

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

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the Matter of the Failure of Benjamin M.) Docket No: 17-CONS-3684-CPEN
Giles (“Operator”) to comply with K.A.R.)
82-3-104 and K.A.R. 82-3-111 at the Flying) CONSERVATION DIVISION
J Geer #2 OWWO well in Butler County,)
Kansas.) License No: 5446

ORDER CONTINUING PROCEDURAL DEADLINES AND EVIDENTIARY HEARING

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, and being fully advised in the premises, the Commission makes the following findings:

1. On June 27, 2017, the Commission issued a *Penalty Order* against Benjamin M. Giles (Operator).

2. On July 31, 2017, the Operator filed a Request for Hearing and Motion for Summary Order on the Pleadings.

3. On November 16, 2017, the Commission issued a procedural schedule with Commission Conservation Staff’s (Staff) pre-filed direct testimony due January 22, 2018; Operator’s pre-filed direct testimony due January 29, 2018; rebuttal testimony due February 5, 2018; a Prehearing Conference scheduled for February 8, 2018; a list of contested issues due February 12, 2018; and an evidentiary hearing scheduled for February 15, 2018.¹

4. On January 2, 2018, Staff filed a Motion for Continuance of Procedural Deadlines and Evidentiary Hearing (Motion), stating that “Staff and Operator are in the midst of settlement negotiations” and “[a]fter consultation with Operator’s counsel, Staff believes this matter may be able to be resolved without the need for an evidentiary hearing. Staff believes a continuance

¹ *Order Setting Procedural Schedule, Protective Order, and Discovery Order*, ¶ 4 (Nov. 16, 2017).

would assist in settlement, and Operator is not opposed.”² Staff requested the following amended schedule:

Staff’s pre-filed direct testimony	DUE: February 19, 2018
Operator’s pre-filed direct testimony	DUE: February 26, 2018
Rebuttal testimony	DUE: March 5, 2018
List of Contested Issues	DUE: March 12, 2018
Evidentiary Hearing	DUE: March 15, 2018

5. The Commission finds the law encourages settlements.³ Therefore, the Commission finds Staff’s requested continuance is reasonable and should be granted. The Commission also finds a Prehearing Conference shall be scheduled for March 8, 2018 at 9:00 a.m.

THEREFORE, THE COMMISSION ORDERS:

A. Staff’s Motion for Continuance of Procedural Deadlines and Evidentiary Hearing is granted, and the amended procedural schedule in Paragraph 4 above is adopted. A Prehearing Conference is also scheduled for March 8, 2018 at 9:00 a.m.

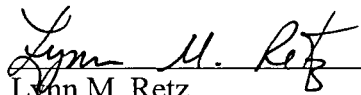
B. Parties have 15 days from the date of electronic service of this Order to petition for reconsideration.⁴

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

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JAN 9 2018


Lynn M. Retz
Secretary to the Commission

MJD

² Motion, ¶ 2.

³ *Bright v. LSI Corp.*, 254 Kan. 853, 858, 869 P.2d 686 (1994).

⁴ K.S.A. 55-162; 55-606; K.S.A. 66-118b; K.S.A. 77-529(a)(l).

CERTIFICATE OF SERVICE

I certify that on JAN 9 2018, I caused a complete and accurate copy of this Order to be served via electronic mail, addressed to the following:

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/s/ DeeAnn Shupe
DeeAnn Shupe

EMAILED

JAN 9 2018