

**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 Application of ) Docket No. 17-CONS-3443-CEXC  
Benjamin M. Giles for an Exception to the )  
10-year Time Limitation of K.A.R. 82-3- ) CONSERVATION DIVISION  
111 for his Whipple #2 Well Located in )  
Seciton 7, Township 26 South, Range 5 ) License No.: 5446  
East, Butler County, Kansas. )  
\_\_\_\_\_ )

**ORDER DESIGNATING PREHEARING OFFICER AND  
SETTING PREHEARING CONFERENCE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On January 13, 2017, Benjamin M. Giles (Operator) filed an Application requesting an exception to the ten-year temporary abandonment time limitation set forth in K.A.R. 82-3-111(b) for his Whipple #2 well located in Butler County, Kansas.<sup>1</sup>
2. On July 11, 2017, Staff of the Commission (Staff) filed a Motion to Designate a Prehearing Officer, and Schedule a Prehearing Conference.<sup>2</sup> Staff stated correspondence was sent to Operator's counsel on April 25, 2017, informing the Operator that a mechanical integrity test was to be conducted prior to the application being granted. The Operator was given until May 12, 2017 to perform a successful mechanical integrity test, however, Operator has not complied.

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<sup>1</sup> Application, Jan. 13, 2017.

<sup>2</sup> Motion to Designate a Prehearing Officer, and Schedule a Prehearing Conference, Jul. 11, 2017.

3. Pursuant to K.S.A. 77-551(c), the Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and a Prehearing Conference should be scheduled.

4. Although a Prehearing Officer is designated in this docket, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be Samuel Feather, Deputy General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3240, email address [s.feather@kcc.ks.gov](mailto:s.feather@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for **Monday, October 2, 2017, at 10:00 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.

D. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA). Any party that fails to attend or

participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA.<sup>3</sup>

E. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>4</sup>

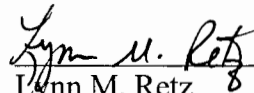
F. The attorney designated to appear on behalf of the agency in this proceeding is Joshua D. Wright, Litigation Counsel, telephone number (316) 337-6217, [j.wright@kcc.ks.gov](mailto:j.wright@kcc.ks.gov).

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

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: AUG 22 2017

  
Lynn M. Retz  
Secretary to the Commission

Date Mailed: August 22, 2017

SF/sc

<sup>3</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

<sup>4</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

**CERTIFICATE OF SERVICE**

I certify that on August 22, 2017, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Jonathan B. Schlatter  
Morris, Laing, Evans, Brock  
& Kennedy, Chartered  
300 N. Mead, Suite 200  
Wichita, KS 67202-2745  
*Attorneys for Benjamin M. Giles*

Benjamin M. Giles  
346 S. Lulu  
Wichita, KS 67211

and delivered by e-mail to:

Joshua Wright  
KCC Litigation Counsel

Jeff Klock  
KCC District #2

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