commission’s March 14, 1994 and September 22, 1994 Orders ¶ 1 (Mar. 1, 2017).

<sup>2</sup> *Id.*, ¶ 2.

C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.

D. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA). 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.<sup>3</sup>

E. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>4</sup>

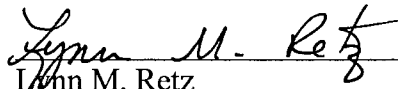
F. The attorney designated to appear on behalf of the agency in this proceeding is Jon Myers, Litigation Counsel, telephone number (316) 337-6245, [j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov).

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

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JAN 9 2018

  
Lynn M. Retz  
Secretary to the Commission

Mailed Date: JAN 10 2018

MJD

<sup>3</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

<sup>4</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

**CERTIFICATE OF SERVICE**

I certify that on JAN 9 2018, I caused a complete and accurate copy of this Order to be served via United States mail, postage prepaid, addressed to the following:

Kent A. Deutsch  
d/b/a Deutsch Oil Company  
8100 E. 22<sup>nd</sup> St., N, Bldg. 600  
Wichita, KS 67226

Richard E. Smith  
d/b/a Smith Oil Operations  
410 N. Adams  
PO Box 550  
Hutchinson, KS 67504

**and sent by electronic mail to:**

Jonathan R. Myers, Litigation Counsel  
KCC Central Office  
[j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov)

Michael Duenes, Assistant General Counsel  
KCC Topeka Office  
[m.duenes@kcc.ks.gov](mailto:m.duenes@kcc.ks.gov)

/s/ DeeAnn Shupe  
DeeAnn Shupe

**Order Mailed Date**

**JAN 10 2018**