

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Application of TDR) Docket No: 20-CONS-3043-CUIC
Construction, Inc. for a permit to authorize the)
enhanced recovery of saltwater into the) CONSERVATION DIVISION
Moldenhauer #W-42 well, located in Franklin)
County, Kansas.) License No: 32218

PREHEARING OFFICER ORDER REGARDING ELECTRONIC SERVICE

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. On July 10, 2019, TDR Construction, Inc. (Operator) filed an Application seeking authorization for injection of saltwater into the Moldenhauer #W-42 well in Franklin County.
2. On August 5, 2019, Scott Yeargain and Polly Shteamer filed a protest.¹
3. Via email correspondence from September 6, 2019, to September 10, 2019, all parties consented² to the electronic service of all documents³ and orders.⁴ Therefore, the Prehearing Officer directs that service of all documents and orders may be made by email. To the extent practicable, any electronically served document or order shall be attached to the email and served in pdf format. Service of orders is complete upon transmission.⁵ Parties are encouraged to make sure large pdf files do not result in delivery failure and to work together to resolve any email-based service issues.
4. As of this date, these are the email addresses for the parties and prehearing officer:
 - a. Staff: Carly Masenthin, c.masenthin@kcc.ks.gov;

¹ Request for Hearing (Jul. 12, 2019).

² Protestant Shteamer's consent was obtained through Yeargain's consent on behalf of himself and Shteamer (his wife).

³ See K.S.A. 77-519; *Amended Order Authorizing Use of Electronic Service*, Dkt. 14-GIMX-280-MIS (Jul. 31, 2014).

⁴ See K.S.A. 77-531.

⁵ See K.S.A. 77-531(b).

- b. Operator: Keith Brock, kbrock@andersonbyrd.com,⁶
- c. Protestors: Listed Below.
 - i. Polly Shteamer, pshteamer@gmail.com;
 - ii. Scott Yeargain, syeargai2@gmail.com; and
- d. Prehearing Officer: Jonathan R. Myers; j.myers@kcc.ks.gov.⁷

5. The Prehearing Officer notes that filing of documents with the Commission must still be done either through the Commission’s “e-filing express” system, or by mail or hand delivery to the Commission.⁸ The Prehearing Officer orders that if a document is filed by mail or hand delivery, only the original copy must be supplied.⁹ The Commission, however, strongly encourages parties to file through the “e-filing express” system.¹⁰

6. The Prehearing Officer requests that any counsel filing a written entry of appearance in this docket indicate in such filing whether he or she consents to electronic service of all documents and orders.

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: September 11, 2019

/s/ Jonathan R. Myers
Jonathan R. Myers
Prehearing Officer

JRM

⁶ Operator, through its counsel, has consented to service of orders only through its counsel. *See* K.S.A. 77-531(a).

⁷ *See Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause A (“The Commission directs electronic service of all filings in the docket to include service on the Prehearing Officer.”) (Jul. 25, 2019).

⁸ *See Amended Order Authorizing Use of Electronic Filing*, Dkt. 14-GIMX-280-MIS (Jul. 31, 2014).

⁹ *See id.*, ¶ 3.

¹⁰ *Id.*, ¶ 4.

CERTIFICATE OF SERVICE

20-CONS-3043-CUIC

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

electronic service on 09/11/2019.

KEITH A. BROCK, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067
Fax: 785-242-1279
kbrock@andersonbyrd.com

JAKE EASTES, GEOLOGIST SPECIALIST
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
j.eastes@kcc.ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
c.masenthin@kcc.ks.gov

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

RENE STUCKY
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
r.stucky@kcc.ks.gov

ROBERT VINCENT, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
r.vincent@kcc.ks.gov

POLLY SHTEAMER
2263 NEVADA RD
OTTAWA, KS 66067
pshteamer@gmail.com

SCOTT YEARGAIN
2263 NEVADA RD
OTTAWA, KS 66067
syeargai2@gmail.com

LANCE TOWN
TDR CONSTRUCTION, INC.
PO Box 716
Louisburg, KS 66053

/S/ DeeAnn Shupe
DeeAnnShupe
