



2. Between October 16, 2017, and December 19, 2017, numerous protests and requests for hearing were filed in this docket.<sup>5</sup>

3. On January 18, 2018, the Commission issued its *Order Designating Prehearing Officer and Setting Prehearing Conference*, scheduling a Prehearing Conference for February 22, 2018.<sup>6</sup> Due to inclement weather, the Prehearing Conference was subsequently rescheduled for, and held on, March 9, 2018.<sup>7</sup>

4. On March 20, 2018, Midstates filed a Motion to Dismiss Protests (Motion to Dismiss).

5. On March 26, 2018, Commission Conservation Staff (Staff) filed its Response to Operator's Motion to Dismiss Protests & Operator's Motion to Require Use of Prefiled Testimony (Staff's Response).

6. On March 26, 2018, G.M. Zemansky filed a Motion Opposing Midstates Motion to Dismiss (Zemansky Motion Opposing Dismissal).

7. On March 26, 2018, Karin Pagel-Meiners filed a Motion to Deny Applicant's Motion to Dismiss Protests (Karin Pagel-Meiners Motion).

8. On March 26, 2018, Candice Meiners filed a Motion to Deny Applicant's Motion to Dismiss Protests (Candice Meiners Motion).

9. On March 26, 2018, Allison G. Kort of Kort Law Firm, LLC, entered her appearance as attorney of record for Judith L. Wells as Manager of Wells Partners, LP.<sup>8</sup>

10. On March 27, 2018, the Commission issued its *Order Setting Procedural Schedule, Protective Order, and Discovery Order*, setting an evidentiary hearing for June 26, 2018.<sup>9</sup>

---

<sup>5</sup> See *Order Designating Prehearing Officer and Setting Prehearing Conference*, ¶ 2 (Jan. 18, 2018).

<sup>6</sup> *Id.*, Ordering Clause B.

<sup>7</sup> *Prehearing Officer Order Rescheduling Prehearing Conference*, ¶ 3 (Feb. 23, 2018).

<sup>8</sup> Amended Entry of Appearance, p. 1 (Mar. 26, 2018).

<sup>9</sup> *Order Setting Procedural Schedule, Protective Order, and Discovery Order*, ¶ 15 (Mar. 27, 2018).

11. On March 27, 2018, Jessica Skyfield, “on behalf of Kansas Water,” filed a response to the Motion to Dismiss entitled Protestant’s Response to Staff’s Motion to Dismiss Protests (Skyfield Response).

12. On March 28, 2018, Jane E. Howard and Larry D. Howard filed identical, untitled filings which did not ask for any specific relief.

13. On March 28, 2018, Susan Iversen filed a Corrected Motion Opposing Midstate’s Motion to Dismiss and Responding to Staff’s Response to Operator’s Motion to Dismiss Protests (Iversen Corrected Motion).

14. On March 29, 2018, Judith L. Wells filed a Response to Applicant’s Motion to Dismiss Protests (Wells Response).

15. On March 29, 2018, Douglas County, Kansas, filed a Response in Opposition to Midstates Energy Operating, LLC’s Motion to Dismiss Protests and Motion Requiring the Use of Prefiled Testimony in Lieu of Oral Examination (Douglas County Response).

16. On March 29, 2018, Marianne Carter and Scott Dixon filed a Countermotion to Midstates’ Motion to Dismiss Protests (Countermotion).

## **DISCUSSION:**

### ***1. Service of Protests Upon Midstates***

17. Midstates’ Motion to Dismiss claimed that the only Protestants who served a copy of their respective protests on Midstates were: City of Lawrence, Kansas; Douglas County, Kansas; Candice Meiners; Karin Pagel-Meiners; James and Patricia Bondurant; Scott Dixon; and Marianne Carter.<sup>10</sup>

18. Of the Protestants who responded to Midstates’ Motion to Dismiss, Jessica Skyfield, Jane E. Howard, Larry D. Howard, and Susan Iversen did not argue that they served a

---

<sup>10</sup> Motion to Dismiss, ¶ 2. There is no record in this docket of a protest letter from the City of Lawrence, Kansas.

copy of their respective protests on Midstates, nor did they provide evidence that they did so. Of the Protestants who did *not* respond to Midstates' Motion to Dismiss, other than James and Patricia Bondurant, there is no evidence that they served their protests upon Midstates.

