

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

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

In the Matter of the Application of Midstates Energy Operating, LLC to authorize injection of saltwater into the Squirrel formation at the Thrasher Wells #I-5, #I-4, and #I-3, and to increase the injection pressure on all wells encompassed by Permit E-31965, located in Section 25, Township 13 South, Range 20 East, Douglas County, Kansas.)	Docket No: 19-CONS-3173-CUIC
)	CONSERVATION DIVISION
)	License No: 35503

ORDER DENYING JUDITH WELLS'S FEBRUARY 6, 2019, MOTION

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 the following:

I. Background

1. On October 19, 2018, Midstates Energy Operating, LLC (Operator) filed an Application to authorize injection of saltwater into the Squirrel formation at the Thrasher Wells #I-5, #I-4, and #I-3, and to increase the injection pressure on all wells encompassed by Permit E-31965, located in Section 25, Township 13 South, Range 20 East, Douglas County, Kansas.¹

2. Between November 7, 2018, and November 13, 2018, protests were filed by James and Patricia Bondurant, Karin Pagel-Meiners, Judith L. Wells, and Richard Bettinger.

3. On February 5, 2019, the Commission issued an order scheduling this matter for an April 18, 2019, evidentiary hearing.

¹ Application, p. 1, 13-17 (Oct. 19, 2018); Affidavit of Publication (Oct. 19, 2018).

4. On February 6, 2019, Judith L. Wells filed a pleading entitled “Motion to Comply with Ex Parte Procedures for the State Corporation Commission as Provided in the Kansas Administrative Procedures Act Chapter 77 Section 545,” (Motion) which the Commission shall presently consider.

II. Analysis

5. Ms. Wells’s three-page, nine-paragraph Motion makes various factual allegations and multiple references to K.S.A. 77-545, a statute within the Kansas Administrative Procedure Act regarding ex parte communications. Ms. Wells’s Motion does not, however, appear to posit, through its factual allegations, an alleged violation of K.S.A. 77-545, or any other problem in need of a solution. Nor does it make a prayer for relief as required by K.A.R. 82-1-219(e).

6. The body of the Motion does make two requests. First, Ms. Wells requests “that the requirements that prohibit ex parte communication in the Kansas Administrative Procedures Act be known to all and that all parties and the pre-hearing officer in this proceeding follow these requirements.”² Second, Ms. Wells requests “that this and all proceedings before the commission adhere to the statute requiring a written record for information gathered and shared until the issuance of a final order in the proceeding, as required by statute.”³

7. Absent any allegation of wrongdoing, the Commission sees no compelling reason to direct persons in this docket to abide by statutes they are legally compelled to abide by, or, alternatively, to abide by statutes they are not legally compelled to abide by. Nor does the Commission see a need, in this docket, to so direct parties in other dockets.

8. To the extent Ms. Wells is asking the Commission to take judicial or administrative notice of K.S.A. 77-545(c), the Commission has done so.⁴

² Motion, ¶ 8.

³ *Id.*, ¶ 9.

⁴ The Commission in all cases is considered to have taken administrative notice of public statutes without request. *See* K.S.A. 60-409(a) (“Judicial notice shall be taken without request by a party, of . . . public statutes . . .”); *see also* K.A.R. 82-1-230(h) (“In addition to matters that are required or permitted to be judicially noticed by K.S.A. 60-409 . . .”).

III. Conclusion

9. For the above reasons, Ms. Wells's Motion should be denied.

THEREFORE, THE COMMISSION ORDERS:

A. Ms. Wells's Motion is denied.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 02/14/2019



Lynn M. Retz
Secretary to the Commission

Date Mailed: 02/15/2019

JRM

CERTIFICATE OF SERVICE

19-CONS-3173-CUIC

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 02/14/2019.

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