

**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 Michael D. Weilert    ) Docket No. 18-CONS-3077-CPEN  
dba Michael D. Weilert Oil Company                    )  
("Operator") to comply with K.A.R. 82-3-600,       ) CONSERVATION DIVISION  
K.A.R. 82-3-603, and K.A.R. 82-3-604 at the Gay    )  
E. Reidel C #2 Well in Ellis County, Kansas.       ) License Nos. 5798

**PREHEARING OFFICER ORDER CANCELLING HEARING**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. The Commission has designated Samuel Feather, Deputy General Counsel, to act as Prehearing Officer in this proceeding.<sup>1</sup> Having reviewed the files and records, and being duly advised, the Prehearing Officer makes the following findings:

**Background**

1. On August 22, 2017, Operator was penalized \$1,500 for violations of K.A.R. 82-3-600, 603, 603(a), 604(b), and 604(d). Operator was directed to file an Application for Surface Pit (CDP-1) Form, a Closure of Surface Pit (CDP-4) Form, and a Waste Transfer (CDP-5) Form.
2. On September 25, 2017, Operator timely requested a hearing.
3. On January 24, 2018, the Prehearing Officer issued an order setting a February 19, 2018 deadline for Staff's testimony; a February 26, 2018 deadline for Operator's testimony; a March 5, 2018 deadline for rebuttal testimony; and an evidentiary hearing for March 15, 2018.
4. On February 19, 2018, Staff filed a Motion to Cancel Procedural Schedule or Continue Procedural Deadlines (Staff's Motion). Staff indicated it had reached a settlement with

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<sup>1</sup> Order Designating Prehearing Officer and Setting Prehearing Conference, (Oct. 10, 2017).

Operator which would be filed shortly.<sup>2</sup> Consequently, Staff requested the procedural deadlines either be cancelled or adjusted.<sup>3</sup> Furthermore, Staff indicated the Operator did not oppose its motion.<sup>4</sup>

### **Findings and Conclusions**

5. In light of the settlement agreement described in Staff's Motion, the Prehearing Officer finds the procedural schedule set in the Prehearing Officer Order Continuing Procedural Deadlines and Evidentiary Hearing dated January 24, 2018 is no longer necessary, and should be cancelled.

### **THEREFORE, THE PREHEARING OFFICER ORDERS:**

A. The procedural schedule set in the Prehearing Officer Order Continuing Procedural Deadlines and Evidentiary Hearing dated January 24, 2018 is cancelled.

B. The parties have 15 days from the date of service of this Order to petition for reconsideration.<sup>5</sup>

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

Dated: February 21, 2018

/s/ Samuel Feather  
Samuel Feather, Deputy General Counsel  
Prehearing Officer

SF

**EMAILED**

FEB 21 2018

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<sup>2</sup> Staff's Motion, p. 1.

<sup>3</sup> *Id.* at p. 2.

<sup>4</sup> *Id.* at p. 1.

<sup>5</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**CERTIFICATE OF SERVICE**

18-CONS-3077-CPEN

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

Electronic Service on FEB 21 2018.

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/S/ DeeAnn Shupe  
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DeeAnn Shupe

**MAILED**

FEB 21 2018