

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

In the matter of the request to transfer wells) Docket No: 25-CONS-3236-CMSC
from Quito, Inc. to Emerson Operating, LLC.)
) CONSERVATION DIVISION
)
) License No: 33594 & 36165
_____)

MOTION TO STRIKE POST-HEARING RESPONSE BRIEF OF COMMISSION STAFF

COMES NOW Quito, Inc., and for its Motion to Strike the Post-Hearing Response Brief of Commission Staff, shows to the Commission and the Presiding Officer as follows:

1. At the conclusion of the evidentiary hearing held in the above-entitled proceeding, Chair French addressed post hearing briefs as follows:

"We don't have the transcript yet, so we're going to probably have to work off of that date. So I would suggest we'll do initial briefs from all the parties 21 days after the transcript is received and then an opportunity for a responsive brief 14 days after the initial briefs."¹

Consistent with the directive entered by Chair French, the presiding officer entered the Presiding Officer Minutes Noting Post-Hearing Briefing Schedule, which minutes recited:

"As noted in the email, per the Commission directive at the evidentiary hearing, the deadline for each party to file any desired initial post-hearing brief is August 20, 2025, and the deadline for each party to file any desired responsive post-hearing brief is September 3, 2025."

¹ Transcript of Hearing, P.117, L.15-21

2. On or before August 20, 2025, Commission Staff failed to file any initial brief within 21 days after the transcript had been received. Because it declined to file an initial brief, the Commission should strike Commission Staff's Post-Hearing Response Brief, and exclude it from the administrative record. The effect of Commission Staff's failure to file an initial brief results in the inability of Quito, Inc. or Emerson Operating, LLC to be given an opportunity to reply to the Response Brief of Commission Staff.

WHEREFORE, Quito, Inc. prays the Commission and Presiding Officer for their Order that the Post-Hearing Response Brief of Commission Staff be stricken from the administrative record, and that it be disregarded.

SUBMITTED BY:

JOHN R. HORST, P.A.

By /s/ John R. Horst
JOHN R. HORST
207 W. Fourth Ave.
P.O. Box 560
Caney, KS 67333
Attorney for Quito, Inc.
File #3185
S.Ct. #09412

CERTIFICATE OF SERVICE

I, the undersigned, certify that a true copy of the attached Motion to Strike Post-Hearing Response Brief of Commission Staff has been served to the following by means of electronic service on September 4, 2025.

Kelcey Marsh, Litigation Counsel
Kansas Corporation Commission
Central Office
266 N. Main St, Ste 220
Wichita, KS 67202-1513
k.marsh@ks.gov

Kraig Stoll, EP&R Supervisor
Kansas Corporation Commission
Central Office
266 N. Main St, Ste 220
Wichita, KS 67202-1513
kraig.stoll@ks.gov

Jonathan R. Myers, Asst. General Counsel
Kansas Corporation Commission
266 N. Main St., Ste. 220
Wichita, KS 67202-1513
j.myers@ks.gov

Molly Aspan
Practus, LLP
3400 E 33rd St
Tulsa, OK 74135
molly.aspan@practus.com

Deanna Garrison
Kansas Corporation Commission
266 N. Main St., Ste. 220
Wichita, KS 67202-1513
deanna.garrison@ks.gov

/s/ John R. Horst
JOHN R. HORST