

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

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

In the matter of the failure of Tailwater, Inc.) Docket No: 20-CONS-3234-CPEN
("Operator") to comply with K.A.R. 82-3-407)
at the Finkenbinder #6-IW in Anderson) CONSERVATION DIVISION
County, Kansas.)
_____) License No: 32461

PREHEARING OFFICER ORDER SETTING PROCEDURAL SCHEDULE

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 March 5, 2020, the Commission issued a *Penalty Order* against Operator for one violation of K.A.R. 82-3-407 because a current and successful mechanical integrity test had not been performed on the Finkenbinder #6-IW well.¹ On April 6, 2020, Operator requested a hearing.²

2. At a June 11, 2020, status conference, all parties agreed to the following procedural schedule:

Commission Staff Pre-Filed Direct Testimony	Due: July 10, 2020
Operator Pre-Filed Direct & Rebuttal Testimony	Due: July 28, 2020
Commission Staff Pre-Filed Rebuttal Testimony	Due: August 7, 2020

Deadline to Submit Any Settlement for Consideration: August 7, 2020

Evidentiary Hearing before the Commission: **To Be Determined**

3. The Prehearing Officer shall be in communication with the parties regarding further development of the procedural schedule, including scheduling of the evidentiary hearing.

¹ See Penalty Order, ¶¶ 8, 13 (Mar. 5, 2020).

² See Request for Hearing (Apr. 6, 2020).

4. Failure to submit pre-filed testimony may result in the Commission restricting the right to testify and present evidence at the evidentiary hearing. At the hearing, the Commission may limit the parties' direct and rebuttal testimony to the pre-filed testimony.

5. Any person requiring special accommodations under the Americans with Disabilities Act should notify the Commission at least 10 days before the scheduled hearing date.

6. Any party who fails to attend or participate in the evidentiary hearing or any other stage of this proceeding may be held in default under the Kansas Administrative Procedure Act.³

7. A corporation shall appear before the Commission by a Kansas licensed attorney.⁴

THEREFORE, THE PREHEARING OFFICER ORDERS:

The procedural schedule set forth in Paragraph 2 above is adopted.

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: June 18, 2020

JRM

/s/ Jonathan R. Myers

Jonathan R. Myers
Prehearing Officer

³ K.S.A. 77-518(c)(8); K.S.A. 77-520.

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

CERTIFICATE OF SERVICE

20-CONS-3234-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 06/18/2020.

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/S/ DeeAnn Shupe
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