

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Redbud Oil)	Docket No. 19-CONS-3191-CUIC
& Gas Operating, LLC to authorize injection of)	
natural gas into the Cattleman formation at the)	
Westfall #2E-12 well, located in Section 12,)	CONSERVATION DIVISION
Township 31 South, Range 13 East,)	
Montgomery County, Kansas.)	License No. 35497
)	

REDBUD OIL & GAS OPERATING, LLC'S RESPONSE
TO LETTER FILED BY EAGLE OAK LAND DEVELOPMENT

Applicant Redbud Oil & Gas Operating, LLC ("Redbud") hereby responds to the letter filed in the above captioned docket on March 25, 2019, by Arlyn Hare on behalf of Eagle Oak Land Development ("Protestor") in response to the Default Order Against Protestor entered by the Commission on March 12, 2019 (the "Default Order").

On February 18, 2019, Staff filed a motion for default order against Protestor based upon Protestor's failure to appear at the pre-hearing conference in this docket. Protestor failed to respond in opposition to that motion. On March 12, 2019, based on the lack of any response, the Commission granted Staff's Motion for Default Order against Protestor. In that Order, the Commission stated that Protestor "may file a written motion requesting that this Default Order be vacated and stating the grounds relied upon within seven calendar days after service of this Order, with three additional days to account for service by mail." Default Order, p. 4, ¶ D. The Default Order went on to state that "[i]n the event no timely motion is filed requesting that this Default Order Against Protestor be vacated" that Staff should proceed to process the Application accordingly. Default Order, p. 4, ¶ E.

The letter filed by Protestor on March 25, 2019, was both untimely and substantively defective. First, the letter was untimely. The Default Order clearly stated that any motion to

vacate the Default Order must be filed on or before March 22, 2019 – i.e., March 12 + 7 calendar days + 3 days for service by mail. Protestor's letter was not filed with the Commission until March 25, 2019. Second, the Default Order clearly stated that any motion to vacate the Default Order must state the grounds relied upon for that motion. The letter filed by Protestor does not contain any grounds that would justify vacating the Default Order. For those reasons, Protestor did not comply with the Default Order and his request to vacate the Default Order should be denied.

Alternatively, if the Default Order entered against Protestor is vacated, then the Motion to Dismiss Protest filed on March 4, 2019, by Redbud should be considered and granted.

WHEREFORE, for the reasons set forth herein, Applicant Redbud Oil & Gas Operating, LLC ("Redbud") respectfully requests the following relief: (a) that Protestor's request for relief from the Default Order be denied as untimely and without merit; and, in the alternative, (b) that Redbud's motion to dismiss the protest filed by Protestor be granted.

Dated: April 1, 2019

/s/ David E. Bengtson

David E. Bengtson (#12184)
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VERIFICATION

STATE OF KANSAS)
) ss:
COUNTY OF SEDGWICK)

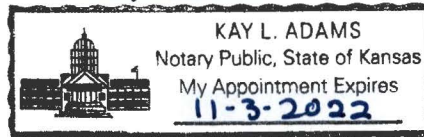
David E. Bengtson, of lawful age, being first duly sworn on my oath, states that I am the attorney for Redbud Oil & Gas Operating, LLC; that I have read the above Response to Filing by Eagle Oak Land Development; that I know the contents thereof and declare that the statements made therein are true and correct to the best of my knowledge and belief.

By 
David E. Bengtson

SUBSCRIBED AND SWORN to before me this 1st day of April, 2019.


Notary Public

My appointment expires:
11-3-2022



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 1st day of April, 2019, he caused a true and correct copy of the foregoing to be filed via the Kansas Corporation Commission Electronic Filing System (EFS), and that he caused a copy to be served via first class mail and electronic mail to the following parties:

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/s/ David E. Bengtson
David E. Bengtson