

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

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the matter of the failure of Roger Krier)	Docket No.: 17-CONS-3105-CPEN
dba Krier Oil Operation ("Operator") to)	
comply with K.A.R. 82-3-600 and K.A.R.)	CONSERVATION DIVISION
82-3-603 at the Eichman Tank Battery in)	
<u>Russell County, Kansas.</u>)	License No.: 33153

**MOTION TO RESTRICT OPERATOR'S
RIGHT TO TESTIFY AND PRESENT EVIDENCE**

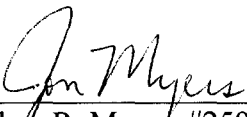
For the following reasons, Commission Staff moves to restrict Operator's right to testify and present evidence at the evidentiary hearing scheduled for February 20, 2017.

1. On December 20, 2016, the Commission issued a procedural schedule setting a January 27, 2017, deadline for submission of Staff's pre-filed testimony, and a February 3, 2017, deadline for submission of Operator's pre-filed testimony. Staff timely submitted pre-filed testimony, but Operator did not.

2. The Commission's December 20, 2016, Order states that failure to submit pre-filed testimony will likely result in the Commission restricting the right to testify and present evidence at hearing. Allowing Operator to testify and present evidence at hearing, despite Operator's failure to timely utilize pre-filed testimony, and the clear language in the Commission's Order regarding the likely consequences, would be both detrimental to judicial economy and prejudicial to Staff.

3. Therefore, pursuant to the Commission's December 20, 2016, Order, Staff requests that Operator not be allowed to testify or present evidence at the evidentiary hearing currently scheduled for February 20, 2017.

Respectfully submitted,


Jonathan R. Myers, #25975
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CERTIFICATE OF SERVICE

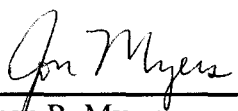
I certify that on 2/6/17, I caused a complete and accurate copy of this Motion to be served via United States mail, with the postage prepaid and properly addressed to the following:

Roger Krier dba Krier Oil Operation
P.O. Box 763
Great Bend, Kansas 67530

And delivered by email to:

Rich Williams
KCC District #4

Michael Duenes
Prehearing Officer/Assistant General Counsel


Jonathan R. Myers
Litigation Counsel
Kansas Corporation Commission