

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

Before Commissioners:                      Shari Feist Albrecht, Chair  
                                                         Jay Scott Emler  
                                                         Dwight D. Keen

In the Matter the Failure of Prairie Gas    )    Docket No: 18-CONS-3327-CPEN  
Operating, LLC (Operator) to comply with    )  
K.A.R. 82-3-603 at the Kuttler G-1 well in    )    CONSERVATION DIVISION  
Greeley County, Kansas.                            )  
\_\_\_\_\_)    License No: 35442

**ORDER DESIGNATING PREHEARING OFFICER AND  
SETTING PREHEARING CONFERENCE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1.        On April 12, 2018, the Commission issued a Penalty Order to Prairie Gas Operating, LLC (Operator) for one violation of K.A.R. 82-3-603(e)(1) because Operator did not timely remediate a spill(s) at the Kuttler G-1, API #15-071-20753, in Greeley County, Kansas and ordered a \$1,000 penalty be paid by Operator.<sup>1</sup>

2.        On May 4, 2018, the Operator, through counsel, requested a hearing on the Penalty Order to “address the issue of whether or not compliance with regulations by the Operator was timely and whether the penalty assessed is appropriate under the law and the facts.”<sup>2</sup>

3.        The Commission finds that a Prehearing Officer should be designated in this proceeding to address matters pursuant to K.S.A. 77-516-517.<sup>3</sup> The Commission also finds that a prehearing conference should be scheduled in this matter.

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<sup>1</sup> Penalty Order at 4 (Apr. 12, 2018).

<sup>2</sup> Prairie Gas Operating, LLC’s Written Request for Hearing at 2 (May 4, 2018).

<sup>3</sup> See K.S.A. 77-551(c).

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be Dustin Kirk, Deputy General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3198, email address is [d.kirk@kcc.ks.gov](mailto:d.kirk@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for **Tuesday, June 19, at 9:30 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

C. 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 any other issues that will promote the orderly and prompt resolution of this proceeding.

D. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA). 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 the KAPA.<sup>4</sup>

E. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>5</sup>

F. The attorney designated to appear on behalf of the agency in this proceeding is Lauren Wright, Litigation Counsel, telephone number (316) 337-6200, [l.wright@kcc.ks.gov](mailto:l.wright@kcc.ks.gov).

G. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

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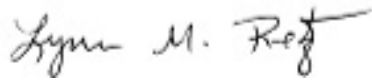
<sup>4</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

<sup>5</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 05/24/2018 \_\_\_\_\_

  
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Lynn M. Retz  
Secretary to the Commission

Date Mailed: 05/25/2018 \_\_\_\_\_

DLK/sc

## CERTIFICATE OF SERVICE

18-CONS-3327-CPEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 05/24/2018.

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/S/ DeeAnn Shupe  
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