

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the matter of the failure of Bill and/or Penny) Docket No: 19-CONS-3035-CPEN
M. McPherson dba McPherson Drilling Co.)
("Operator") to comply with K.A.R. 82-3-120.) CONSERVATION DIVISION
)
_____) License No: 5495

PREHEARING OFFICER ORDER SETTING PREHEARING CONFERENCE

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 August 2, 2018, the Commission issued a *Penalty Order* against Bill and Penny M. McPherson (Operator) for one violation of K.A.R. 82-3-120(a) because three unplugged wells, for which Operator is responsible, remained on Operator's expired license.¹
2. Operator did not request a hearing.² Commission records indicate Operator did not timely renew its license, transfer the wells, or plug the wells as directed under the *Penalty Order*.³
3. On September 12, 2019, Commission Staff filed a *Motion to Approve Settlement Agreement*, stating that parties have reached a settlement in this matter, purportedly to avoid potential litigation costs and to foster administrative efficiency.⁴
4. At an October 9, 2019, prehearing conference, the parties agreed to set another prehearing conference for October 17, 2019, to provide an opportunity for parties to further consider

¹ See *Penalty Order*, ¶¶ 6, 10, Exhibit A (Aug. 2, 2018).

² See *Motion to Approve Settlement*, at attached Settlement Agreement, ¶ 7 (Sept. 12, 2019).

³ See *id.*; *Penalty Order* at Ordering Clause C; see also K.A.R. 82-1-230(h).

⁴ See *Motion to Approve Settlement*, at attached Settlement Agreement, ¶ 13.

this matter, and perhaps to avoid the need to develop a procedural schedule for consideration of Staff's *Motion to Approve Settlement Agreement*.

THEREFORE, THE PREHEARING OFFICER ORDERS:

A. A Prehearing Conference is scheduled for **Thursday, October 17, 2019, at 11:00 a.m.** by telephone. The conference call information is: telephone number: (866) 620-7326, Conference Code PIN: 3902542751.

B. 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/or any other issues that will promote the orderly and prompt resolution of this proceeding.

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: October 11, 2019

/s/ Jonathan R. Myers
Jonathan R. Myers
Prehearing Officer

JRM

CERTIFICATE OF SERVICE

19-CONS-3035-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
electronic service on 10/11/2019.

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