

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

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

In the matter of the application of Daniel Rice)
for a Well Location Exception for their)
domestic Gas well located at 21320 Kill)
Creek, Spring Hill, Johnson County, Kansas.)
_____) License No.: 35301

MOTION TO VACATE ORDER GRANTING APPLICATION

Comes the Staff of the Kansas Corporation Commission (Staff) and moves the Commission to vacate its Order Granting Application in this docket. In support of its motion Staff alleges the following:


1. The application in this docket was filed on April 18, 2016. The application requested a well location exception in accordance with K.A.R. 82-3-108(c) for a residential gas well because the proposed well would not meet the required setbacks and there would be less than the required 10 acres to attribute to the well.
2. At Staff's request the Commission issued its Order Granting Application on May 3, 2016.
3. Following the issuance of the Order by the Commission, Staff received information that the notice mailed to offset mineral owners was not sufficient to advise them of their right to protest.
4. Staff investigated this allegation and determined that the notice mailed to offset mineral owners was indeed defective. Staff advised the applicant's consultant that new notices needed to be mailed to offset mineral owners.

5. New notices meeting Commission regulations were mailed to offset mineral owners May 27, 2016.

6. Protests to the application were timely filed requiring an evidentiary hearing.

Therefore, Staff moves the Commission to vacate its May 3, 2016 Order in this docket so that a Prehearing Officer can be appointed and a prehearing conference scheduled in this docket.

Respectfully submitted,

by 
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CERTIFICATE OF SERVICE

I certify that on 6/14/16, 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:

Daniel Rice
21320 S. Kill Creek
Spring Hill, KS 66083

Lesli Town Baker
120 Shoreline Drive
Louisburg, KS 66053

Gary N. Johnson & Francy Johnson
8921 Rene St.
Lenexa, KS 66215

Michael & Sherry Yetter
31245 W. 213th St.
Spring Hill, KS 66083

Edna Yetter
31150 W. 215th St.
Spring Hill, KS 66083

And delivered by email to:

Mitchell & Melody Johnson

Rick Hesterman, KCC Central Office


John McCannon
Litigation Counsel
Kansas Corporation Commission