

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the Matter of the Application of Phillips) Docket No: 18-CONS-3204-CUIC
Exploration Company L.C., to authorize)
injection of saltwater into the Cedar Hill) CONSERVATION DIVISION
formation at the Gaither #2-21 well, located)
in Section 21, Township 14 South, Range 24) License No. 31160
West, Trego County, Kansas)

ORDER DESIGNATING PREHEARING OFFICER AND
SETTING PREHEARING CONFERENCE

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On October 12, 2017, Phillips Exploration Company L.C. (Phillips) filed an Application with the Commission seeking a permit to authorize the injection of saltwater into the Cedar Hill formation at the Gaither #2-21 well, located in Section 21, Township 14 South, Range 24 West, in Trego County, Kansas.¹ Initial notice of the Application was published in The Western Kansas World newspaper on October 5, 2017,² but stated that the protest period was fifteen (15) days.³ Phillips re-published notice of its Application in The Western Kansas World newspaper on November 23, 2017, providing a protest period of thirty (30) days.⁴
2. On November 1, 2017, a letter protesting and requesting a hearing on Phillips' Application was timely filed in the docket.⁵

¹ Phillips Exploration Company L.C., Application for Injection Well, p. 1 (Oct. 12, 2017) (Application).

² Affidavit of Publication (Oct. 12, 2017).

³ *Contra* K.A.R. 82-3-135b.

⁴ Affidavit of Publication (Dec. 6, 2017).

⁵ Letter from Tom & Cassandra Hutchinson and Carl & Christine Gaither Garten, residents of Salina, Kansas, to Rene Stucky, Commission Conservation Staff, UIC Director (Nov. 1, 2017).

3. 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 a Prehearing Conference should be scheduled.

4. Although a Prehearing Officer is designated in this docket, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

THEREFORE, THE COMMISSION ORDERS:

A. The Prehearing Officer in this proceeding shall be Michael J. Duenes, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3181, email address m.duenes@kcc.ks.gov. The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for Thursday, **February 22, 2018, at 10:30 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

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 may be held in default under the KAPA.⁶

E. A corporation shall appear before the Commission by a Kansas licensed attorney.⁷

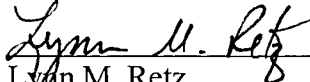
F. The attorney designated to appear on behalf of the agency in this proceeding is Jon Myers, Litigation Counsel, telephone number (316) 337-6245, j.myers@kcc.ks.gov.

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.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JAN 11 2018


Lynn M. Retz
Secretary to the Commission

Mailed Date: JAN 12 2018

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⁶ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

⁷ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

CERTIFICATE OF SERVICE

I certify that on JAN 11 2018, I caused a complete and accurate copy of this Order to be served via United States mail, postage prepaid, addressed to the following:

James B. Phillips
Attn: Lesli Baker
Phillips Exploration Company, L.C.
211 Cedar Ridge Ct.
PO Box 850
Andover, KS 67002

Tom and Cassandra Gaither Hutchinson
Gaither Family Ranch LLC
680 Briarcliff Rd.
Salina, KS 67401

Carl and Christine Gaither Garten
Gaither Family Ranch LLC
116 Aspen Road
Salina, KS 67401

and electronically to:

Jonathan R. Myers, Litigation Counsel
KCC Central Office
j.myers@kcc.ks.gov

Michael J. Duenes, Deputy General Counsel
KCC Topeka Office
m.duenes@kcc.ks.gov

/s/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

JAN 12 2018