

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

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

In the Matter of the Failure of Michael D.) Docket No: 18-CONS-3077-CPEN
Weilert dba Michael D. Weilert Oil)
Company ("Operator") to comply with) CONSERVATION DIVISION
K.A.R. 82-3-600, K.A.R. 82-3-603, and)
K.A.R. 82-3-604 at the Gay E Reidel C #2) License No: 5798
well in Ellis County, Kansas.)

**PREHEARING OFFICER ORDER CONTINUING PROCEDURAL
DEADLINES AND EVIDENTIARY HEARING**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised, the Prehearing Officer makes the following findings:

1. On August 22, 2017, the Commission issued a Penalty Order to Operator,¹ finding the Operator in violation of K.A.R. 82-3-600 due to Operator using a pit at the subject well site without a permit; one violation of K.A.R. 82-3-603(d) due to Operator not notifying the appropriate District Office of a spill at a subject well in a timely manner; one violation of K.A.R. 82-3-603a(a) because Operator did not notify the landowner of a spill in a timely manner; one violation of K.A.R. 82-3-604(b) due to failure to remove fluid from a diked area within 48 hours after discovery or knowledge, or as authorized by the appropriate District Office; and one violation of K.A.R. 82-3-604(d) for failure to notify the appropriate District Office of an oil field-related discharge into a diked area in a timely manner.²

¹ Penalty Order, Aug. 22, 2017.

² Id., at ¶¶ 21-25.

2. On September 25, 2017, Operator timely filed a Request for Hearing and Motion for Summary Order on the Pleadings.³ Staff filed a Response to Operator's Request for Hearing and Motion for Summary Order on the Pleadings on October 5, 2017,⁴ and Operator filed a Reply in Support of Motion for Summary Order on the Pleadings on October 12, 2017.⁵

3. On October 10, 2017, the Commission designated a Prehearing Officer and scheduled a Prehearing Conference.

4. A Prehearing Conference was held on November 3, 2017, and a Prehearing Officer Order Setting Procedural Schedule, Discovery Order, and Protective Order was issued November 15, 2017, establishing the procedural deadlines in the docket.

5. On January 22, 2018, Staff filed a Motion for Continuance of Procedural Deadlines and Evidentiary Hearing which stated the Parties are involved in settlement negotiations and believe this matter may be settled without the need for an evidentiary hearing.⁶ Staff stated the Operator is not opposed to the continuance.

6. Staff requested the procedural deadlines be continued as follows:

Staff's Testimony – Due February 19, 2018
Operator's Testimony – Due February 26, 2018
Staff's Rebuttal Testimony – Due March 5, 2018
Evidentiary Hearing – March 15, 2018 at 10:00 a.m., Wichita, Kansas

7. The Prehearing Officer finds Staff's requested continuance is reasonable and should be granted.

³ Request for Hearing and Motion for Summary Order on the Pleadings, Sep. 25, 2017.

⁴ Staff's Response to Operator's Request for Hearing and Motion for Summary Order on the Pleadings, Oct. 5, 2017.

⁵ Reply in Support of Motion for Summary Order on the Pleadings, Oct. 12, 2017.

⁶ Motion for Continuance of Procedural Deadlines and Evidentiary Hearing, Jan. 22, 2018, ¶ 2.

THEREFORE, THE PREHEARING OFFICER ORDERS:

- A. The amended procedural schedule as set out in paragraph 6 above is adopted.
- B. Any Party affected by this Order may file with the Commission a petition for reconsideration pursuant to K.S.A. 2016 Supp. 77-529(a). The petition shall be filed within 15 days after service of this Order and must state the specific grounds upon which relief is requested.⁷ The petition shall be addressed to the Commission and sent to 266 N. Main, Ste. 220, Wichita, Kansas 67202.
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

Dated: January 24, 2018

/s/ Samuel Feather
Samuel Feather, Deputy General Counsel

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⁷ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 77-529(a)(1); *see* K.S.A. 66-118b.

CERTIFICATE OF SERVICE

I certify that on JAN 24 2018, I caused a complete and accurate copy of this Order to be served electronically, addressed to the following:

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/s/ DeeAnn Shupe
DeeAnn Shupe

EMAILED

JAN 24 2018