19. Dr. Zemansky argued that “[t]here was no mention in the published public notice or the letter received from Rene Stuckey, UIC Director of the KCC dated November 15, 2017 of any requirement to serve MidStates with the protest in this matter.”<sup>11</sup> According to Dr. Zemansky, “Mr. Stuckey’s letter should have made citizens objecting to these permits aware of any such requirement to notify Midstates if it was necessary.”<sup>12</sup> Dr. Zemansky claimed that Mr. Stucky’s letter “indicated that [such service upon Midstates] was not necessary.”<sup>13</sup> Dr. Zemansky asserted his belief that being “on the service list . . . clearly indicate[d] acceptance by the KCC of WAT as a party to the hearing.”<sup>14</sup>

20. Ms. Iversen stated “that any failure to serve my protest to all parties was due to lack of knowledge and inexperience. As the Operator and Staff have pointed out correctly several times, I am not a lawyer and not knowledgeable in the details of KCC regulations.”<sup>15</sup> Ms. Iversen also offered that the service requirement for protests “should be made clear in published public notices or in the original reply letters the KCC sent to protestants.”<sup>16</sup>

21. Ms. Wells argued that she “complied with all requirements for service of her Protest in the two above-referenced dockets before the Commission.”<sup>17</sup> Ms. Wells referred to a “letter dated October 10, 2017 from ‘Jon’ Inge” pertaining to “the Thrasher # 10 well.”<sup>18</sup> Ms. Wells’

---

<sup>11</sup> Zemansky Motion Opposing Dismissal, p. 2.

<sup>12</sup> Zemansky Motion Opposing Dismissal, p. 2.

<sup>13</sup> Zemansky Motion Opposing Dismissal, p. 2.

<sup>14</sup> Zemansky Motion Opposing Dismissal, p. 2.

<sup>15</sup> Iversen Corrected Motion, p. 2.

<sup>16</sup> Iversen Corrected Motion, p. 2.

<sup>17</sup> Wells Response, ¶ 10.

<sup>18</sup> Wells Response, ¶ 11.

citation for this letter is “Docket 3196, Doc. TR1703676.”<sup>19</sup> Ms. Wells stated that she received no direct notice of Midstates’ Hadl lease Application “because Applicant was not an affected party triggering mandatory notification under K.A.R. 82-3-135a.”<sup>20</sup> Ms. Wells referenced her October 18, 2017, letter notifying “the Commission of her Petition to Protest MidStates’ Application on the *Thrasher* Lease,” citing “Docket 3196, Doc. TR1801051.”<sup>21</sup> Ms. Wells cited the following as evidence that she served her protest letter on Midstates: (1) A “cc” to Midstates on her October 18, 2017, letter which she “sent via regular mail;”<sup>22</sup> (2) her statement that she “mailed a copy of the October 18, 2017 Protest to the address listed on the Electronic Articles of Incorporation of Applicant MidStates and addressed the protest to listed Registered Agent name of Ronald Inge;”<sup>23</sup> and (3) “[t]he October 18, 2017 Protest was stamped as received by the Commission on October 20, 2017.”<sup>24</sup>

22. Ms. Wells further stated that “[b]y letter dated November 8, 2017, Protestant Wells requested a hearing in both the Thrasher Docket 3196, and the Hadl Docket 3195 (‘November 8, 2017 Request’).”<sup>25</sup> Ms. Wells asserted that the November 8, 2017, hearing request “was sent to UIC Director Rene Stucky at the Commission, and cc’d to MidStates Energy Operating, LLC,” and “was marked received by the Commission on November 13, 2017.”<sup>26</sup> According to Ms. Wells, this completed her service upon Midstates in the Hadl Docket.<sup>27</sup>

23. Douglas County argued that “[i]t seems unrealistic to expect that [the vast majority of the protestants] will have a sophisticated understanding of the Commission’s procedures and

---

<sup>19</sup> Wells Response, ¶ 11.

<sup>20</sup> Wells Response, ¶ 13.

<sup>21</sup> Wells Response, ¶ 14. (Emphasis added).

<sup>22</sup> Wells Response, ¶ 17.

<sup>23</sup> Wells Response, ¶ 18 (Citing the 18-3196 Docket).

<sup>24</sup> Wells Response, ¶ 19.

