

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

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

In the matter of the failure of Benjamin M. Giles ) Docket No.: 17-CONS-3100-CPEN  
("Operator") to comply with K.A.R. 82-3-111 at )  
the Clearwater #2 and Clearwater #5 wells in ) CONSERVATION DIVISION  
Butler County, Kansas. )  
\_\_\_\_\_ ) License No.: 5446

**ORDER DESIGNATING PREHEARING OFFICER  
AND SETTING PREHEARING CONFERENCE**

1. On September 15, 2016, the Commission issued its Penalty Order in this docket. On October 17, 2016, Operator filed their request for a hearing in this matter.

2. 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 that a prehearing conference should be scheduled.

3. 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](mailto:m.duenes@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity.

B. A prehearing conference is scheduled for Friday, December 9, 2016, to begin at 10:00 a.m. and end by 10:30 a.m., at the Commission's Topeka office, 1500 SW Arrowhead Road, Topeka, Kansas 66604-4027. Attendance by telephone shall be permitted. The prehearing conference will focus on the development of a procedural schedule.

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 shall be held in default under the KAPA.

E. Pursuant to K.A.R. 82-1-228(d)(2), corporations must enter an appearance via an attorney. If a corporation fails to enter an appearance via an attorney prior to the prehearing conference, it shall be held in default under the KAPA.

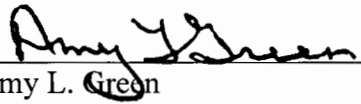
F. The attorney designated to appear on behalf of the agency in this proceeding is Jon Myers, Litigation Counsel, telephone number (316) 337-6200, [j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov).

G. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: NOV 17 2016

  
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Amy L. Green  
Secretary to the Commission

MJD

**CERTIFICATE OF SERVICE**

I certify that on November 17, 2016, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Benjamin M. Giles  
346 S. Lulu  
Wichita, KS 67211

And delivered electronically to:

Jonathan R. Myers  
Conservation Division Central Office

Dan Fox  
KCC District #2

/s/ Cynthia K. Maine  
Cynthia K. Maine  
Administrative Assistant  
Kansas Corporation Commission