

THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

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

In the Matter of the Application of Palomino
Petroleum to authorize injection of saltwater
into Arbuckle formation at the
Carter Trust SWD well in the SW/4 of Section
23, Township 17 South, Range 26 West, Ness
County, Kansas.

County, Kansas
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Docket No: 19-CONS-3078-CUIC
CONSERVATION DIVISION
License No: 30742

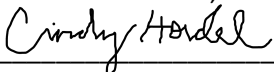
**PROTESTANT'S MOTION FOR DEFAULT AND DISMISSAL OF THE APPLICATION FILED
HEREIN**

Sept. 28, 2018

COMES NOW, the Protestant Cindy Hoedel, and respectfully moves the Commission for an Order dismissing the Applicant in this docket. In support of said Motion, Protestant states:

- 1) On Sept. 6, 2018, the Commission entered an Order designating a Prehearing Officer and setting a Prehearing Conference. This Order noted the filing of Applicant's Application on July 13, 2018, the filing of a protest letter by Protestant on Aug. 17, 2018 and the appearance of counsel John G. Pike for Applicant on Aug. 24, 2018.
- 2) The above-referenced Order continued by setting a Prehearing Conference on Sept. 27, 2018 at 9 a.m. The Order further recited in pertinent part: "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." (p. 2, subparagraph D)
- 3) The above-referenced Order of the Commission was timely and properly served on Applicant.
- 4) Applicant failed to appear on the call. Therefore, Movant respectfully requests that Applicant Palomino Petroleum be defaulted and dismissed from this proceeding due to their failure to participate in the scheduled Prehearing Conference as required.
- 5) In the Cross Bar docket 17-CONS-3689-CUIC, Commission issued an Order on Default and Standing which stated in pertinent part: "8. Pursuant to K.S.A. 2016 Supp. 77-520(a), "[i]f a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding office may serve upon all parties written notice of a proposed default order, including a statement of the grounds." The Order further stated in pertinent part, "10. Therefore, the Commission finds the Protestants named in paragraph nine (9) of this Order in default pursuant to K.S.A. 2016 Supp. 77-520."

WHEREFORE, Protestant respectfully requests that the Applicant in this docket be dismissed for the reasons cited herein,



Cindy Hoedel, 205 Mercer St., Matfield Green, KS 66862