

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the matter of the application of Quito, Inc., for) Docket No: **24-CONS-3338-CEXC**
an exception to the 10-year time limitation of)
K.A.R. 82-3-111 for its Tom Appleby #1 well) CONSERVATION DIVISION
located in the NW/4 of Section 30-33S-11E,)
Chautauqua County, Kansas.) License Nos: 33594

In the matter of the application of Quito, Inc., for) Docket No: 24-CONS-3359-CEXC
an exception to the 10-year time limitation of)
K.A.R. 82-3-111 for its Tom Appleby #5 well) CONSERVATION DIVISION
located in Section 30, Township 33 South, Range)
11 East, Chautauqua County, Kansas.) License Nos: 33594

ORDER DENYING MOTION TO VACATE

The Commission rules as follows:

1. On April 26, 2024, Quito, Inc. (Operator) filed applications as described by the above captions. On May 14, 2024, Commission Staff filed motions to dismiss; Operator did not respond.
2. On June 13, 2024, the Commission consolidated the captioned dockets and set a June 27, 2024, prehearing conference. Operator failed to attend.
3. On July 25, 2024, the presiding officer issued a Proposed Default Order, stating that if it became effective, Operator's applications would be dismissed and the dockets would be closed.
4. On August 1, 2024, Operator filed a motion to vacate the Proposed Default Order, stating that Operator was not aware of the prehearing conference "due to a clerical staff shortage."¹ On August 8, 2024, Staff filed a response, asking that Operator's motion be denied.
5. The Commission finds an operator's failure to timely open correspondence from a governmental entity, allegedly due to an operator's clerical staff shortage, does not constitute valid grounds for setting aside a proposed default order for non-attendance at a prehearing conference.

¹ Motion to Vacate Proposed Default Order, ¶ 1 (Aug. 1, 2024).

THEREFORE, THE COMMISSION ORDERS:

A. Operator's motion to vacate is denied. The Proposed Default Order is effective; Operator's applications are dismissed without prejudice.

B. Any future filing in this docket, or any new application(s) by Operator for an exception to the 10-year time limitation of K.A.R. 82-3-111 for the captioned wells, shall be made via counsel.

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).²

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner (recused); Kuether, Commissioner

Dated: 08/15/2024



Lynn M. Retz
Executive Director

Mailed Date: 08/15/2024
JRM

² K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

24-CONS-3338-CEXC, 24-CONS-3359-CEXC

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

US mail and electronic service on 08/15/2024.

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/S/ KCC Docket Room

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