

**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 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 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 May 21, 2020, prehearing conference, all parties consented to the electronic service of all documents³ and orders.⁴ 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 complete upon transmission.⁵ 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.

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

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

³ See K.S.A. 77-519; *Amended Order Authorizing Use of Electronic Service*, Dkt. 14-GIMX-280-MIS (Jul. 31, 2014).

⁴ See K.S.A. 77-531.

⁵ See K.S.A. 77-531(b).

3. As of this date, these are the email addresses for the parties and prehearing officer:
 - a. Operator: John C. Chappell, jchappell@jchap.com;
 - b. Commission Staff: Kelcey Marsh, k.marsh@kcc.ks.gov; and
 - c. Prehearing Officer: Jonathan R. Myers, j.myers@kcc.ks.gov.⁷

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.⁸ The Prehearing Officer orders that if a document is filed by mail or hand delivery, only the original copy must be supplied.⁹ The Commission, however, strongly encourages parties to file through the "e-filing express" system.¹⁰

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: May 28, 2020

/s/ Jonathan R. Myers
Jonathan R. Myers
Prehearing Officer

JRM

⁶ Parties, through counsel, have consented to service of orders only through counsel. *See* K.S.A. 77-531(a).

⁷ *See Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause A (May 7, 2020).

⁸ *See Amended Order Authorizing Use of Electronic Filing*, Dkt. 14-GIMX-280-MIS (Jul. 31, 2014).

⁹ *See id.*, ¶ 3.

¹⁰ *Id.*, ¶ 4.

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 05/28/2020.

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/S/ DeeAnn Shupe
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