

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

Before Commissioners: Susan K. Duffy, Chair
Dwight D. Keen
Andrew J. French

In the matter of the failure of Tailwater, Inc.) Docket No: 21-CONS-3032-CPEN
(Operator) to comply with K.S.A. 55-172 and)
K.A.R. 82-3-603 at the South Kempnich Lease) CONSERVATION DIVISION
in Anderson County, Kansas.)
_____) License No: 32461

**ORDER DESIGNATING PRESIDING 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 the following:

1. On August 27, 2020, the Commission issued a Penalty Order against Tailwater, Inc. (Operator) for twenty-three violations of K.S.A.55-172 and K.A.R. 82-3-603(e) because Operator did not clean up spills at twenty-three wells in a timely manner.¹
2. On September 22, 2020, Operator requested a hearing.²
3. Under K.S.A. 77-551(c), the Commission finds a Presiding Officer should be designated in this proceeding to determine procedural matters that may arise prior to a hearing on the merits, including but not limited to conducting prehearing conferences.³
4. The Commission finds a Prehearing Conference should be scheduled.

THEREFORE, THE COMMISSION ORDERS:

A. The Presiding Officer for prehearing matters in this proceeding shall be Jonathan R. Myers, Assistant General Counsel, Kansas Corporation Commission, 266 N. Main Street, Suite 220,

¹ See Penalty Order, ¶¶ 9, 20 (Aug. 25, 2020).

² See Request for Hearing (Sep. 22, 2020).

³ See also K.S.A. 77-516 and K.S.A. 77-517.

Wichita, Kansas, 67202-1513, telephone number (316) 337-6245, email address j.myers@kcc.ks.gov.

The Commission may designate other Staff members to serve in this capacity. **The Commission directs electronic service of all filings in the docket to include service on the Presiding Officer and mailed service of all filings to be directed to the Presiding Officer's attention.**

B. Although a Presiding Officer is designated, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room. Any filing received after 5:00 p.m. shall be considered filed the next business day. In addition, any late filing shall be accompanied by a Motion to File Out-of-Time.

C. A Prehearing Conference is scheduled for **Friday, October 16, 2020, at 10:00 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 3902542751. **Operator must appear via a licensed attorney.**

D. 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. 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.⁴

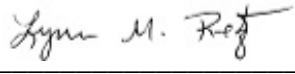
E. The attorney designated to appear on behalf of the agency in this proceeding is Kelcey Marsh, Litigation Counsel, telephone number (316) 337-6200, k.marsh@kcc.ks.gov.

⁴ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 10/01/2020



Lynn M. Retz
Executive Director

Mailed Date: 10/01/2020

JRM

CERTIFICATE OF SERVICE

21-CONS-3032-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

first class mail and electronic service on 10/01/2020.

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/S/ DeeAnn Shupe

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