

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the failure of Ace Energy,) Docket No: 18-CONS-3339-CPEN
LLC (“Operator”) to comply with K.A.R.) CONSERVATION DIVISION
82-3-120(f).) License No: 34998
)

**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 13, 2017, the Commission issued a Penalty Order to Ace Energy, LLC (Operator) which stated the Operator committed a violation of K.A.R. 82-3-120(f) because Operator falsified their well inventory by changing the well status of twenty-five abandoned wells to producing wells.¹ The Commission further ordered the Operator to pay a \$5,000 penalty for such violation.²

2. On March 28, 2018, the Operator filed a letter requesting a hearing.

3. The Commission finds that a Prehearing Officer should be designated in this proceeding to address matters pursuant to K.S.A. 77-516-517.³ The Commission also finds that a prehearing conference should be scheduled in this matter.

¹ Penalty Order at 3 (Mar. 13, 2017).

² *Id.*

³ *See* K.S.A. 77-551(c).

THEREFORE, THE COMMISSION ORDERS:

A. The Prehearing Officer in this proceeding shall be Dustin Kirk, Deputy General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3198, email address is d.kirk@kcc.ks.gov. The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for **Tuesday, May 15, 2018, at 8:30 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

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.⁴

E. A corporation shall appear before the Commission by a Kansas licensed attorney.⁵

F. The attorney designated to appear on behalf of the agency in this proceeding is Lauren Wright, Litigation Counsel, telephone number (316) 337-6200, l.wright@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.

⁴ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

⁵ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 04/26/2018



Lynn M. Retz
Secretary to the Commission

Date Mailed: 04/27/2018

DLK/sc

CERTIFICATE OF SERVICE

18-CONS-3339-CPEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 04/26/2018.

JONATHAN FREIDEN
ACE ENERGY, LLC
ACE ENERGY, LLC
11704 ABERDEEN ROAD
LEAWOOD, KS 66211

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

RYAN HOFFMAN, DIRECTOR OF CONSERVATION
DIVISION
KANSAS CORPORATION COMMISSION
Conservation Division
266 N. Main St. Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
r.hoffman@kcc.ks.gov

DUSTIN KIRK, DEPUTY GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
d.kirk@kcc.ks.gov

TROY RUSSELL
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 3
137 E. 21ST STREET
CHANUTE, KS 66720
Fax: 785-271-3354
t.russell@kcc.ks.gov

LAUREN WRIGHT, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
Conservation Division
266 N. Main St. Ste. 220
WICHITA, KS 67202-1513
Fax: 316-337-6211
l.wright@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe