

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

In the Matter of the Application of TDR)	Docket No.: 19-CONS-3167-CUIC
Construction, Inc. to authorize injection of)	
saltwater into the Squirrel formation at the)	CONSERVATION DIVISION
McCoy #4WA, #8W and #9W wells, located in)	
Section 32, Township 15 South, Range 21 East,)	License No.: 32218
Franklin County, Kansas.)	

**STAFF'S RESPONSE IN OPPOSITION TO MOTION TO EXTEND THE DUE DATE
FOR THE PROTESTANTS PRE-FILED TESTIMONY**

The Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission," respectively) files this Response, wherein Staff opposes Protester, Polly Shteamer's ("Protester") Edited Motion to Extend the Due Date for the Protestants Pre-Filed Testimony. In support of its Response, Staff states as follows:

I. BACKGROUND

1. On October 12, 2018, TDR Construction, Inc. (Operator) filed an application seeking injection authorization to inject salt water into the Squirrel formation at the McCoy #4WA, #8W, and #9W wells, located in Franklin County, Kansas.
2. On November 5, 2018, protests were filed by Scott Yeargain, Polly Shteamer, Paul and Lisa Jewell, and Roxanne Mettenburg.
3. On January 31, 2019, the Commission issued an Order setting the Procedural Schedule and Designating New Prehearing officer. The same day a Protective and Discovery Order was issued.
4. On March 8, 2019, Protester filed an Edited Motion to Extend the Due Date for Protestants Pre-filed Testimony.

II. ARGUMENT

5. Protester request for an extension of time to file pre-filed testimony should be denied. The Protester had ample opportunity to issue their discovery request sooner if they believed it was necessary to complete their pre-filed testimony.

6. A party may serve upon another party discovery requests any time after a docket is opened.¹ This docket was opened on November 05, 2019.

7. Even though the Discovery Order in this docket was issued on January 31, 2019, the Protester did not issue their discovery request to Staff until February 25, 2019. Staff timely responded to the Protester's discovery request as required by K.A.R. 82-1-234a(b) and the Discovery Order.²

8. The Commission Order Setting the Procedural Schedule clearly establishes deadlines for all parties to submit their pre-filed testimony.³ Protester has failed to provide adequate justification to deviate from this schedule.

9. Additionally, the Protester filed pre-filed testimony in this docket on March 12, 2019. This makes the Protester's request for an extension moot.

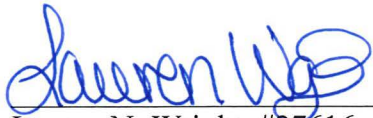
WHEREFORE, Staff opposes Protester Polly Shteamer's Edited Motion to Extend the Due Date for Protestants Pre-Filed Testimony and requests that such Motion be denied.

¹ Protective and Discovery Order, ¶14, (Jan. 31, 2019) ("Discovery Order").

² Notice of Service of Staff's Responses to Information Requests from Scott Yeargain and Polly Shteamer, (Mar. 11, 2019).

³ See Order Setting Procedural Schedule and Designating New Prehearing Officer, ¶4, (Jan. 31, 2019) ("Procedural Schedule").

Respectfully submitted,

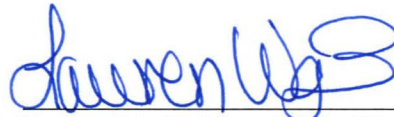


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VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

Lauren N. Wright, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Staff's Response*, and attests that the statements therein are true to the best of her knowledge, information and belief.



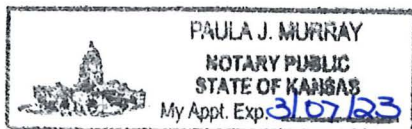
Lauren N. Wright, S. Ct. #27616
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 18 day of Mar, 2019.



Notary Public

My Appointment Expires: 3/07/2023



CERTIFICATE OF SERVICE

19-CONS-3167-CUIC

I, the undersigned, certify that the true copy of the attached Staff's Response in Opposition to Motion to Extend the Due Date for the Protestants Pre-Filed Testimony has been served to the following parties by means of electronic service on March 18, 2019.

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