

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of a General Investigation to)	Docket No. 18-CONS-3224-CINV
Examine the Legal Issues Pertaining to the)	
Notice Requirements for Applications, Filed)	
Between October 2008 and the Present,)	
Seeking Underground Injection of Salt Water)	
Pursuant to K.A.R. 82-3-402.)	CONSERVATION DIVISION

MOTION FOR AN ORDER CLARIFYING DEADLINES

Keith A. Brock, Anderson & Byrd, LLP, on behalf of the Eastern Kansas Oil & Gas Association ("EKOGA") moves the Commission for an Order Clarifying Deadlines in this Docket.

In support of this motion, EKOGA states:

1. Paragraph 9 of the Order Opening General Investigation filed in this Docket states,

Upon Staff's filing of its Report and Recommendation, **any affected operator has 45 days** to become a party to this Docket by filing an entry of appearance. Within that same timeframe, affected operators may file legal briefs recommending to the Commission an appropriate course of action for handling approved underground injection well applications, going back to October 2008, whose publication notices communicated an allotment of 15 days to object to or protest the application.

2. Paragraph 15 of the Order Opening General Investigation then provides that the deadline for affected operators to file legal briefs falls on April 5, 2018.

3. Staff's Report and Recommendation was filed herein on February 19, 2018, however it was not served upon all affected operators until March 7, 2018. *See* Notice and Explanation of Service filed herein.

4. Staff's Report and Recommendation contains a "suggestion that the Commission ordered deadlines for entries of appearance, petitions for intervention, and submissions of briefs

commence with the filing of Staffs follow-up notice that such service is complete."

5. Paragraph 7 of Staffs Notice and Explanation of Service states as follows,

Staff renews its February 19, 2018, suggestion that the Commission-ordered deadlines for entries of appearance, petitions for intervention, and submission of briefs be tolled to commence with the filing of this Notice; however, Staff cautions all affected operators, interested parties, and the general public that the Commission has not ruled on this suggestion. Operators were served at the most recent address provided by operators as part of the annual licensing process. Such persons should consult the Commission's November 21, 2017, Order Opening General Investigation if such persons have questions regarding any current deadlines.

6. EKOGA concurs with Staff that affected operators should be allowed 45 days after SERVICE of Staff's Report and Recommendation herein in order to enter their appearance and submit briefs, consistent with the intent of Paragraph 9 of the Order Opening General Investigation.

7. Due to the specific dates set forth in Paragraph 15 of the Order Opening General Investigation and also the delay in serving Staff's Report and Recommendation, ambiguity exists as to the date by which affected operators must enter their appearance and file briefs in this Docket. Therefore, EKOGA moves the Commission for an affirmative order indicating that affected operators shall have 45 days from the filing of Staff's Notice and Explanation of Service to enter their appearance and file briefs herein. Thus the due date for all entries of appearance and briefs by affected operators would be April 23, 2018.

8. EKOGA believes that the order requested herein is consistent with the intent of the Commission as expressed in the Order Opening General Investigation and that its EKOGA's members will benefit from an order clearly specifying that the due date for affected operators to enter their appearance and file briefs herein is April 23, 2018.

WHEREFORE, EKOGA prays for an order declaring specifically that the due date for affected

operators to enter their appearance and file briefs herein is April 23, 2018.



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VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF FRANKLIN)

Keith A. Brock, of lawful age, being first duly sworn on oath, states:

That he is the attorney for Eastern Kansas Oil & Gas Association, named in the foregoing Motion for an Order Clarifying Deadlines, and is duly authorized to make this affidavit; that he has read the foregoing Motion, and knows the contents thereof; and that the facts set forth therein are true and correct.



Keith A. Brock

SUBSCRIBED AND SWORN to before me this 22nd day of March, 2018.



Notary Public

Appointment/Commission Expires:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via electronic mail this 22nd day of March, 2018, addressed to:

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