<sup>25</sup> Wells Response, ¶ 23.

<sup>26</sup> Wells Response, ¶¶ 24-25.

<sup>27</sup> Wells Response, ¶ 26.



regulations. Nevertheless, it is apparent that many of the protestants have endeavored to meet the requirements imposed by the regulations, and to comply with the instructions provided by staff regarding the procedures to be followed and the expectations placed on participants in this proceeding.”<sup>28</sup> Douglas County opined that “the Commission should not resort to hyper-technical application of its rules and procedures to exclude or diminish public participation in this process.”<sup>29</sup> Douglas County asked the Commission not to dismiss any protests for failure to serve the protest on Midstates or for failure to attend the Prehearing Conference.<sup>30</sup>

24. Ms. Carter and Mr. Dixon, who, according to Midstates, did not fail to serve their protest on Midstates,<sup>31</sup> argued that allegedly “multiple and conflicting sources of protest instructions” should dispose “the Commission to be understanding of . . . confusion” regarding service of protests upon an applicant.<sup>32</sup>

25. K.A.R. 82-3-135b states, “Each protest . . . shall be considered under the following conditions and requirements . . . .” K.A.R. 82-3-135b(d) provides the specific requirement that “[e]ach protester shall serve the protest upon the applicant at the same time or before the protester files the protest with the conservation division.” The regulation makes it clear that the Conservation Division Staff “shall not” serve the protest on the applicant.

26. The Commission interprets K.A.R. 82-3-135b to require strict compliance, in accordance with the preamble’s statement that a protest will only be considered if the conditions and requirements are met. This is not a “hyper-technical application” of the Commission’s regulations, as Douglas County alleged,<sup>33</sup> but a proper and consistent application of the regulations according to their plain meaning and intended purpose.

---

<sup>28</sup> Douglas County Response, ¶ 3.

<sup>29</sup> Douglas County Response, ¶ 5.

<sup>30</sup> Douglas County Response, ¶ 8.

<sup>31</sup> See Motion to Dismiss, ¶ 2.

<sup>32</sup> Countermotion, pp. 3-4.

<sup>33</sup> See Douglas County Response, ¶¶ 5, 7.

27. The Commission finds that Jessica Skyfield, Jane E. Howard, Larry D. Howard, and Susan Iversen should be dismissed because there is no evidence that they served their respective protests upon Midstates,<sup>34</sup> as required by K.A.R. 82-3-135b(d).

28. The Commission finds no merit in Dr. Zemansky's arguments. While Midstates' published notice does not explicitly state that Protestants must serve the Applicant with their protests, it does state that "[t]hese protests shall be filed pursuant to Commission regulations."<sup>35</sup> Moreover, contrary to Dr. Zemansky's claim,<sup>36</sup> Rene Stucky's letters acknowledging receipt of protests include "a copy of the Conservation Division regulations regarding applications, hearings, and protestants."<sup>37</sup> Thus, each Protestant had the responsibility to review those regulations. At no point do Mr. Stucky's letters indicate that a Protestant is relieved of the duty to serve its protest on the Applicant.<sup>38</sup> Dr. Zemansky provided no basis for his argument that a Protestant's presence on the service list means the Protestant is somehow immune from dismissal for failure to follow the protest requirements of K.A.R. 82-3-135b(d).<sup>39</sup> The Commission's regulations are applicable regardless of whether one's protest letter has been received by the Conservation Division and filed in the docket. K.A.R. 82-3-135b(d) clearly states that "[t]he protest shall not be served on the applicant by the conservation division." Thus, the Commission properly grants Midstates' Motion to dismiss Dr. Zemansky's protest.

29. The Commission is unpersuaded by the argument that inexperience or a lack of sophistication is a valid basis for a Protestant's failure to serve its protest on Midstates.<sup>40</sup> "A pro se litigant in a civil case is required to follow the same rules of procedure and evidence which are

---

<sup>34</sup> See ¶ 18 of this Order, *supra*.

<sup>35</sup> See Affidavit of Publication (Jan. 9, 2018).

<sup>36</sup> See ¶ 19 of this Order, *supra*.

<sup>37</sup> See e.g. Letter Acknowledging Receipt of Protest sent to Thad Holcombe, dated November 15, 2017, attached to WAT Protest Letter (Oct. 23, 2017).

