

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 Notice of Denial of License ) Docket No. 17-CONS-3685-CMSC  
Renewal Application issued to Tailwater, Inc. )  
) CONSERVATION DIVISION  
)  
) License No. 32461

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**PREHEARING OFFICER ORDER STAYING THE PROCEDURAL SCHEDULE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. On September 19, 2017, the Commission issued an *Order Setting Procedural Schedule* in this matter.
2. On December 6, 2017, Tailwater, Inc. (Operator) filed a Motion to Join Necessary Party, asking the Commission for an order joining Poverty Knob Production, LLC, as an additional party in this proceeding.<sup>1</sup>
3. On December 18, 2017, the Prehearing Officer rescheduled the deadline for rebuttal testimony to January 29, 2018, and the evidentiary hearing for February 15, 2018.<sup>2</sup>
4. On December 18, 2017, Commission Conservation Staff (Staff) filed a Response to Tailwater's Motion to Join Party.
5. On January 29, 2018, Staff filed a Motion to Stay [the] Procedural Schedule, arguing it would be an inefficient use of Commission resources for Staff to file rebuttal testimony or for the case to proceed to hearing without a Commission ruling on the Operator's Motion to join Poverty

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<sup>1</sup> Motion to Join Necessary Party, p. 3 (Dec. 6, 2017).

<sup>2</sup> *Prehearing Officer Order Continuing Rebuttal Testimony Deadline and Rescheduling Evidentiary Hearing*, Ordering Clauses A & B (Dec. 18, 2017).

Knob.<sup>3</sup> Staff stated its belief that joinder of Poverty Knob would expand the scope of this proceeding, likely requiring new deadlines for submission of direct testimony by all parties so as to allow for analysis of Poverty Knob's alleged responsibility for certain wells.<sup>4</sup>

6. Because the Commission has not yet ruled on the Operator's Motion to join Poverty Knob as a necessary party, the Prehearing Officer finds it reasonable and prudent to stay the procedural schedule.

**THEREFORE, THE PREHEARING OFFICER ORDERS:**

A. The procedural schedule is stayed.

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

Dated: January 31, 2018

/s/ Michael J. Duenes

Michael J. Duenes  
Prehearing Officer

MJD

**EMAILED**

JAN 31 2018

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<sup>3</sup> Motion to Stay Procedural Schedule, ¶ 3 (Jan. 29, 2018).

<sup>4</sup> *Id.*

**CERTIFICATE OF SERVICE**

I certify that on JAN 31 2018, I caused a complete and accurate copy of this Order to be served by United States mail, postage prepaid, to the following:

Randy Kitchen  
Poverty Knob Production, LLC  
39395 W. 351<sup>st</sup> Street  
Osawatomie, KS 66064

and delivered by e-mail to:

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Michael J. Duenes, Assistant General Counsel  
KCC Topeka Office

/s/ DeeAnn Shupe  
DeeAnn Shupe, Docket Room

***EMAILED***

JAN 31 2018