

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

In the matter of the application of Charles N. Griffin for an Order Authorizing the Drilling of Mollie #1H as a horizontal wellbore upon its Mollie lease located in Barber County, Kansas.)	Docket No.: 18-CONS-3283-CHOR
)	
)	CONSERVATION DIVISION
)	
)	License No.: 33936

**MOTION FOR THE DESIGNATION OF A PREHEARING OFFICER AND THE
SCHEDULING OF A PREHEARING CONFERENCE**

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively) files this Motion seeking the designation of a prehearing officer and the scheduling of a prehearing conference in this matter.

In support of its motion, Staff states as follows:

I. Background

1. On January 23, 2018, Charles N. Griffin (“Operator”) filed an application seeking an approval to drill the Mollie #1H as a horizontal wellbore.
2. On January 29, 2018, Operator filed a certificate of service.
3. On February 12, 2018, Operator filed affidavits of publication from the Wichita Eagle and Kiowa News.

II. Argument

4. Upon review of the application, Staff notes the following:
 - a. Three months have passed since Operator submitted its application.
 - b. Operator does not appear to have mailed or delivered notice of its application as required under K.A.R. 82-3-135a(b), based upon the contents of Operator’s

application, the attached emails, and the results of Staff's similar inquiries regarding Docket 18-CONS-3328-CHOR.¹

- c. Operator has not published notice of its application as required under K.A.R. 82-3-135a(d), as the Kiowa News is not the official county newspaper of Barber County.
- d. Operator Charles N. Griffin carries an individual license with the Commission, but Wayne Smith filed his application. Operator's application is a legal pleading, and the privilege of providing legal services to others is entrusted only to those who are duly licensed to practice law.² Thus, Operator must either represent himself or be represented by counsel.

5. In addition, Staff may have additional concerns regarding the application, which may be fleshed out as this matter develops.

III. Conclusion

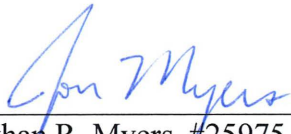
6. Based upon the above, Staff does not recommend approval of Operator's application at this time, and believes it would be appropriate for this matter to be set for an evidentiary hearing.

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.

¹ Such inquiries resulted in Operator filing an amended application in Docket 18-CONS-3328-CHOR.

² See KCC Docket 18-CONS-3224-CINV, Order Opening General Investigation (Nov. 11, 2017), footnote 14; *see also* K.A.R. 82-1-228(d)(2); Order Denying Intervention to IBEW, Local Unions No. 304 and 225 (Feb. 6, 2018), KCC Docket 18-KCPE-095-MER.

Respectfully submitted,



Jonathan R. Myers, #25975

Litigation Counsel

Kansas Corporation Commission

266 N. Main, Suite 220

Wichita, Kansas 67202

Phone: 316-337-6200; Fax: 316-337-6211

Jon Myers

From: Wayne Smith <wayne.smith@tresmanagement.com>
Sent: Wednesday, March 14, 2018 9:00 AM
To: Jon Myers
Subject: Re: KCC Dkt. 18-3283, Notice of Application

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Thanks John. Spud date for this well has been deleted for other reasons.

We will review all offsetting acreage and ensure proper notice is provided. Documentation of notice will be forwarded to you.

Wayne Smith

Sent from my iPhone

On Mar 14, 2018, at 8:49 AM, Jon Myers <j.myers@kcc.ks.gov> wrote:

Mr. Smith,

To follow-up on our conversation, K.A.R. 82-3-135a(b) requires notice of the application to be given to (1) each operator or lessee of record within a one-half mile radius of the well, and (2) each owner of record of the minerals in unleased acreage within one-half mile radius of the well. The application (regarding a proposed well in the E/2 of Section 20), states that Griffin leases all of Section 20, and the only party served a copy of the application was Griffin Management LLC.

Pursuant to K.A.R. 82-3-135a(b), Staff seeks confirmation that there are no operators, lessees, or owners of minerals in unleased acreage in the following:

- S/2 Section 17
- SW/4 Section 16
- W/2 Section 21
- SW/2 Section 28
- S/2 Section 29

If Griffin has the above all leased up, then Staff can recommend approval of the application. If Griffin does not, then Griffin will have to serve notice of the application on all appropriate parties before Staff can recommend approval. You are welcome to call/email with any questions. My direct line is 316-337-6245.

Sincerely,

Jon Myers

Litigation Counsel

Conservation Division

Kansas Corporation Commission

266 N. Main, Suite 220 | Wichita, KS | 67202-1513

Phone (316) 337-6200 | Fax (316) 337-6211 | <http://kcc.ks.gov/>

Jon Myers

From: Jon Myers
Sent: Tuesday, March 20, 2018 8:34 AM
To: 'wayne.smith@tresmanagement.com'
Subject: KCC Dkt. 18-3328 (Donna #1H), Notice of Application

Mr. Smith,

The email below was in regard to your proposed Mollie #1H well. Upon review of your application for the proposed Donna #1H well, Staff has similar concerns that the appropriate offset operators, lessees, or owners have not been notified.

If you could look into this in a similar manner, I would appreciate it.

Thanks,
Jon Myers
Litigation Counsel
Conservation Division
Kansas Corporation Commission
266 N. Main, Suite 220 | Wichita, KS | 67202-1513
Phone (316) 337-6200 | Fax (316) 337-6211 | <http://kcc.ks.gov/>

From: Jon Myers
Sent: Wednesday, March 14, 2018 8:49 AM
To: 'wayne.smith@tresmanagement.com' <wayne.smith@tresmanagement.com>
Subject: KCC Dkt. 18-3283, Notice of Application

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- S/2 Section 29

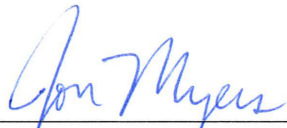
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Sincerely,
Jon Myers

VERIFICATION

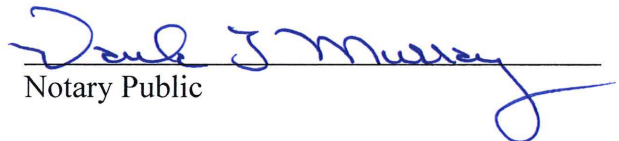
STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

Jonathan R. Myers, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of his knowledge, information and belief.



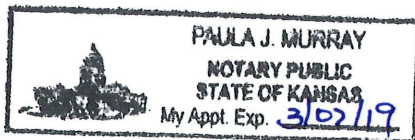
Jonathan R. Myers, S. Ct. #25975
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 26 day of APR, 2018.



Notary Public

My Appointment Expires: 3/02/19



CERTIFICATE OF SERVICE

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

Wayne Smith
7011 N. Robinson Avenue
Oklahoma City, OK 73116
Agent and Consultant for Charles N. Griffin

Charles N. Griffin
PO Box 347
Pratt, KS 67124-0347

and delivered by e-mail to:

Jonathan R. Myers, Litigation Counsel
KCC Central Office

Jim Hemmen
KCC Central Office

/s/ Paula J. Murray
Paula J. Murray
Legal Assistant
Kansas Corporation Commission