

**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 failure of Edward E. Birk ) Docket No.: 16-CONS-4056-CPEN  
("Operator") to comply with K.A.R. 82-3-400 )  
regarding injection that took place during the ) CONSERVATION DIVISION  
2015 calendar year. )  
\_\_\_\_\_ ) License No.: 8210

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

1. On June 9, 2016, the Commission issued its Penalty Order in this docket. On July 11, 2016, Operator filed a request for hearing.

2. Upon its own motion and pursuant to K.S.A. 77-551(c), the Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and that a prehearing conference should be scheduled.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be John McCannon, Counsel, Kansas Corporation Commission, 266 N. Main, Ste. 220, Wichita, Kansas 67202, telephone number 316-337-6200, email address [j.mccannon@kcc.ks.gov](mailto:j.mccannon@kcc.ks.gov).

B. A Prehearing Conference is scheduled for Thursday, August 18, 2016. The Prehearing Conference shall begin at 11:30 a.m. and end by 12:00 p.m., at the Commission's offices, 266 N. Main St., Ste. 220, Wichita, Kansas 67202. Telephonic attendance may be permitted upon advance request. The Prehearing Conference will focus on the development of a procedural schedule for this docket.

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 shall be held in default under the KAPA.

E. Pursuant to K.A.R. 82-1-228(d)(2), corporations must enter an appearance via an attorney. If a corporation fails to enter an appearance via an attorney prior to the Prehearing Conference, it shall be held in default under the KAPA.

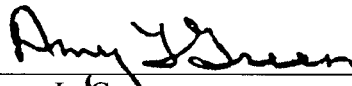
F. The attorney designated to appear on behalf of the agency in this proceeding is Jon Myers, Litigation Counsel, telephone number 316-337-6200, [j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov).

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

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

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: AUG 04 2016

  
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Amy L. Green  
Secretary to the Commission

Mailed Date: August 4, 2016

LRP

**CERTIFICATE OF SERVICE**

I certify that on 8/4/16, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Edward E. Birk  
302 S. 16<sup>th</sup> Street  
Burlington, KS 66839-2329

and delivered by e-mail to:

Jonathan R. Myers  
Rene Stucky  
KCC Central Office

/s/ Paula J. Murray  
Paula J. Murray  
Legal Assistant  
Kansas Corporation Commission