<sup>38</sup> See Letter Acknowledging Receipt of Protest sent to Thad Holcombe, dated November 15, 2017.

<sup>39</sup> See ¶ 19 of this Order, *supra*.

<sup>40</sup> See ¶¶ 20 and 23 of this Order, *supra*.

binding upon a litigant who is represented by counsel . . . To have different rules for different classes of litigants is untenable.”<sup>41</sup> Thus, a Protestant must comply with the service requirements of K.A.R. 82-3-135b(d), irrespective of the Protestant’s level of sophistication or experience, whether represented by counsel or not.

30. The Commission is also unpersuaded by claims of allegedly conflicting instructions provided to Protestants.<sup>42</sup> None of the Protestants have demonstrated there is any true conflict in the instructions provided by Conservation Staff, and as mentioned in paragraph 28 above, Conservation Staff provided Protestants with a copy of K.A.R. 82-3-135b. Moreover, as explained in the previous paragraph, a Protestant is required to become familiar with and follow the Commission’s regulations pertaining to protesters prior to receiving any instructions from Conservation Staff.

31. The Commission rejects Ms. Wells’ assertion that she has “complied with all requirements for service of her Protest” in this particular docket.<sup>43</sup> Ms. Wells’ citations to Docket No. 18-CONS-3196-CUIC are irrelevant to this docket,<sup>44</sup> as that is a separate docket with separate facts. Further, the fact that Ms. Wells sent her letter to Mr. Stucky with a “cc” to Midstates on it,<sup>45</sup> and that it “was marked received by the Commission,”<sup>46</sup> does not demonstrate that she ever actually served her letter on *Midstates* itself. Ms. Wells has provided no evidence that Mr. Stucky intended to pass her letter on to Midstates, and K.A.R. 82-3-135b(d) notified Ms. Wells that her protest would not be served on Midstates by the Conservation Division. Ms. Wells offered no evidence supporting her assertion that she mailed a copy of her protest to Ronald Inge.<sup>47</sup> Thus,

---

<sup>41</sup> *Mangiaracina v. Gutierrez*, 11 Kan. App. 2d 594, 595, 730 P.2d 1109, 1111 (1986).

<sup>42</sup> See ¶ 24 of this Order, *supra*.

<sup>43</sup> See ¶ 21 of this Order, *supra*.

<sup>44</sup> See Wells Response, ¶ 11-12, 14-20.

<sup>45</sup> See Wells Response, ¶¶ 17, 24.

<sup>46</sup> See Wells Response, ¶ 25.

<sup>47</sup> See Wells Response, ¶ 18.



having failed to provide evidence that she served her protest on Midstates in this docket, the Commission finds that Ms. Wells' protest should be dismissed pursuant to K.A.R. 82-3-135b(d).

32. The Commission finds that all protests, except for those of Douglas County, Kansas; Candice Meiners; Karin Pagel-Meiners; James and Patricia Bondurant; Scott Dixon; and Marianne Carter, should be dismissed pursuant to K.A.R. 82-3-135b(d).

## **II. Attendance at the Prehearing Conference**

33. Midstates argued that "Thad Holcombe, Carolyn More, David W. Crawford and Scott Dixon should be found to be in default for failure to participate in" the Prehearing Conference in this matter.<sup>48</sup>

34. Ms. Carter and Mr. Dixon argued that the Prehearing Officer did not allow a proxy at the Prehearing Conference in this docket, but then allowed a proxy at the Prehearing Conference in Docket No. 18-CONS-3196-CUIC,<sup>49</sup> and therefore, "any Protestant who was counted absent should not be found in default."<sup>50</sup> Ms. Carter and Mr. Dixon alleged that the Prehearing Officer "fell short of informing us of our ability to have a proxy during the Prehearing Conferences, and the Acknowledgement of Receipt of Protest letter received from UIC director Rene Stuckey made no mention of it."<sup>51</sup>

35. The Commission is unpersuaded by Ms. Carter's and Mr. Dixon's arguments. Ms. Carter and Mr. Dixon did not indicate that Mr. Dixon had designated Ms. Carter as his proxy prior to the Prehearing Conference, and they conceded that they were not told they could have a proxy.<sup>52</sup> In addition, the Commission's *Order Designating Prehearing Officer and Setting Prehearing Conference* stated that "[a]ny party that fails to attend or participate in the Prehearing Conference

---

<sup>48</sup> Motion to Dismiss, ¶ 7.

