

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the matter of the failure of Agricultural) Docket No: 20-CONS-3021-CPEN
Energy Services (“Operator”) to comply with)
K.A.R. 82-3-111 at the Langhofer #1 in Seward) CONSERVATION DIVISION
County, Kansas.)
_____) License No: 34089

PREHEARING OFFICER ORDER REGARDING ELECTRONIC SERVICE

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. On July 18, 2019, the Commission issued a *Penalty Order* against Agricultural Energy Services (Operator) for one violation of K.A.R. 82-3-111 because the Langhofer #1 had been inactive in excess of the time allowed by regulation without being plugged, returned to service, or approved for temporary abandonment status.¹ On August 20, 2019, Operator requested a hearing.²

2. At a September 13, 2019, prehearing conference, all parties³ consented to the electronic service of all documents⁴ and orders.⁵ Therefore, the Prehearing Officer directs that service of all documents and orders may be made by email. To the extent practicable, any electronically served document or order shall be attached to the email and served in pdf format. Service of orders is

¹ See *Penalty Order*, ¶¶ 6, 10 (Jul. 18, 2019).

² Written Request for Hearing (Aug. 20, 2019).

³ Commission Staff’s attorney designated to appear by the Commission (*see Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause F (Aug. 29, 2019)) did not appear, but Staff attorneys Michael Glamann and Kelcey Marsh did appear, and consented on Staff’s behalf.

⁴ See K.S.A. 77-519; *Amended Order Authorizing Use of Electronic Service*, Dkt. 14-GIMX-280-MIS (Jul. 31, 2014).

⁵ See K.S.A. 77-531.

complete upon transmission.⁶ Parties are encouraged to make sure large pdf files do not result in delivery failure and to work together to resolve any email-based service issues.

3. As of this date, these are the email addresses for the parties and prehearing officer:

- a. Staff: Carly Masenthin, c.masenthin@kcc.ks.gov;
- b. Operator: Lee Thompson, lthompson@tslawfirm.com,⁷ and
- c. Prehearing Officer: Jonathan R. Myers; j.myers@kcc.ks.gov.⁸

4. The Prehearing Officer notes that filing of documents with the Commission must still be done either through the Commission’s “e-filing express” system, or by mail or hand delivery to the Commission.⁹ The Prehearing Officer orders that if a document is filed by mail or hand delivery, only the original copy must be supplied.¹⁰ The Commission, however, strongly encourages parties to file through the “e-filing express” system.¹¹

5. **The Prehearing Officer requests that any counsel filing a written entry of appearance in this docket indicate in such filing whether he or she consents to electronic service of all documents and orders.**

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: September 17, 2019

/s/ Jonathan R. Myers

Jonathan R. Myers
Prehearing Officer

JRM

⁶ See K.S.A. 77-531(b).

⁷ Operator, through its counsel, has consented to service of orders only through its counsel. See K.S.A. 77-531(a).

⁸ See *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause A (Aug. 29, 2019).

⁹ See *Amended Order Authorizing Use of Electronic Filing*, Dkt. 14-GIMX-280-MIS (Jul. 31, 2014).

¹⁰ See *id.*, ¶ 3.

¹¹ *Id.*, ¶ 4.

CERTIFICATE OF SERVICE

20-CONS-3021-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 09/17/2019.

MONTGOMERY ESCUE
AGRICULTURAL ENERGY SERVICE INC.
PO BOX 31865
EDMOND, OK 73003-0032
montgomery.escue@agenergy.com

FRED MACLAREN
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 1
210 E. FRONTVIEW SUITE A
DODGE CITY, KS 67801
Fax: 785-271-3354
e.maclaren@kcc.ks.gov

CARLY MASENTHIN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
c.masenthin@kcc.ks.gov

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 316-337-6211
j.myers@kcc.ks.gov

MICHELE PENNINGTON
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 1
210 E. FRONTVIEW SUITE A
DODGE CITY, KS 67801
Fax: 785-271-3354
m.pennington@kcc.ks.gov

LEE THOMPSON, ATTORNEY
THOMPSON LAW FIRM, LLC
D/B/A THOMPSON LAW FIRM, LLC
106 E 2nd Street N
WICHITA, KS 67202
Fax: 316-267-3901
lthompson@tslawfirm.com

/S/ DeeAnn Shupe

DeeAnn Shupe