

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

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

In the Matter of the Application of Daystar) Docket No. 15-CONS-232-CUIC
Petroleum, Inc. to authorize the injection of salt)
water into the Lansing Kansas City Formation at) CONSERVATION DIVISION
the Adams #13 Well located in the E/2 SW NE)
of Section 17, Township 28 South, Range 11) License No. 30931
East, Greenwood County, Kansas.)

MOTION FOR DEFAULT ORDER

COMES NOW the Staff of the Kansas Corporation Commission and moves the
Commission for a default order dismissing certain protests for the following reasons:

1. On May 2, 2014, Operator filed the application in this docket requesting an amendment to the injection permit for the Adams #13.
 1. Notice was properly served and published under K.A.R. 82-3-400 et seq.
 2. On August 11, 2014, the Larry and Patricia Wilson filed a letter of protest.
 3. On August 20, 2014, Roger Baumgartel, Gene Brown, and Gary Whittaker filed a letter of protest.
 4. On September 18, 2014, the Commission issued an Order Designating Prehearing Officer and Setting Prehearing Conference. Paragraph D of the Order, in underlined text, warned that any party failing to appear at the prehearing conference may be held in default.
 5. On October 9, 2014, the prehearing conference was held as scheduled. Stan Smith appeared on behalf of Daystar, and Matt Osborn of Daystar attended by phone. Gary Whitacre appeared pro se by phone, but no other protestants were present. Lane Palmateer appeared on behalf of Commission Staff and the public generally.

6. Staff indicated at the prehearing conference that this motion would be filed. The evidentiary hearing was scheduled for November 20, 2014, by prehearing officer order.

7. For these reasons, Staff moves the Commission to dismiss the following protestants from this case by issuance of a default order, because they failed to participate in the prehearing conference as required by the Commission's Order: Larry and Patricia Wilson, Roger Baumgartel, and Gene Brown.

8. The parties have 10 days to file a response to this motion. K.A.R. 82-1-218(d).

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on 10/10/2014, I caused a true and correct copy of the foregoing "Motion for Default Order" to be served by placing the same in the United States mail, postage prepaid, and properly addressed to the following:

Stanford J. Smith, Jr.
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100 N. Broadway, Ste. 500
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Matthew S. Osborn
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Gary Whittaker
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Severy, Kansas 67137

Roger Baumgartel
1682 10th St.
Severy, Kansas 67137

Gene Brown
1698 10th St.
Severy, Kansas 67137

Larry Dean & Patricia C. Wilson
251 SW Old Spanish Road
Fort White, Florida 32038

And delivered by hand to:

Jon Myers and Alan Snider, KCC

/s/ Lane R. Palmateer
Lane R. Palmateer
Litigation Counsel
Kansas Corporation Commission