<sup>49</sup> Countermotion, p. 4.

<sup>50</sup> Countermotion, p. 4.

<sup>51</sup> Countermotion, p. 4.

<sup>52</sup> See Countermotion, p. 4 (stating that Rene Stucky's acknowledgement of their protest "made no mention of it").

. . . may be held in default pursuant to KAPA [Kansas Administrative Procedure Act].”<sup>53</sup> Further, Mr. Stucky’s letter to Scott Dixon and Marianne Carter, dated November 28, 2017, acknowledging receipt of their protest, specifically stated that Ms. Carter and Mr. Dixon could direct questions about the hearing process to Conservation legal staff.<sup>54</sup> Ms. Carter and Mr. Dixon did not indicate they had inquired about the allowance of proxies prior to the Prehearing Conference. Finally, Ms. Carter and Mr. Dixon’s argument that a different Protestant was not counted absent in another proceeding is moot because whoever the other Protestant might be, he or she is already dismissed from this docket by failure to serve his or her protest on Midstates. Therefore, the Commission finds Mr. Dixon to be in default for failure to appear at the Prehearing Conference.

36. The Commission notes the dismissal of the protests from Thad Holcombe, Carolyn More, and David W. Crawford based on their failure to serve their protests on Midstates.<sup>55</sup> Thus, they need not be held in default for failure to appear at the Prehearing Conference.

### **III. Representation by an Attorney**

37. Midstates’ Motion to Dismiss also argued that the protests of Jessica Skyfield, Gil Zemansky, Thad Holcombe, Judith L. Wells, and Susan Iversen “should be stricken from the record” because, as non-lawyers, they allegedly “filed protests on behalf of parties other than themselves in violation of K.S.A. 77-515(c), K.A.R. 82-1-228(d)(1)-(2) and Kansas case law.”<sup>56</sup>

38. Based on the discussion above, the Commission has already found that Ms. Skyfield, Dr. Zemansky, Mr. Holcombe, Ms. Wells and Ms. Iversen should have their protests dismissed for failure to serve their protests on Midstates. Thus, the Commission need not take up the issue of whether these Protestants required legal representation.

---

<sup>53</sup> *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause D.

<sup>54</sup> *See* Letter of Protest with Acknowledgement – Scott Dixon and Marianne Carter (Nov. 27, 2017).

<sup>55</sup> *See* ¶ 32 of this Order, *supra*.

<sup>56</sup> Motion to Dismiss, ¶¶ 10-11.

*IV. “Valid Protests” in Accordance with K.A.R. 82-3-135b*

39. Regarding the parties who did serve their protests on Midstates, Midstates argued that Candice Meiners, Karin Pagel-Meiners, Scott Dixon and Marianne Carter failed to file valid protests pursuant to the requirements of K.A.R. 82-3-135b.<sup>57</sup> Ms. Meiners and Ms. Pagel-Meiners filed identical protest letters, stating that “[i]njection wells are prone to leaking and causing water contamination. I have not seen any research that shows reliable 100% safety.”<sup>58</sup> Ms. Carter and Mr. Dixon stated their concerns regarding “the lack of substantive scientific information that would provide assurances that injection wells are safe and will not cause immediate or long term damage to the geology of the area, our homes and/or our drinking water, and . . . what seems to be a lack of rigor and transparency in the KCC application and notification process.”<sup>59</sup> Ms. Carter and Mr. Dixon asserted that the Commission should be doing a better job of vetting UIC applications<sup>60</sup> and that various alleged problems with Midstates’ Application should disqualify Midstates from obtaining injection authority.<sup>61</sup>

40. K.A.R. 82-3-135a(e) requires a protestant to file a “valid protest.” According to K.A.R. 82-3-135b(a), a valid protest is one that “include[s] a clear and concise statement of the direct and substantial interest of the protester in the proceeding, including specific allegations as to the manner in which the grant of the application will cause waste, violate correlative rights, or pollute the water resources of the state of Kansas.” A protestant can only show a “direct and substantial interest” in the Application where the protestant demonstrates that, “[1] he or she suffered a cognizable injury and [2] that there is a causal connection between the injury and the

---

<sup>57</sup> See Motion to Dismiss, ¶ 16.

