

**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 IGWT,) Docket No: 18-CONS-3383-CWLE
Inc., for the assignment of and a location)
exemption for the Varner Farms #1 located) CONSERVATION DIVISION
990' FNL and 1500' FWL of Section 33,)
Township 25 South, Range 4 East, Butler) License No: 3167
County, Kansas.)

**PREHEARING OFFICER ORDER LIFTING STAY AND ESTABLISHING
FURTHER PROCEEDINGS**

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 May 29, 2018, IGWT, Inc. (Operator) filed an Application seeking a location exception and assignment of a full allowable for the Varner Farms #1 located in Butler County, Kansas.¹
2. On June 11, 2018, Benjamin M. Giles (Protestant) filed a protest.²
3. On July 18, 2018, a procedural schedule was established, setting a deadline for pre-filed rebuttal testimony of October 8, 2018, and an evidentiary hearing for October 18, 2018.
4. Due to significant unforeseen circumstances, the Protestant requested via email that the proceedings be stayed, with a Status Conference scheduled a few weeks hence. The Operator responded with the additional suggestion that the October 8, 2018

¹ Application, pp. 2-3 (May 29, 2018).

² Letter of Protest – Benjamin M. Giles (June 11, 2018).

deadline for rebuttal testimony and the October 18, 2018 evidentiary hearing date be continued. All parties were agreeable to this course of action.

5. On September 27, 2018, the Prehearing Officer issued a stay of the procedural schedule and scheduled a Status Conference for October 25, 2018.³

6. On October 25, 2018, a Status Conference was held, and all parties attended. The Operator and Protestant indicated they have been engaging in settlement negotiations. Given that Staff has questions regarding the Operator's Application, the parties agreed to further pre-filed testimony deadlines and the scheduling of an evidentiary hearing.

7. The parties agreed to the following schedule:

- Operator supplemental testimony DUE: November 9, 2018
- Staff & Protestant rebuttal testimony DUE: November 28, 2018
- Evidentiary Hearing December 20, 2018

8. November 28, 2018 shall also be the deadline for submission of any proposed settlement agreement. The December 20, 2018 evidentiary hearing shall begin at 10:00 a.m. at the Commission's Wichita Office, 266 N. Main, Suite 220, Wichita, Kansas 67202.

9. Based on the above, the Prehearing Officer finds that the September 27, 2018 stay of the proceedings shall be lifted and the procedural schedule in paragraph 7 above shall be adopted.

THEREFORE, THE PREHEARING OFFICER ORDERS:

- A. The stay of this proceeding is lifted.
- B. The procedural schedule in paragraph 7 above is adopted.

³ *Prehearing Officer Order Setting Status Conference*, ¶ 8 (Sept. 27, 2018).

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁴

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

Dated: October 25, 2018

/s/ Michael J. Duenes

Michael J. Duenes
Prehearing Officer

MJD

⁴ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

18-CONS-3383-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 10/25/2018.

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