

**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 failure of Drake	)	Docket No.: 16-CONS-512-CPEN
Exploration, LLC to comply with K.A.R. 82-	)	
3-603 at the Mitchell Lease Tank Battery in	)	CONSERVATION DIVISION
Sumner County, Kansas.	)	
_____	)	License No.: 33556

**MOTION TO RESTRICT OPERATOR'S  
RIGHT TO TESTIFY AND PRESENT EVIDENCE**

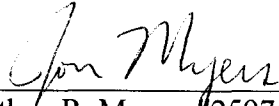
For the following reasons, Commission Staff moves to restrict Operator's right to testify and present evidence at the evidentiary hearing scheduled for January 21, 2016.

1.        On November 3, 2015, the Prehearing Officer issued a procedural schedule setting a December 28, 2015, deadline for submission of Staff's pre-filed direct testimony, and a January 4, 2016, deadline for submission of Operator's pre-filed direct testimony. Staff timely submitted pre-filed testimony, but Operator did not.

2.        The Prehearing Officer's November 3, 2015, Order states that failure to submit pre-filed testimony will likely result in the Commission restricting the right to testify and present evidence at hearing, and that the Commission may limit direct and rebuttal testimony to the pre-filed testimony. Allowing Operator to testify and present evidence at hearing, despite Operator's failure to timely utilize pre-filed testimony, and the clear language in the Prehearing Officer's Order regarding the likely consequences, would be both detrimental to judicial economy and prejudicial to Staff.

3. Therefore, pursuant to the Prehearing Officer's November 3, 2015, Order, Staff requests that Operator not be allowed to testify or present evidence at the evidentiary hearing currently scheduled for January 21, 2016.

Respectfully submitted,

  
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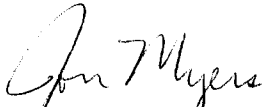
**CERTIFICATE OF SERVICE**

I certify that on 1/5/16, I caused a complete and accurate copy of this Motion to be served via United States mail, with the postage prepaid and properly addressed to the following:

Jeff Kennedy  
Martin Pringle et al.  
100 N. Broadway, Suite 500  
Wichita, Kansas 67202  
*Drake Exploration, LLC*

And delivered by hand to:

Lane Palmateer  
Conservation Division Central Office

  
Jonathan R. Myers  
Litigation Counsel  
Kansas Corporation Commission