

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

In the matter of the Application of Apollo Energies, Inc. for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Early A-1 well located in the SE/2 of the NW/4 of Section 4, Township 33 South, Range 11 West, Barber County, Kansas.)	Docket No. 20-CONS-3132-CEXC
)	
)	CONSERVATION DIVISION
)	
)	License No. 30481
)	

MOTION TO DISMISS

COMES NOW Protestant Bank of America N.A., Trustee, by and through counsel Steven D. Gough of Withers, Gough, Pike & Pfaff, LLC, 200 West Douglas, Suite 1010, Wichita, KS 67202 and hereby moves the Commission for dismissal of the Application of Apollo Energies, Inc. for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Early A-1 well located in the SE/2 of the NW/4 of Section 4, Township 33 South, Range 11 West, Barber County, Kansas. In support of its motion, Protestant states as follows:

1. Pursuant to the Order Designating Prehearing Officer and Setting Prehearing Conference, the Prehearing Conference was held on December 18, 2019 at 1:15 p.m.
2. Pursuant to the Order Designating Prehearing Officer and Setting Prehearing Conference “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.” (Order Designating Prehearing Officer and Setting Prehearing Conference, D; see also, K.S.A. 77-506; K.S.A. 77-516(d)(7)-(8)).
3. Protestant’s counsel, Steven D. Gough, was in attendance by telephone for the Prehearing Conference on December 18, 2019 at 1:15 p.m.

4. No representative of or licensed attorney representing Apollo Energies, Inc., was present for the Prehearing Conference on December 18, 2019 at 1:15 p.m.

WHEREFORE, Protestant Bank of America N.A., Trustee moves the Commission for dismissal of the Application of Apollo Energies, Inc. for an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Early A-1 well.

Submitted by:

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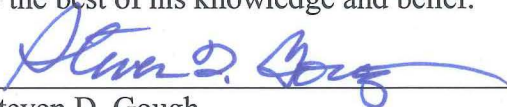
By: /s/ Steven D. Gough
Steven D. Gough, #09016
John G. Pike, #9938
Attorneys for Protestant

VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

Steven D. Gough, being of lawful age and being first duly sworn upon his oath, deposes and says:

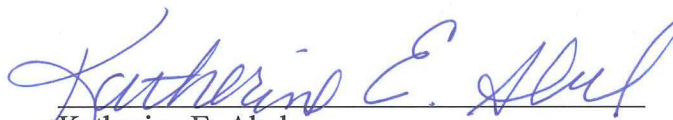
That he is the attorney for Bank of America, N.A., Trustee ("Protestant"); he has read the above and forgoing **Motion to Dismiss** and is familiar with the contents thereof and that the statements made therein are true and correct to the best of his knowledge and belief.



Steven D. Gough

SUBSCRIBED AND SWORN to before me this 19th day of December 2019





Katherine E. Abel
Notary Public

My Appointment Expires:

June 30, 2022

CERTIFICATE OF SERVICE

The undersigned hereby certifies that December 19, 2019, a copy of the foregoing was served by electronic mail to:

Josh Rennaker
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/s/ Steven D. Gough

Steven D. Gough