

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

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of the Failure of Michael D. ) Docket No: 18-CONS-3077-CPEN  
Weilert dba Michael D. Weilert Oil )  
Company ("Operator") to comply with ) CONSERVATION DIVISION  
K.A.R. 82-3-600, K.A.R. 82-3-603, and )  
K.A.R. 82-3-604 at the Gay E Reidel C #2 ) License No: 5798  
well in Ellis County, Kansas. )

**ORDER DESIGNATING PREHEARING OFFICER AND  
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 and concludes as follows:

1. On August 22, 2017, the Commission issued a Penalty Order to Operator.<sup>1</sup> The Order set out the following findings: the Operator committed one violation of K.A.R. 82-3-600 due to Operator using a pit at the subject well site without a permit; Operator committed one violation of K.A.R. 82-3-603(d) due to Operator not notifying the appropriate District Office of a spill at a subject well in a timely manner; Operator committed one violation of K.A.R. 82-3-603a(a) because Operator did not notify the landowner of a spill in a timely manner; Operator committed one violation of K.A.R. 82-3-604(b) due to failure to remove fluid from a diked area within 48 hours after discovery or knowledge, or as authorized by the appropriate District Office; and Operator committed one violation of K.A.R. 82-3-604(d) for failure to notify the appropriate District Office of an oil field-related discharge into a diked area in a timely manner.<sup>2</sup>

---

<sup>1</sup> Penalty Order, Aug. 22, 2017.

<sup>2</sup> Id., at ¶¶ 21-25.

2. On September 25, 2017, Operator timely filed its request for a hearing in this matter.<sup>3</sup>

3. 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 a Prehearing Conference should be scheduled.

4. Although a Prehearing Officer is designated in this docket, parties are still required to file pleadings with the Commission, and 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.

5. The Commission requests the parties consent to electronic service in this proceeding by emailing the Prehearing Officer to affirm your consent.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be Samuel Feather, Deputy General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3240, email address [s.feather@kcc.ks.gov](mailto:s.feather@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for **Friday, November 3, 2017, at 10:30 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

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.

---

<sup>3</sup> Request for Hearing and Motion for Summary Order on the Pleadings, Sep. 25, 2017.

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 may be held in default under the KAPA.<sup>4</sup>

E. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>5</sup>

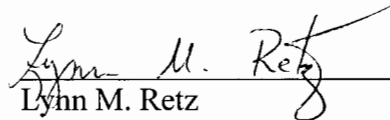
F. The attorney designated to appear on behalf of the agency in this proceeding is Jon Myers, Litigation Counsel, telephone number (316) 337-6245, [j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov).

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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: OCT 10 2017

  
Lynn M. Retz  
Secretary to the Commission

Date Mailed: October 10, 2017

SF/sc

---

<sup>4</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

<sup>5</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

**CERTIFICATE OF SERVICE**

I certify that on 10/10/17, I caused a complete and accurate copy of this Order to be served electronically and via United States mail, with the postage prepaid and properly addressed to the following:

Will B. Wohlford  
Morris Laing Evans Brock & Kennedy, Chtd.  
300 N. Mead, Suite 200  
Wichita, KS 67202  
wwohlford@morrislang.com  
*Attorney for Michael D. Weilert*

and delivered by email to:

Jonathan R. Myers, Litigation Counsel  
KCC Central Office

Samuel Feather, Deputy General Counsel  
KCC Topeka Office

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