

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

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

In the matter of the application of Atlas ) Docket No: 20-CONS-3284-CUIC  
Operating, LLC, for a permit to authorize the )  
disposal of saltwater into the Lloyd M. Wells ) CONSERVATION DIVISION  
#5-17 well in Section 17, Township 30 South, )  
Range 8 West, Kingman County, Kansas. ) License No: 34357

**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 May 18, 2020, Atlas Operating LLC (Operator) filed an Application for injection authority at its Lloyd M. Wells #5-17 well.<sup>1</sup> The same day, Operator also filed an Affidavit of Publication, evidencing an April 23, 2020, publication of notice in the *Kingman Leader-Courier*.<sup>2</sup>
2. On May 15, 2020, attorney Steve Gough of Withers, Gough, et al. filed a protest on behalf of Messenger Petroleum, Inc., JoHo LLC, Jon F. Messenger, Lyndon M. Messenger, Brian Baird, and Quentin Don Clark.<sup>3</sup> Per standard Staff procedure, upon receipt of both the protest and Application, Staff caused the matter to be assigned a docket number, and caused the Application, Affidavit of Publication, and protest to be filed in this docket.
3. The Commission finds a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b),<sup>4</sup> and a Prehearing Conference should be scheduled.

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<sup>1</sup> See Application, p. 1 (May 18, 2020).

<sup>2</sup> See Affidavit of Publication – Kingman Leader-Courier (May 18, 2020).

<sup>3</sup> See Protest (May 15, 2020).

<sup>4</sup> See also K.S.A. 77-551(c).

4. Although a Prehearing Officer is designated, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

**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 **Thursday, June 18, 2020, at 2:00 p.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 3902542751.

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.<sup>5</sup>

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<sup>5</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).


E. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>6</sup>

F. The attorney designated to appear on behalf of the agency in this proceeding is Kelcey Marsh, Litigation Counsel, telephone number (316) 337-6200, k.marsh@kcc.ks.gov.

**BY THE COMMISSION IT IS SO ORDERED.**

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 06/02/2020

  
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Lynn M. Retz  
Executive Director

Mailed Date: 06/02/2020

JRM

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<sup>6</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

**CERTIFICATE OF SERVICE**

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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 06/02/2020.

KELCEY MARSH, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
CENTRAL OFFICE  
266 N. MAIN ST, STE 220  
WICHITA, KS 67202-1513  
Fax: 785-271-3354  
k.marsh@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

STEVEN D. GOUGH, COUNSEL  
WITHERS, GOUGH, PIKE & PETERSON, LLC  
O.W. GARVEY BUILDING  
200 W DOUGLAS, SUITE 1010  
WICHITA, KS 67202  
Fax: 316-303-1018  
sgough@withersgough.com

/S/ DeeAnn Shupe  
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DeeAnn Shupe