

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

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the matter of application of Merit Energy)	Docket No.: 17-CONS-3513-CEXC
Company, LLC, for an exception to the 10-year)	
time limitation of K.A.R. 82-3-111 for its Kinney)	CONSERVATION DIVISION
Chester Sand Unit 401 well in the Southeast)	
Quarter of the Southeast Quarter of the Southeast)	License No.: 32446
Quarter of Section 26, Township 34 south, Range)	
35 West, Stevens County, Kansas.)	

**MOTION TO DESIGNATE A PREHEARING OFFICER AND SCHEDULE A
PREHEARING CONFERENCE**

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively) moves for an Order designating a prehearing officer and scheduling a prehearing conference in this matter, for the reasons stated below.

1. On March 13, 2017, Merit Energy Company, LLC (“Operator”) filed an application for an exception to the ten-year time limitation of K.A.R. 82-3-111 with regard to the Kinney Chester Sand Unit 401 well (API # 15-015-19480-00-00).

2. On April 25, 2017, Staff Litigation Counsel sent a letter to Operator’s counsel, stating that Operator had not conducted a mechanical integrity test, and that Staff was unwilling to recommend approval of the application without one. The letter gave a May 12, 2017, deadline to conduct a successful mechanical integrity to avoid Staff requesting the matter be assigned a prehearing officer and set for a prehearing conference.¹

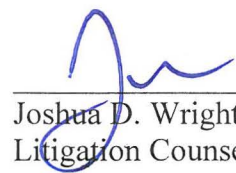
3. Staff opposes granting the application at this time because Operator has not performed a successful mechanical integrity test. Staff believes it may also have additional

¹ See Exhibit A.

concerns regarding the application, but has not attempted to resolve them because there is not yet evidence of a successful casing integrity test.

WHEREFORE, for the reasons described above, Staff respectfully requests an Order designating a prehearing officer and scheduling a prehearing conference, in anticipation of an evidentiary hearing where Staff may recommend denial of the application.

Respectfully submitted,



Joshua D. Wright, #24118
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Pat Apple, Chairman
Shari First Albrecht, Commissioner
Jay Scott Under, Commissioner

Sam Brownback, Governor

April 25, 2017

Stanford J. Smith
Martin, Pringle, et al.
100 N. Broadway, Suite 500
Wichita, Kansas 67202

Re: Docket Number 17-CONS-3513-CEXC
Merit Energy Company, License #32446
Kinney Chester Sand Unit #401, API #15-189-20706

Mr. Smith:

Commission Staff received the application in the referenced docket on March 13, 2017; however, to date, we have not received evidence of a recent, successful casing integrity test. Staff will not support the application without such a test.

Please conduct a successful, Staff-witnessed casing integrity test by May 12, 2017. Failure to do so will result in Staff requesting that this matter be assigned a prehearing officer and set for a prehearing conference, in anticipation of an evidentiary hearing where Staff would recommend denial of the application for failure to conduct a recent, successful casing integrity test.

You may contact me if you have any questions.

Sincerely,

Jon Myers
Litigation Counsel
Kansas Corporation Commission

Cc: Scott Alberg, Steve Pfeifer & Michele Pennington, KCC District #1

Exhibit A

CERTIFICATE OF SERVICE

I certify that on July 11, 2017, I caused a complete and accurate copy of this Motion to be served electronically and via United States mail, with the postage prepaid and properly addressed to the following:

Stanford J. Smith
Martin, Pringle, et al.
100 N. Broadway, Suite 500
Wichita, Kansas 67202
Email: sjsmith@martinpringle.com
Attorney for Merit Energy Company

and delivered by e-mail to:

Scott Alberg
KCC District #1

/s/ Cynthia K. Maine
Cynthia K. Maine
Administrative Assistant
Kansas Corporation Commission