

**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 Range Oil    ) Docket No. 15-CONS-469-CUIC  
Company, Inc., to authorize the injection of    )  
saltwater into the Simpson Formation at the    ) CONSERVATION DIVISION  
Bowman #2 well located in Section 4, Township    )  
29 South, Range 3 East, Butler County, Kansas.    ) License No. 5120

**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 November 24, 2014, Range Oil filed an application in this docket requesting authorization for injection into the Bowman #2.
2.        Notice was properly served and published under K.A.R. 82-3-400 et seq.
3.        On December 15, 2014, several landowners filed a letter of protest.
4.        On January 6, 2015, 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 shall be held in default. The Order was served on all parties, as evidenced by a signed Certificate of Service.
5.        On January 29, 2015, the prehearing conference was held as scheduled. David Nickel appeared on behalf of Range Oil, as did two employees of the operator. Lane Palmateer appeared on behalf of Commission Staff and the public generally. Michael Moeder, Jeanie Moeder, Aaron Moeder, Caroline Moeder, and Jolene Dougherty appeared pro se. Lois A. Mitchell, James A. Mitchell, Mary Kay Mitchell, Brian Mahan, Sarah Mahan, Owen Amsden, Jan Amsden, Janet Harding, and Charles Harding did not appear individually or by counsel.

6. Staff indicated at the prehearing conference that this motion for a default order would be filed. At the prehearing conference, the parties in attendance agreed in principal to a settlement agreement, which will be reduced to writing and signed at the appropriate time. The failure of the remaining parties to appear should result in a default order, because the alternative would prejudice the parties who participated in the prehearing conference by preventing their settlement of this matter. In addition, if the default order is not issued, additional proceedings will be required, resulting in additional and unnecessary costs to the applicant.

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, which was properly served upon them: Lois A. Mitchell, James A. Mitchell, Mary Kay Mitchell, Brian Mahan, Sarah Mahan, Owen Amsden, Jan Amsden, Janet Harding, and Charles Harding.

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

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I certify that on 2/11/15, I caused a complete and accurate copy of this "Motion for Default Order" to be served via United States mail, with the postage prepaid and properly addressed to the following:

David Nickel  
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And delivered by hand to:

Jon Myers and Alan Snider,  
Conservation Division Central Office

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