

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

Before Commissioners:                    Andrew J. French, Chairperson  
   Dwight D. Keen  
   Annie Kuether

In the matter of the application of Quito, Inc., for ) Docket No: 24-CONS-3338-CEXC  
an exception to the 10-year time limitation of )  
K.A.R. 82-3-111 for its Tom Appleby #1 well ) CONSERVATION DIVISION  
located in the NW/4 of Section 30-33S-11E, )  
Chautauqua County, Kansas. ) License Nos: 33594

In the matter of the application of Quito, Inc., for ) Docket No: 24-CONS-3359-CEXC  
an exception to the 10-year time limitation of )  
K.A.R. 82-3-111 for its Tom Appleby #5 well ) CONSERVATION DIVISION  
located in Section 30, Township 33 South, Range )  
11 East, Chautauqua County, Kansas. ) License Nos: 33594

**PRESIDING OFFICER**  
**PROPOSED DEFAULT ORDER**

The Presiding Officer rules as follows:

1. On April 26, 2024, Quito, Inc. (Operator) filed applications as described by the above captions. On May 14, 2024, Commission Staff filed motions to dismiss; Operator did not respond.
2. On June 13, 2024, the Commission consolidated the captioned dockets and set a June 27, 2024, prehearing conference.<sup>1</sup> Operator did not attend the prehearing conference.
3. K.S.A. 77-520 provides that “If a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a written notice of a proposed default order, including a statement of the grounds.” Due to Operator’s failure to attend the prehearing conference, the Presiding Officer finds Operator has failed to participate in a stage of this adjudicative proceeding, and serves this Proposed Default Order.

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<sup>1</sup> The Commission took Staff’s motions to dismiss under advisement; they have not been ruled upon. *See* Order Consolidating Dockets, Designating Presiding Officer, and Setting Prehearing Conference, ¶ 3 (June 13, 2024).

4. Pursuant to K.S.A. 77-520(b), Operator may file a written motion requesting this Proposed Default Order be vacated, stating the grounds relied upon, within seven calendar days after service of this Order. Pursuant to K.S.A. 77-520(c), unless Operator files a timely written motion to vacate this Proposed Default Order, this Order shall be effective.

5. If this Proposed Default Order becomes effective, then without further order Operator's applications shall be dismissed and these dockets shall be closed.

**BY THE PRESIDING OFFICER IT IS SO ORDERED.**

Dated: July 25, 2024

/s/ Jonathan R. Myers  
Jonathan R. Myers  
Presiding Officer

**CERTIFICATE OF SERVICE**

24-CONS-3338-CEXC, 24-CONS-3359-CEXC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

first class mail and electronic service on 07/25/2024.

RYAN DULING  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 3  
137 E. 21ST STREET  
CHANUTE, KS 66720  
r.duling@kcc.ks.gov

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

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

TROY RUSSELL  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 3  
137 E. 21ST STREET  
CHANUTE, KS 66720  
t.russell@kcc.ks.gov

MARK W. MCCANN  
QUITO, INC.  
1613 W 6th Street  
Bartlesville, OK 74003-3712  
mccanncompanies@yahoo.com

/S/ KCC Docket Room

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