

**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 Quito, Inc.    )  
("Operator") to comply with K.A.R. 82-3-111   )  
at the Solomon #3 and Solomon #5 in        )  
Chautauqua County, Kansas.                    )  
\_\_\_\_\_ )       Docket No: 19-CONS-3271-CPEN  
   )       CONSERVATION DIVISION  
   )       License No: 33594

In the matter of the failure of Quito, Inc.    )  
("Operator") to comply with K.A.R. 82-3-111   )  
at the Doty #3 in Chautauqua County, Kansas. )  
\_\_\_\_\_ )       Docket No: 19-CONS-3272-CPEN  
   )       CONSERVATION DIVISION  
   )       License No: 33594

**PREHEARING OFFICER ORDER**  
**GRANTING MOTION TO WITHDRAW MOTION TO COMPEL**

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 February 26, 2019, the Commission issued penalty orders against Quito, Inc. (Operator) in these dockets, finding a total of three violations of K.A.R. 82-3-111.<sup>1</sup> On March 20, 2019, Operator filed a request for hearing in both dockets.<sup>2</sup> The dockets have been joined.<sup>3</sup> An evidentiary hearing is scheduled for November 15, 2019.<sup>4</sup>
2.       On October 2, 2019, Operator filed a *Motion to Compel*.
3.       On October 10, 2019, Operator filed a *Motion to Withdraw Motion to Compel*.

<sup>1</sup> See Docket 19-CONS-3271-CPEN, *Penalty Order*, ¶ 6, 10; Docket 19-CONS-3272-CPEN, *Penalty Order*, ¶ 6, 10.  
<sup>2</sup> See Docket 19-CONS-3271-CPEN, Request for Hearing; Docket 19-CONS-3272-CPEN, Request for Hearing.  
<sup>3</sup> See *Order Joining Dockets, Designating Prehearing Officer, and Setting Prehearing Conference* (Apr. 2, 2019).  
<sup>4</sup> See *Prehearing Officer Order Granting Joint Motion for Continuance of Hearing and Setting a New Procedural Schedule* (Sept. 4, 2019).

4. The Prehearing Officer finds that ruling upon Operator's uncontested *Motion to Withdraw Motion to Compel* falls within the ambit of things the Prehearing Officer is allowed to rule upon.<sup>5</sup> The Prehearing Officer finds no compelling reason to deny such motion.

**THEREFORE, THE PREHEARING OFFICER ORDERS:**

Operator's October 10, 2019, *Motion to Withdraw Motion to Compel* is granted.

Dated: October 14, 2019

/s/ Jonathan R. Myers

Jonathan R. Myers  
Prehearing Officer

JRM

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<sup>5</sup> See *Order Joining Dockets, Designating Prehearing Officer, and Setting Prehearing Conference*, ¶ 5 (Apr. 2, 2019)("[A] Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b)..."); see also K.S.A. 77-517(b) (listing, among other things, "such other matters as will promote the orderly and prompt conduct of the hearing"); K.S.A. 77-551(c).

## CERTIFICATE OF SERVICE

19-CONS-3271-CPEN, 19-CONS-3272-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 10/14/2019.

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/S/ DeeAnn Shupe

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