

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

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

In the matter of Application of Benjamin M.) Docket No.: 17-CONS-3443-CEXC
Giles for an Exception to the 10-year time)
limitation of K.A.R. 82-3-111 for his Whipple) CONSERVATION DIVISION
#2 well located in Section 7, Township 26)
South, Range 5 East, Butler County, Kansas.) License No.: 5446

**MOTION TO DESIGNATE A PREHEARING OFFICER, AND SCHEDULE A
PREHEARING CONFERENCE**

The Staff of the State Corporation Commission of the State of Kansas (“Staff” and “Commission,” respectively) moves for an Order designating a prehearing officer and scheduling a prehearing conference in this matter, for the reasons stated below.

1. On January 13, 2017, Benjamin M. Giles (Operator) has filed an application for an exception to the requirements of K.A.R. 82-3-111 with regard to the Whipple #2 well (API # 15-015-19480-00-00).

2. K.A.R. 82-3-100(b) provides that the Commission may grant an exception to the requirements of any regulation.

3. On April 25, 2017, Staff Litigation Counsel sent a letter to Operator’s counsel, stating that Operator had not conducted a mechanical integrity, and that Staff was unwilling to recommend approval of the application without one. The letter gave a May 12, 2017, deadline to conduct a successful mechanical integrity to avoid Staff requesting the matter be assigned a prehearing officer and set for a prehearing conference.¹

4. Staff opposes granting the application at this time because Operator has not performed a successful mechanical integrity test.

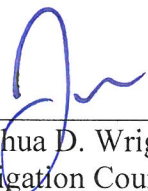
¹ See Exhibit A.

Conclusion

5. Based on the above, Staff requests an Order to Designate a Prehearing Officer and Schedule a Prehearing Conference.

WHEREFORE, for the reasons described above, Staff respectfully requests an Order designating a prehearing officer and scheduling a prehearing conference, in anticipation of an evidentiary hearing where Staff may recommend denial of the application.

Respectfully submitted,



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Pat Apple, Chairman
Shari First Albrecht, Commissioner
Jay Scott Finkler, Commissioner

Sam Brownback, Governor

April 25, 2017

Jonathan B. Schlatter
Morris, Laing, et al.
300 N. Mead, Suite 200
Wichita, Kansas 67202

Re: Docket Number 17-CONS-3443-CEXC
Benjamin M. Giles, License #5446
Whipple #2, API #15-015-19480

Mr. Schlatter:

Commission Staff received the application in the referenced docket on January 13, 2017; however, to date, we have not received evidence of a recent, successful mechanical integrity test. Staff will not support Mr. Giles' application without such a test.

Please conduct a successful, Staff-witnessed mechanical integrity test by May 12, 2017. Failure to do so will result in Staff requesting that this matter be assigned a prehearing officer and set for a prehearing conference, in anticipation of an evidentiary hearing where Staff would recommend denial of the application for failure to conduct a recent, successful mechanical integrity test.

You may contact me if you have any questions.

Sincerely,

Jon Myers
Litigation Counsel
Kansas Corporation Commission

Cc: Jeff Klock & Dan Fox, KCC District #2

Exhibit A

CERTIFICATE OF SERVICE

I certify that on July 11, 2017, I caused a complete and accurate copy of this Motion to be served electronically and via United States mail, with the postage prepaid and properly addressed to the following:

Jonathan B. Schlatter
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Attorneys for Benjamin M. Giles

and delivered by e-mail to:

Jeff Klock
KCC District #2

/s/ Cynthia K. Maine
Cynthia K. Maine
Administrative Assistant
Kansas Corporation Commission