

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 Viva International,) Docket No: 20-CONS-3182-CPEN
Inc. ("Operator") to comply with K.A.R. 82-3-)
603 at the Wright Lease in Linn County,) CONSERVATION DIVISION
Kansas.)
_____) License No: 5556

PREHEARING OFFICER ORDER SETTING PREHEARING CONFERENCE

Having reviewed the record, the Prehearing Officer makes the following findings:

1. On January 7, 2020, the Commission issued a *Penalty Order* against Operator, finding various violations of K.A.R. 82-3-603 for failure to report and clean up spills on the Wright lease.¹
2. On January 27, 2020, Operator requested a hearing.²
3. On February 4, 2020, the Commission assigned a prehearing officer to this docket.³
No evidentiary hearing has been held; a conference set for March 24, 2020, did not occur.⁴
4. On March 19, 2020, the Commission issued an *Emergency Order Staying All Dockets*.⁵ On April 23, 2020, the Commission issued a *Special Order Regarding Conservation Matters*, stating that the *Emergency Order* no longer applied to conservation division matters, and directing that in dockets where a prehearing officer had been assigned but no evidentiary hearing had been held, that a new prehearing conference be set to establish or re-establish deadlines.⁶

¹ See Penalty Order, ¶¶ 6, 13 (Jan 7, 2020).

² See Letter Requesting Hearing (Jan. 27, 2020).

³ See Order Designating Prehearing Officer and Setting Prehearing Conference (Feb. 4, 2020).

⁴ See Prehearing Officer Order Setting Prehearing Conference (Mar. 3, 2020).

⁵ See Docket 20-GIMX-393-MIS, Emergency Order Staying All Dockets (Mar. 19, 2020).

⁶ See Docket 20-GIMX-393-MIS, Special Order Regarding Conservation Matters, ¶¶ 7, 9(c) (Apr. 23, 2020).

THEREFORE, THE PREHEARING OFFICER ORDERS:

A. A Prehearing Conference is scheduled for **Thursday, May 28, 2020, at 1:30 p.m.** by telephone. The conference call information is: telephone number: (866) 620-7326, Conference Code PIN: 3902542751.

B. 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/or any other issues that will promote the orderly and prompt resolution of this proceeding.

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: May 7, 2020

/s/ Jonathan R. Myers

Jonathan R. Myers
Prehearing Officer

JRM

CERTIFICATE OF SERVICE

20-CONS-3182-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 05/07/2020.

JOHN ALMOND
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 3
137 E. 21ST STREET
CHANUTE, KS 66720
Fax: 785-271-3354
j.almond@kcc.ks.gov

RICHARD HESTERMANN
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
r.hestermann@kcc.ks.gov

ROBERT P BUKATY
VIVA INTERNATIONAL, INC.
13200 METCALF AVE STE 200
OVERLAND PARK, KS 66213-2821
vivainternational@sbcglobal.net

MICHAEL GLAMANN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
m.glamann@kcc.ks.gov

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 316-337-6211
j.myers@kcc.ks.gov

/S/ DeeAnn Shupe
DeeAnn Shupe
