

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

Before Commissioners: Susan K. Duffy, Chair  
Dwight D. Keen  
Andrew J. French

In the matter of the failure of Quito, Inc. ) Docket No: 19-CONS-3271-CPEN  
("Operator") to comply with K.A.R. 82-3-111 )  
at the Solomon #3 and Solomon #5 in ) CONSERVATION DIVISION  
Chautauqua County, Kansas. )  
\_\_\_\_\_ ) License No: 33594

In the matter of the failure of Quito, Inc. ) Docket No: 19-CONS-3272-CPEN  
("Operator") to comply with K.A.R. 82-3-111 )  
at the Doty #3 in Chautauqua County, Kansas. ) CONSERVATION DIVISION  
\_\_\_\_\_ )  
\_\_\_\_\_ ) License No: 33594

**ORDER SETTING PREHEARING CONFERENCE**

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:

1. On January 30, 2020, the Commission issued a final order in these consolidated dockets, affirming underlying penalty orders issued in February 2019. On March 3, 2020, the Commission denied Operator's petition for reconsideration. On March 9, 2020, Commission Staff suspended Operator's license for non-compliance with the Commission's orders in these dockets.<sup>1</sup>

2. On June 16, 2020, the Commission issued a Shut-In Order, directing Staff to shut-in Operator's oil and gas operations and assessing a \$10,000 penalty, due to Operator's failure to bring wells into compliance with K.A.R. 82-3-111 and failing to cease operations upon suspension of Operator's license. On July 14, 2020, Operator filed a request for hearing regarding the Shut-In Order.

<sup>1</sup> Shut-In Order, ¶ 6 (Jun. 16, 2020).

3. A prehearing officer has already been designated in these dockets and shall continue to be Jonathan R. Myers, Assistant General Counsel, who shall have the same authorities as outlined previously. The Commission finds a prehearing conference should be scheduled.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Presiding Officer for prehearing matters in this proceeding 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. The Commission may designate other Staff members to serve in this capacity. **The Commission directs electronic service of all filings in the docket to include service on the Presiding Officer and mailed service of all filings to be directed to the Presiding Officer's attention.**

B. A Prehearing Conference is scheduled for **Thursday, August 13, 2020, at 3:00 p.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 3902542751.

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. Filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time

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>2</sup>

F. The attorney designated to appear on behalf of the agency in this proceeding is Kelcey Marsh, Litigation Counsel, 266 N. Main Street, Suite 220, Wichita, Kansas, 67202, telephone number (316) 337-6200, k.marsh@kcc.ks.gov.

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

Duffy, Chair; Keen, Commissioner (Recused); French, Commissioner

Dated: 07/30/2020 \_\_\_\_\_

  
\_\_\_\_\_  
Lynn M. Retz  
Executive Director

Mailed Date: 07/30/2020 \_\_\_\_\_

JRM

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<sup>2</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

## **CERTIFICATE OF SERVICE**

19-CONS-3271-CPEN and 19-CONS-3272-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 07/30/2020.

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