

**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 Eickbush	)	Docket No.: 15-CONS-072-CPEN
Production Co. LLC dba ECCO ("Operator")	)	
to comply with K.A.R. 82-3-400 at the Bdjt	)	CONSERVATION DIVISION
Unit #6, F Johnson Unit #7, Mini Johnson #1,	)	
Thomas #1 W and Thomas #1-E wells in	)	License No.: 5810
<u>McPherson County, Kansas.</u>	)	

**ORDER DESIGNATING PREHEARING OFFICER  
AND SETTING PREHEARING CONFERENCE**

1. On July 22, 2014, the Commission issued a Penalty Order to the Operator. The Penalty Order was mailed on August 14, 2014. On August 26, 2014, counsel for Operator timely filed an appeal and request for hearing.

2. Upon its own motion and pursuant to K.S.A. 77-551(c), the Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and that a prehearing conference should be scheduled.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be Lane R. Palmateer, Litigation Counsel, Kansas Corporation Commission, 266 N. Main, Ste. 220, Wichita, Kansas 67202, telephone number 316-337-6200, email address [l.palmateer@kcc.ks.gov](mailto:l.palmateer@kcc.ks.gov).

B. A Prehearing Conference is scheduled for Thursday, October 2, 2014. The Prehearing Conference shall begin at 1:30 p.m. and end by 2:30 p.m., at the Commission's offices, 266 N. Main St., Ste. 220, Wichita, Kansas 67202. Telephonic attendance may be permitted upon advance request. The Prehearing Conference will focus on the development of a procedural schedule for this docket.

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 shall be held in default under the KAPA.

E. Pursuant to K.A.R. 82-1-228(d)(2), corporations must enter an appearance via an attorney. If a corporation fails to enter an appearance via an attorney prior to the Prehearing Conference, it shall be held in default under the KAPA.

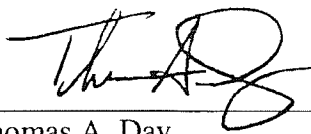
F. The attorney designated to appear on behalf of the agency in this proceeding is Jon Myers, Litigation Counsel, telephone number 316-337-6200, email [j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov).

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

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

Albrecht, Chair; Emler, Com.; Apple, Com.

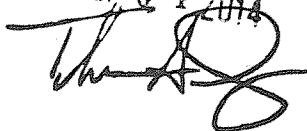
Dated: SEP 04 2014

  
\_\_\_\_\_  
Thomas A. Day  
Acting Executive Director

Mailed Date: 9/5/14

LRP

I CERTIFY THE ORIGINAL  
COPY IS ON FILE WITH  
The State Corporation Commission

SEP 04 2014  


**CERTIFICATE OF SERVICE**

I certify that on 9/5/14, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Jeff Kennedy  
Martin, Pringle, Oliver, Wallace & Bauer, L.L.P.  
100 North Broadway, Suite 500  
Wichita, Kansas 67202  
*Attorneys for the Appellant*

Robert D. Eickbush  
Eickbush Production Co., LLC dba ECCO  
P.O. Box 1025  
McPherson, KS 67460

And delivered by hand to:

Jon Myers  
Litigation Counsel  
Conservation Division Central Office

Alan Snider  
Conservation Division Central Office

/s/ Lane R. Palmateer  
Lane Palmateer  
Prehearing Officer & Advisory Counsel  
Kansas Corporation Commission