

**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 Application of Midstates Energy)	Docket No.: 18-CONS-3195-CUIC
Operating, LLC to authorize injection of saltwater into)	
The Squirrel formation at the Hadl #I-1 and Hadl #I-2)	CONSERVATION DIVISION
enhanced recovery wells, located in Section 36,)	
Township 13 South, Range 20 East, Douglas County,)	License No. 35503
Kansas)	

And

In the Matter of the Application of Midstates Energy)	Docket No.: 18-CONS-3195-CUIC
Operating, LLC to authorize injection of saltwater into)	
The Squirrel formation at the Thrasher #10 enhanced)	CONSERVATION DIVISION
Recovery well, located in Section 25, Township 13,)	
South, Range 20 East, Douglas County, Kansas)	License No. 35503
)	

**MOTION REGARDING ORDER OF PRESENTATION OF WRITTEN TESTIMONY AND
TIMING ISSUES**

Prehearing conferences were held by telephone in both of these matters on March 9, 2018 to consider procedural issues in these Matters. Certain motions were orally made at that time. The Prehearing Officer, Michael J. Duenes, Assistant General Counsel, Kansas Corporation Commission (KCC) stated that it was necessary to also make these motions in writing for consideration by the KCC. However, he also stated that the KCC could consider issuing an order to establish procedures for these hearings as early as next week and, in response to a request for a period of at least one week in which to file these written motions, he declined to provide any assurance that written motions submitted after Wednesday March 14, 2018 would be considered prior to relevant KCC decisions. Therefore, this Motion has been hastily prepared and, in view of the identical nature of the issues involved, submitted for both matters in one document.

I move that the order of presentation of written testimony filed prior to the hearing be:

1. The applicant;
2. KCC staff; and
3. Citizens protesting the applications.

After submittal of written testimony, all parties would then have opportunity for rebuttal testimony. In addition, as part of this Motion and consistent with requirements of the SDWA, KCC staff's presentation must include a draft permit for public comment and citizens protesting the applications must be given at least 30 days after KCC staff's written testimony is filed (with a draft permit) for providing their written

testimony. Further, all parties must be provided at least 30 days after submittal of written rebuttal testimony prior to any hearing. In view of the comments made at the prehearing conference by the applicant (i.e., absence of their expert witness in substantial portions of May and June 2018), expectations regarding availability of the KCC during the summer (by the Prehearing Officer), and the preferences expressed by many of the citizens protesting the applications at the prehearing conference for a hearing date September 10, 2018, I move that the date for the hearing be set at the earliest time available after September 10, 2018. Time is necessary for discovery and comprehensive evaluation of all relevant information. Initial attempts to obtain documents from the KCC have indicated that it will not be an easy process. It appears it may be necessary to appeal denials and/or repeat requests.

Dated: March 12, 2018 (served electronically)

/s/

G.M. Zemansky, Ph.D., PG, PHGW, CGWP

CERTIFICATE OF SERVICE CERTIFICATE OF SERVICE

18-CONS-3195-CUIC and 18-CONS-3196-CUIC

I the undersigned, certify that a true copy of the attached Motion Regarding Location of Hearings and Motion Regarding Order of Presentation of Written Testimony and Timing Issues has been served to the following parties electronically on March 12, 2018.

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