

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

In the matter of the application of Merit Energy) Docket No.: 21-CONS-3143-CEXC
Company, LLC, for an exception to the 10-year)
time limitation of K.A.R. 82-3-111 for its Smith) CONSERVATION DIVISION
W #2 well in the Southeast Quarter of the)
Northeast Quarter of Section 35, Township 28) License No.: 32446
South, Range 36 West, Grant County, Kansas.)

**MOTION FOR THE DESIGNATION OF A PREHEARING OFFICER AND THE
SCHEDULING OF A PREHEARING CONFERENCE**

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) files this Motion seeking the designation of a prehearing officer and the scheduling of a prehearing conference in this matter. In support of its motion, Staff states the following:

1. On January 11, 2021, Merit Energy Company, LLC (Operator) filed an application seeking an exception to the 10-year time limitation of K.A.R. 82-3-111 for the Smith W #2 well (Subject Well), API #15-067-20389.
2. On February 3, 2021, Operator filed affidavits of publication for their application from The Wichita Eagle and The Ulysses News.
3. Upon review of the application, Legal Staff noted that a successful, Staff-witnessed casing or mechanical integrity test had not been conducted on the Subject Well.
4. On February 12, 2021, Staff sent a letter to Operator requiring Operator to conduct a successful, Staff-witnessed MIT by March 12, 2021.¹ To date, Operator has failed to conduct or schedule a casing or mechanical integrity.

¹ Exhibit A.

5. Based upon the above, Staff does not recommend approval of Operator's application at this time, and believes it would be appropriate for this matter to be set for an evidentiary hearing in order to further investigate potential well integrity issues.

WHEREFORE, for the reasons described above, Staff respectfully moves the Commission to issue an Order designating a prehearing officer, and scheduling a prehearing conference that will allow further development of a procedural schedule in this matter.

Respectfully submitted,

/s/ Kelcey Marsh
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Susan K. Duffy, Chair
Dwight D. Keen, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

February 12, 2021

Stanford J. Smith, Jr
Martin, Pringle, Oliver, Wallace & Bauer, L.L.P.
645 East Douglas, Suite 100
Wichita, KS 67202
Attorney for Merit Energy Company

RE: Docket #21-CONS-3143-CEXC & 21-CONS-3146-CEXC

Mr. Smith:

Commission Legal Staff received the applications in the referenced dockets on January 11, 2021. However, Staff sees an issue that needs to be resolved.

The Operator needs to conduct a successful mechanical integrity test on the Smith W #2 well, API #15-067-20389 and Cook F #3, API #15-067-21161. Staff will not recommend approval of the applications without the Operator conducting a successful mechanical integrity test.

Please conduct a successful, Staff-witnessed mechanical integrity test by March 12, 2021. Failure to do so will result in Staff requesting that this matter be assigned a prehearing officer and set for a prehearing conference, in anticipation of an evidentiary hearing where Staff would recommend denial of the applications for the reasons noted above.

You may contact me at k.marsh@kcc.ks.gov if you have any questions.

Sincerely,

/s/ Kelcey Marsh
Kelcey Marsh
Litigation Counsel
Kansas Corporation Commission

cc: Kenny Sullivan, Eric MacLaren, Michele Pennington, District #1

CERTIFICATE OF SERVICE

21-CONS-3143-CEXC

I, the undersigned, certify that a true copy of the attached Motion for the Designation of a Prehearing Officer and the Scheduling of a Prehearing Conference has been served to the following by means of first class mail and electronic service on April 2, 2021.

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/S/ Paula J. Murray

Paula J. Murray