

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

Before Commissioners:                     Dwight D. Keen, Chair  
  Shari Feist Albrecht  
  Susan K. Duffy

In the matter of the failure of Prairie Gas ) Docket No: 19-CONS-3396-CPEN  
Operating, LLC (“Operator”) to comply with )  
K.A.R. 82-3-104 at the Boltz #1 well in ) CONSERVATION DIVISION  
Hamilton County, Kansas. )  
\_\_\_\_\_ ) License No: 35442

In the matter of the failure of Prairie Gas ) Docket No: 20-CONS-3007-CPEN  
Operating, LLC (“Operator”) to comply with )  
K.A.R. 82-3-603 at the Bounds lease in Greeley ) CONSERVATION DIVISION  
County, Kansas. )  
\_\_\_\_\_ ) License No: 35442

In the matter of the failure of Prairie Gas ) Docket No: 20-CONS-3018-CPEN  
Operating, LLC (“Operator”) to comply with )  
K.A.R. 82-3-104 at the Beard #1 well in Greeley ) CONSERVATION DIVISION  
County, Kansas. )  
\_\_\_\_\_ ) License No: 35442

**ORDER CONSOLIDATING DOCKETS,  
DESIGNATING PREHEARING OFFICER  
AND SETTING PREHEARING CONFERENCE**

These matters come 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. Commission Docket 19-CONS-3396-CPEN. On June 11, 2019, the Commission issued a *Penalty Order* against Prairie Gas Operating, LLC (Operator) for one violation of K.A.R. 82-3-104 because Operator failed to demonstrate formations were effectively sealed at the Boltz #1

well in Hamilton County.<sup>1</sup> On July 10, 2019, Operator requested a hearing.<sup>2</sup> A Prehearing Officer has been assigned and the matter is currently scheduled for an August 27, 2019, prehearing conference.<sup>3</sup>

2. Commission Docket 20-CONS-3007-CPEN. On July 11, 2019, the Commission issued a *Penalty Order* against Prairie Gas Operating, LLC (Operator) for one violation of K.A.R. 82-3-603 because Operator failed to appropriately clean up a spill in a timely manner.<sup>4</sup> On August 13, 2019, Operator requested a hearing.<sup>5</sup>

3. Commission Docket 20-CONS-3018-CPEN. On July 18, 2019, the Commission issued a *Penalty Order* against Prairie Gas Operating, LLC (Operator) in for one violation of K.A.R. 82-3-104 because Operator failed to demonstrate formations were effectively sealed at the Beard #1 well in Greeley County.<sup>6</sup> On August 9, 2019, Operator requested a hearing.<sup>7</sup>

## **II. Findings of Fact**

4. The Commission finds, for the sake of judicial efficiency, that it is in the public interest to consolidate Dockets 19-CONS-3396-CPEN, 20-CONS-3007-CPEN, and 20-CONS-3018-CPEN for hearing on a common record.<sup>8</sup> The Commission finds these dockets should share a common prehearing officer and share a common prehearing conference date.

### **THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Conference scheduled for August 27, 2019, in Docket 19-CONS-3396-CPEN is cancelled. A Prehearing Conference regarding all three dockets is scheduled for **Thursday, September 5, 2019 at 4:00 p.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 3902542751.

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<sup>1</sup> See Docket 19-CONS-3396-CPEN, Penalty Order, ¶¶ 5-10, 12 (Jun. 11, 2019).

<sup>2</sup> Docket 19-CONS-3396-CPEN, Written Request for Hearing (Jul. 10, 2019).

<sup>3</sup> See Docket 19-CONS-3396-CPEN, Prehearing Officer Order Setting Prehearing Conference (Aug. 12, 2019).

<sup>4</sup> See Docket 20-CONS-3007-CPEN, Penalty Order, ¶ 15 (Jul. 11, 2019).

<sup>5</sup> Docket 20-CONS-3007-CPEN, Written Request for Hearing (Aug. 13, 2019).

<sup>6</sup> See Docket 20-CONS-3018-CPEN, Penalty Order, ¶¶ 5-11 (Jul. 18, 2019).

<sup>7</sup> Docket 20-CONS-3018-CPEN, Written Request for Hearing (Aug. 9, 2019).

<sup>8</sup> See K.A.R. 82-1-224(b).

B. Each subsequent filing in any of these consolidated dockets shall be filed in Docket 19-CONS-3396-CPEN, which shall serve as the primary docket, and shall carry the caption of all three dockets. All filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service; filings received after 5:00 p.m. shall be considered received the next business day. Late filings shall be accompanied by a Motion to File Out-of-Time.

C. The Prehearing Officer in these proceedings shall be Jonathan R. Myers, Assistant General Counsel, Kansas Corporation Commission, 266 N. Main Street, Suite 220, Wichita, Kansas, 67202-1513, telephone number (316) 337-6245, email address [j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity. **The Commission directs electronic service of all filings in these dockets to include service on the Prehearing Officer and mailed service of all filings to be directed to the Prehearing Officer's attention.**

D. 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.

E. 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 may be held in default under the KAPA.<sup>9</sup> A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>10</sup>

F. The attorney designated to appear on behalf of the agency in this proceeding is Carly Masenthin, Litigation Counsel, telephone number (785) 271-3110, [c.masenthin@kcc.ks.gov](mailto:c.masenthin@kcc.ks.gov).

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<sup>9</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

<sup>10</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

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.**

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 08/20/2019



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Lynn M. Retz  
Executive Director

Mailed Date: 08/20/2019

JRM

**CERTIFICATE OF SERVICE**

19-CONS-3396-CPEN, 20-CONS-3007-CPEN, 20-CONS-3018-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

first class mail and electronic service on 08/20/2019.

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/S/ DeeAnn Shupe

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