<sup>58</sup> Candice Meiners, Letter Requesting Hearing (Oct. 26, 2017); Karin Pagel-Meiners, Letter Requesting Hearing (Oct. 26, 2017).

<sup>59</sup> Scott Dixon and Marianne Carter, Letter of Protest, p. 1 (Nov. 27, 2017).

<sup>60</sup> *Id.*, p. 1.

<sup>61</sup> *Id.*, p. 2.

challenged conduct.”<sup>62</sup> “A cognizable injury is established by showing . . . that [an individual] personally suffers some actual or threatened injury as a result of the challenged conduct . . . [and] . . . [t]he injury must be particularized, *i.e.*, it must affect the plaintiff in a personal and individual way.”<sup>63</sup> “Mere allegations of possible future injury do not meet the requirements of standing and instead, any threatened injury must be certainly impending.”<sup>64</sup> Moreover, “an injury must be more than a generalized grievance common to all members of the public.”<sup>65</sup>

41. Under the rules stated above, the Commission finds that Candice Meiners, Karin Pagel-Meiners, Scott Dixon and Marianne Carter failed to file valid protests. Ms. Meiners’ and Ms. Pagel-Meiners’ identical protest letters provided only a generalized grievance that would be common to all members of the public. They have provided no evidence of any direct and substantial interest in this proceeding, nor have they made allegations as to the manner in which the grant of Midstates’ Application will cause waste, violate correlative rights, or pollute Kansas’ water resources. They have not even provided allegations of a possible future injury to themselves or to their personal interests.

42. Ms. Carter’s and Mr. Dixon’s protest letter also lacks specific allegations as to the manner in which the grant of Midstates’ Application will cause waste, violate correlative rights, or pollute the water resources of Kansas.<sup>66</sup> Moreover, they did not state, for their part, any direct and substantial interest in this proceeding. Generalized concerns about possible earthquakes; about what the KCC might do or not do in the event of an accident; about insurance; about an alleged

---

<sup>62</sup> See Docket No. 17-CONS-3689-CUIC, *Final Precedential Order*, ¶ 3 (Apr. 5, 2018). See also *Kansas Bldg. Indus. Workers Comp. Fund v. State*, 302 Kan. 656, 678, 359 P.3d 33, 49 (2015) (citations and internal quotations omitted).

<sup>63</sup> See Docket No. 17-CONS-3689-CUIC, *Written Findings and Recommendations*, ¶ 29 (Mar. 29, 2018). See also *FV-I, Inc. for Morgan Stanley Mortg. Capital Holdings, LLC v. Kallevig*, 306 Kan. 204, 212, 392 P.3d 1248, 1255–56 (2017) (internal citations and quotations omitted).

<sup>64</sup> See Docket No. 17-CONS-3689-CUIC, *Written Findings and Recommendations*, ¶ 29. See also *Labette Cty. Med. Ctr. v. Kansas Dep’t of Health & Env’t*, 2017 WL 3203383 at \*8 (unpublished), 399 P.3d 292 (Kan. Ct. App. 2017).

<sup>65</sup> *Labette Cty. Med. Ctr.* 2017 WL 3203383 at \*10 (internal citations and quotations omitted).

<sup>66</sup> See K.A.R. 82-3-135b(a).

lack of transparency in the process; about the nature of K.A.R. 82-3-135b's requirements;<sup>67</sup> and about the quality of Midstates' Application;<sup>68</sup> do not show that Ms. Carter and Mr. Dixon have personally suffered some actual or threatened injury, nor that they face a specific, impending harm, as a result of Midstates' conduct. Thus, the Commission finds that Ms. Carter and Mr. Dixon failed to file a valid protest.

**CONCLUSION:**

43. Based on the analysis provided above, the Commission grants Midstates' Motion to Dismiss all protests filed in this docket except those filed by Douglas County, Kansas, and James and Patricia Bondurant.


**THEREFORE, THE COMMISSION ORDERS:**

- A. Midstates' Motion to Dismiss Protests is granted.
- B. The parties have fifteen (15) days, plus three (3) days if mailed service, in which to petition the Commission for reconsideration.<sup>69</sup>
- C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 04/19/2018

  
\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

Mailed Date: 04/20/2018

MJD

<sup>67</sup> See Countermotion, p. 3.

