

**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 Cholla) Docket No: 18-CONS-3350-CUIC
Production, LLC to authorize injection of)
saltwater into the Marmaton C Formation) CONSERVATION DIVISION
at the Metzger #1-16 well, located in)
Section 16, Township 19 South, Range 33) License No: 31819
West, Scott County, 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 the following:

1. On March 12, 2018, Cholla Production LLC (Cholla) filed an Application seeking injection authority into the Marmaton C Formation at the Metzger #1-16 well.¹ On March 27, 2018, Lario Oil & Gas Company (Lario) filed a letter of protest.²
2. On June 12, 2018, the Commission denied Cholla's motion to dismiss Lario and stayed proceedings pending resolution of Commission Docket 17-CONS-3516-CUNI; at the time, the Commission's decision in that docket was on appeal before the Scott County district court.³
3. On January 25, 2019, the Commission's decision to deny dismissal of Lario and stay proceedings in this docket was upheld on appeal before the Scott County district court; the decision was appealed no further.⁴

¹ See Application (Mar. 12, 2018).

² Protest by Lario Oil & Gas Company (Mar. 12, 2018).

³ See Order on Applicant's Motion to Dismiss and Protestant's Motion for Stay of Proceedings (Jun. 12, 2018).

⁴ See *Cholla Prod. LLC v. State Corp. Comm'n*, Scott County Docket 2018-CV-12, Journal Entry (Jan. 25, 2019).

4. On August 23, 2019, Commission Docket 17-CONS-3516-CUNI was resolved through the Kansas Court of Appeals affirming the Commission's decision in that docket; no further appeal was made.⁵

5. In light of the above, 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),⁶ and that a Prehearing Conference should be scheduled.

THEREFORE, THE COMMISSION ORDERS:

A. The Prehearing Officer in this proceeding shall be Jonathan R. Myers, Assistant General Counsel, Kansas Corporation Commission, 266 N. Main Street, Suite 220, Wichita, Kansas, 67202-1513, telephone number (316) 337-6245, email address j.myers@kcc.ks.gov. The Commission may designate other Staff members to serve in this capacity. **The Commission directs electronic service of all filings in the docket to include service on the Prehearing Officer and mailed service of all filings to be directed to the Prehearing Officer's attention.**

B. A Prehearing Conference is scheduled for **Tuesday, October 22, 2019 at 1:30 p.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 3902542751.

C. **Commission Staff is directed to have an attorney file a written entry of appearance on behalf of Staff prior to the Prehearing Conference, as Staff's previous attorney of record is no longer with the Commission.**

D. 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/or any other issues that will promote the orderly and prompt resolution of this proceeding.

⁵ See *Lario Oil & Gas Co. v. Kansas Corp. Comm'n and Cholla Prod., LLC*, No. 120,121 (2019 WL 3977825) (Aug. 23, 2019).

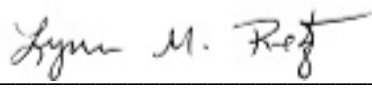
⁶ See also K.S.A. 77-551(c).

E. 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.⁷

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 10/08/2019



Lynn M. Retz
Executive Director

Mailed Date: 10/08/2019

JRM

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

CERTIFICATE OF SERVICE

18-CONS-3350-CUIC

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 10/08/2019.

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