

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

In the matter of resolving various regulatory) Docket Nos.: **23-CONS-3017-CPEN**
violations associated with Ace Energy, LLC) 23-CONS-3029-CPEN
(Operator).) 23-CONS-3087-CPEN
) 23-CONS-3135-CPEN
)
) CONSERVATION DIVISION
)
_____) License No.: 34998

In the matter of the application of Ace) Docket No.: 23-CONS-3143-CMSC
Energy, LLC (Operator) for an Operator's)
License Renewal.) CONSERVATION DIVISION
)
_____) License No.: 34998

PETITION FOR RECONSIDERATION OF PRESIDING OFFICER ORDER
SETTING PROCEDURAL SCHEDULE

Staff of the State Corporation of the State of Kansas (Staff and Commission, respectively) files this petition for reconsideration of the *Presiding Officer Order Setting Procedural Schedule* (Procedural Order) filed March 7, 2023. In support of Staff's petition for reconsideration, Staff states as follows:

1. Under K.A.R. 82-1-235, any party aggrieved by any order or decision of the Commission may file a petition for reconsideration before the Commission. Staff requests that the Commission reconsider the procedural schedule in the Procedural Order as it is prejudicial to Staff.

2. The Procedural Order sets a deadline for Staff to file direct testimony of March 24, 2023; a deadline for Operator to file direct and rebuttal testimony of May 8, 2023; and a deadline for Staff to file rebuttal testimony of May 26, 2023.¹ Given that the Procedural Order was filed March 7, 2023, this means that the Procedural Order gives Staff 17 days to file its

¹ *Presiding Officer Order Setting Procedural Schedule* ¶ 5 (Mar. 7, 2023).

direct testimony. After Staff has filed its direct testimony, the Procedural Order then gives Operator 45 days to file its direct and rebuttal testimony. Finally, Staff is given only 18 days to file its rebuttal testimony. Giving Operator such a long period of time to file its direct and rebuttal testimony while giving Staff only a fraction of that time to file its testimonies is clearly prejudicial to Staff.

3. In its *Operator's Proposed Procedural Schedule*, Operator implies that Staff has lagged in submitting a response to Operator's discovery request in Docket 23-CONS-3143-CMSC.² This is incorrect. Operator submitted a discovery request on October 13, 2022,³ which Staff responded to on October 20, 2022.⁴ Operator then submitted a discovery request on December 1, 2022,⁵ which Staff responded to on December 12, 2022.⁶ Finally, Operator submitted a discovery request on March 3, 2023,⁷ which Staff intends to respond to by March 13, 2023, in compliance with the *Presiding Officer Order on Operator's March 3, 2023 Motion for Discovery and Inspection Order*.⁸

4. The Procedural Order states that Operator believes it needs 45 days to review discovery responses.⁹ As Staff anticipates responding to Operator's latest discovery request by March 13, 2023, Staff proposes the following procedural schedule that is both fair to Operator and less prejudicial to Staff:

Commission Staff Pre-Filed Direct Testimony	Due: April 14, 2023
Operator Pre-Filed Direct & Rebuttal Testimony	Due: April 28, 2023
Commission Staff Pre-Filed Rebuttal Testimony	Due: May 12, 2023
Evidentiary Hearing before the Commission	To Be Determined

² *Operator's Proposed Procedural Schedule* ¶ 1 (Mar. 3, 2023).

³ *Motion for Discovery and Inspection* (Oct. 13, 2022).

⁴ *Notice of Service of Staff's Responses to Operator's Motion for Discovery and Inspection* (Oct. 20, 2022).

⁵ *Motion for Discovery and Inspection* (Dec. 1, 2022).

⁶ *Notice of Service of Staff's Responses to Operator's Second Motion for Discovery and Inspection* (Dec. 12, 2022).

⁷ *Request for Discovery and Inspection Order* (Mar. 3, 2023).

⁸ *Presiding Officer Order on Operator's March 3, 2023 Motion for Discovery and Inspection Order* (Mar. 7, 2023).

⁹ *Presiding Officer Order Setting Procedural Schedule* ¶ 5 (Mar. 7, 2023).

5. If the Commission determines that Operator’s direct and rebuttal testimony should not be due until May 8, 2023, then in the alternative, Staff proposes the following procedural schedule that is less prejudicial to Staff:

Commission Staff Pre-Filed Direct Testimony	Due: April 21, 2023
Operator Pre-Filed Direct & Rebuttal Testimony	Due: May 8, 2023
Commission Staff Pre-Filed Rebuttal Testimony	Due: May 26, 2023
Evidentiary Hearing before the Commission	To Be Determined

WHEREFORE, Staff respectfully requests the Commission grant its petition for reconsideration and adopt a procedural schedule less prejudicial to Staff.

Respectfully Submitted,

/s/Tristan Kimbrell
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CERTIFICATE OF SERVICE

23-CONS-3017-CPEN, 23-CONS-3029-CPEN, 23-CONS-3087-CPEN
23-CONS-3135-CPEN, 23-CONS-3143-CMSC

I, the undersigned, certify that a true and correct copy of the attached Petition for Reconsideration of Presiding Officer Order Setting Procedural Schedule has been served to the following by means of electronic service on March 8, 2023.

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