<sup>68</sup> See Scott Dixon and Marianne Carter, Letter of Protest, pp. 1-2.

<sup>69</sup> K.S.A. 55-162; K.S.A. 55-606; K.S.A. 77-529(a)(1); see K.S.A. 66-118b.



**CERTIFICATE OF SERVICE**

18-CONS-3195-CUIC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 04/19/2018.

JAMES BONDURANT  
AND PATRICIA BONDURANT  
1028 E 1901 Road  
Eudora, KS 66025

KEITH A. BROCK, ATTORNEY  
ANDERSON & BYRD, L.L.P.  
216 S HICKORY  
PO BOX 17  
OTTAWA, KS 66067  
Fax: 785-242-1279  
kbrock@andersonbyrd.com

JOHN T. BULLOCK  
STEVENS & BRAND, LLP  
P.O. Box 189  
Lawrence, KS 66044  
jbullock@stevensbrand.com

DAVID CRAWFORD  
715 Illinois Street  
Lawrence, KS 66044-2327

SCOTT DIXON  
AND MARIANNE CARTER  
1662 E 1100 Road  
Lawrence, KS 66049  
payette@sunflower.com

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
m.duenes@kcc.ks.gov

JOANN FARB  
1958 E 850th Rd.  
Lecompton, KS 66050

JOE FARB  
1958 E 850th Road  
Lecompton, KS 66050  
joefarb@live.com

BRADLEY R. FINKELDEI  
STEVENS & BRAND, LLP  
P.O. Box 189  
Lawrence, KS 66044  
bfinkeldei@stevensbrand.com

DAWN HAWKINS  
522 N 955 Rd  
Lawrence, KS 66047

**CERTIFICATE OF SERVICE**

18-CONS-3195-CUIC

SUSAN HAZLETT  
1012 E 1700 Road  
Lawrence, KS 66046

STANLEY HORNBAKER  
DR. STANLEY HORNBAKER  
AND ROSIE HORNBAKER  
958 E 1900th Road  
Eudora, KS 66025

LARRY HOWARD  
AND JANE HOWARD  
954 E 1900 Road  
Eudora, KS 66025

SUSAN C. IVERSEN  
SUSAN IVERSEN  
1305 Engel Road  
Lawrence, KS 66044

ALLISON G. KORT  
Kort Law Firm, LLC  
204 W. Linwood Blvd.  
Kansas City, MO 64111  
allison.kort@kortlawfirm.com

CANDACE MEINERS  
2906 Stratford Court  
Lawrence, KS 66049

JOHN MORE  
AND CAROLYN MORE  
1040 E. 1901 Road  
Eudora, KS 66025  
johnmore@sprintmail.com

ROSEMARY MURPHY  
419 E 1700 Road  
Baldwin City, KS 66006

KARIN PAGEL-MEINERS  
2906 Stratford Court  
Lawrence, KS 66049  
kpagelmeiners@earthlink.net

Susan Royd-Sykes  
504 S. 6th St.  
Burlington, KS 66839  
moondrummer88@gmail.com

JESSICA SKYFIELD  
KANSAS WATER  
2400 W 76th ST  
PRAIRIE VILLAGE, KS 66208  
fieldsky@gmail.com

JAMES VAIL  
1012 E. 1700 Road  
Lawrence, KS 66046

**CERTIFICATE OF SERVICE**

18-CONS-3195-CUIC

G. CRAIG WEINAUG, DOUGLAS COUNTY  
ADMINISTRATOR  
G. CRAIG WEINAUG  
1100 Massachusetts St, Unit 203  
Lawrence, KS 66044  
cweinaug@douglas-county.com

JUDITH WELLS  
3317 W. 68th St.  
Mission Hills, KS 66208  
judithlouisewells@gmail.com

LAUREN WRIGHT, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
Conservation Division  
266 N. Main St. Ste. 220  
WICHITA, KS 67202-1513  
Fax: 316-337-6211  
l.wright@kcc.ks.gov

GIL ZEMANSKY  
and THAD HOLCOMBE  
2913 W 30th St  
Lawrence, KS 66046  
gmzhorizon@gmail.com

/s/ DeeAnn Shupe

DeeAnn Shupe

---