

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

In the Matter of the Application of Terry E. Morris dba G L M Company to authorize the disposal of saltwater into the Arbuckle formation in the Steinle # 5 located in the N2 NE/4 SW/4 of Section 22, Township 13 South, Range 13 West, Russell County Kansas.) Docket No: 20-CONS-3253-CUIC)
)
) CONSERVATION DIVISION
) License No: 3134
)

MOTION FOR DEFAULT ORDER AGAINST NON-APPEARING PROTESTER

COMES NOW the applicant Terry E. Morris dba G L M Company by Terry E. Morris, sole proprietor, who requests an order finding that protester, Patrick Barney, failed to attend or participate in the **PREHEARING OFFICER ORDER SETTING STATUS CONFERENCE** scheduled on **November 6, 2020 at 3:30 p.m.** and is in default under the Kansas Administrative Procedure Act (KAPA) and Order setting Prehearing Officer Order Setting Status Conference. In support of its motion, applicant states as follows:

1. On **March 3, 2020** the applicant filed a U-1 application with the Corporation Commission to authorize disposal of saltwater into the Arbuckle in the Steinle # 5, located N2 NE/4 SW/4, Section 22-Township 13 South, Range 13 West, Russell County, Kansas. Notice was published in the Russell County News on February 27, 2020.
2. On **March 9, 2020** Patrick Barney filed a protest with the Commission.
3. On its own Motion, the Commission designated a Prehearing Officer and scheduled a Prehearing Conference pursuant to K.S.A.77-516 in which Jonathan R. Myers was designated Prehearing Officer and a Prehearing Conference scheduled for **Thursday, June 4, 2020 at 1:30 a.m.** via phone conference.

4. The Commission's Order Designating Prehearing Officer and Setting Prehearing Conference stated "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 KAPA.
5. On Thursday, **June 4, 2020, at 1:30 p.m.** a scheduled phone conference on this docket was held. Terry E. Morris dba G L M Company appeared, along with Kelcey Marsh for the Kansas Corporation Commission. The protester, Patrick Barney, did not appear. There were no other appearances.
6. The above-named protester failed to appear at, or participate in the Prehearing Conference. Therefore, pursuant to K.S.A. 77-516 (c) (8), the protester, Patrick Barney should be held in default under KAPA and the Order Setting Prehearing Conference.
7. Motion to Reschedule Prehearing Conference filed by Patrick Barney.
8. ORDER RESCHEDULING PREHEARING CONFERENCE reset for Thursday, July 23, 2020, at 2:30 p.m. after Operator's Motion for default order denied and Protester's motion granted.
9. Prehearing Officer Order Setting Status Conference held **Thursday, July 23, 2020, at 2:30 p.m.** with Terry E. Morris dba G L M Company in attendance along with Patrick Barney, the protester in attendance, with KCC staff in attendance. No settlement was reached during the phone conference and the phone meeting with Patrick Barney after the Prehearing Officer signed off yielded no resolution.
10. Republishing of newspaper notice for Steinle # 5 dated September 17, 2020 with Affidavit of Publication submitted to Kansas Corporation Commission as requested.
11. Prehearing Officer Order Setting Status Conference meeting scheduled via phone for Friday, November 6, 2020 at 3:30 p.m.
12. Prehearing Officer Order Setting Status Conference meeting via phone conference called to order on **November 6, 2020 at 3:30 p.m.** with Terry E. Morris for G L M Company and Kelsey Marsh for the KCC present. Patrick Barney, the protester was not in attendance and did not participate in the meeting. Therefore, pursuant to K.S.A. 77-516 (c) (8), the protester, Patrick

Barney should be held in default under the KAPA and Order Setting Prehearing Conference rules.

WHEREFORE, the applicant, Terry E. Morris dba G L M Company respectfully moves the Commission for an order finding the protester, Patrick Barney, to be in default in the proceeding under the KAPA and for a default order pursuant to K.S.A 77-520, and for such other further relief as the Commission deems appropriate.

Respectfully submitted

A handwritten signature in cursive script that reads "Terry E. Morris".

Terry E. Morris
G L M Company #3134

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 11TH day of November, 2020, he caused a complete and accurate copy of the foregoing *Motion for Default Order Against Non-Appearing Protester* to be served via email notice with mail copy to protester, Patrick Barney.

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