

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

Before Commissioners:                      Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Dwight D. Keen

In the Matter the Application of Merit	)	Docket No: 18-CONS-3376-CWLE
Energy Company, LLC, for the	)	
Assignment of and a Location Exception	)	CONSERVATION DIVISION
for the River Bend 5 Well Located 186'	)	
FNL and 280' FEL of Lot 1, Section 27,	)	License No: 32446
Township 24 South, Range 32 West, in	)	
Finney 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 and concludes as follows:

1. On May 9, 2018, Merit Energy Company, LLC filed an Application seeking an assignment of and a location exemption for the River Bend 5 well located in Finney County, Kansas.<sup>1</sup>
2. On May 18, 2018, Manuel Corporation and Beresco Properties, Inc. filed a protest.<sup>2</sup>
3. The Commission finds that a Prehearing Officer should be designated in this proceeding to address matters pursuant to K.S.A. 77-516-517.<sup>3</sup> The Commission also finds that a prehearing conference should be scheduled in this matter.

---

<sup>1</sup> Application (May 9, 2018).

<sup>2</sup> Protest of Manuel Corporation and Beresco Properties, Inc. (May 18, 2018).

<sup>3</sup> See K.S.A. 77-551(c).

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be Dustin Kirk, Deputy General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3198, email address is [d.kirk@kcc.ks.gov](mailto:d.kirk@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for **Tuesday, July 17, 2018, at 9:00 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

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>4</sup>

E. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>5</sup>

F. The attorney designated to appear on behalf of the agency in this proceeding is Lauren Wright, Litigation Counsel, telephone number (316) 337-6200, [l.wright@kcc.ks.gov](mailto:l.wright@kcc.ks.gov).

G. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

---

<sup>4</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

<sup>5</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 06/28/2018



\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

Date Mailed: 06/29/2018

DLK/sc

**CERTIFICATE OF SERVICE**

18-CONS-3376-CWLE

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 06/28/2018.

DUSTIN KIRK, DEPUTY GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
Fax: 785-271-3354  
d.kirk@kcc.ks.gov

LAUREN WRIGHT, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
Conservation Division  
266 N. Main St. Ste. 220  
WICHITA, KS 67202-1513  
Fax: 316-337-6211  
l.wright@kcc.ks.gov

TOM RHOADS, ATTORNEY  
LAW OFFICE OF THOMAS M. RHOADS LC  
200 E. 1st Street  
Suite 301  
WICHITA, KS 67202  
Fax: 316-264-6860  
tmrroads@sbcglobal.net

STANFORD J. SMITH, JR., ATTORNEY  
MARTIN, PRINGLE, OLIVER, WALLACE & BAUER, LLP  
100 N BROADWAY STE 500  
WICHITA, KS 67202  
Fax: 316-265-2955  
sjsmith@martinpringle.com

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe