

**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 Application of Robinette Oil    )    Docket No: 19-CONS-3423-CUIC  
Company LLC to authorize injection of saltwater    )  
into the McLouth formation at the Zachariah #2-    )    CONSERVATION DIVISION  
90 and Zachariah #5-90 wells, located in the    )  
SW/4 of Section 9, Township 9 South, Range 20    )    License No: 34978  
East, Jefferson County, Kansas.                    )

**DEFAULT ORDER AGAINST PROTESTOR**

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:

**I. Jurisdiction**

1.        K.S.A. 77-520 provides that if a party fails to attend any stage of an adjudicative proceeding, the agency may issue a default order with a statement of the grounds. Within seven days after service of a proposed default order, the party against whom it was issued has seven days to file a written motion to vacate, which shall state the grounds relied upon.

**II. Findings of Fact**

2.        On June 14, 2019, Robinette Oil Company LLC (Operator) filed an Application for injection authority at two wells in Jefferson County.<sup>1</sup>

3.        On June 24, 2019, Sandra L. Wisdom filed a protest.<sup>2</sup>

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<sup>1</sup> See Application (Jun. 14, 2019).

<sup>2</sup> Letter of Protest (Jun. 24, 2019).

4. On July 9, 2019, the Commission issued an order setting a July 24, 2019, prehearing conference.<sup>3</sup> The prehearing conference was attended by the Prehearing Officer, counsel for Commission Staff, and a non-attorney on behalf of Operator, who stated Operator had not received a copy of Ms. Wisdom's protest. Ms. Wisdom was not in attendance. At the prehearing conference, the persons in attendance agreed to reschedule the prehearing conference for August 13, 2019, at 2:00 p.m., per Ms. Wisdom's July 22, 2019, written request.<sup>4</sup>

5. On August 13, 2019, the prehearing conference was attended by the Prehearing Officer, counsel for Staff, and counsel for Operator. Ms. Wisdom was not in attendance. Staff recommended and the Prehearing Officer found that notice was proper. The same day, Operator filed a *Motion for Default Order* against Ms. Wisdom, to which Ms. Wisdom did not respond.

### **III. Conclusions of Law**

6. Pursuant to K.S.A. 77-520(a), the Commission concludes that Ms. Wisdom's failure to attend the August 13, 2019, Prehearing Conference constitutes default. Thus, Operator's *Motion for Default Order* may be granted.

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

A. Operator's *Motion for Default Order* is granted. Ms. Wisdom is found to be in default in this proceeding.

B. Pursuant to K.S.A. 77-520(b), any party may file a written motion requesting this *Default Order Against Protestor* be vacated, stating the grounds relied upon, within seven calendar days after service of this Order, with three additional days added to account for service by mail.

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<sup>3</sup> See Order Designating Prehearing Officer and Setting Prehearing Conference, Ordering Clause B (Jul. 9, 2019).

<sup>4</sup> See Prehearing Officer Order Setting Prehearing Conference (Jul. 25, 2019); Request for Rescheduling of Prehearing Conference – Sandra Wisdom (Jul. 22, 2019).

C. In the event no timely motion is filed requesting this *Default Order Against Protestor* be vacated, Staff shall process Operator's Application accordingly. If a timely motion to vacate is received, then Staff shall take no action on the Application until the Commission has ruled on the motion to vacate.

D. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>5</sup>

E. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering additional orders as it deems necessary.

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

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 09/05/2019



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Lynn M. Retz  
Executive Director

Mailed Date: 09/05/2019

JRM

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<sup>5</sup> K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

**CERTIFICATE OF SERVICE**

19-CONS-3423-CUIC

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 09/05/2019.

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