

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

Before Commissioners: Susan K. Duffy, Chair
Shari Feist Albrecht
Dwight D. Keen

In the matter of the failure of Viva International,) Docket No: 20-CONS-3182-CPEN
Inc. ("Operator") to comply with K.A.R. 82-3-)
603 at the Wright Lease in Linn County,) CONSERVATION DIVISION
Kansas.)
_____) License No: 5556

In the matter of the failure of Viva International,) Docket No: 20-CONS-3255-CPEN
Inc. ("Operator") to comply with K.S.A. 55-164)
and K.A.R. 82-3-120 at the Campbell, Carlson,) CONSERVATION DIVISION
and Gillian Simpson leases in Wilson and)
Sedgwick County, Kansas.) License No: 5556

PREHEARING OFFICER ORDER CONSOLIDATING DOCKETS

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

I. Background

1. On January 7, 2020, the Commission issued a *Penalty Order* against Operator in Docket 20-CONS-3182-CPEN, finding various violations of K.A.R. 82-3-603 for failure to report and clean up spills on the Wright lease.¹ On January 27, 2020, Operator requested a hearing.²

2. On March 17, 2020, the Commission issued a *Penalty Order* against Operator in Docket 20-CONS-3255-CPEN for failing to cease operations upon the June 19, 2019, suspension of Operator's license.³ On May 1, 2020, Operator requested a hearing.⁴

¹ See Docket 20-CONS-3182-CPEN, Penalty Order, ¶¶ 6, 13 (Jan 7, 2020).

² See Docket 20-CONS-3182-CPEN, Letter Requesting Hearing (Jan. 27, 2020).

³ See Docket 20-CONS-3255-CPEN, Penalty Order, ¶ 17 (Mar. 17, 2020).

⁴ See Docket 20-CONS-3255-CPEN, Letter Requesting Hearing (May 1, 2020); *see also* Docket 20-CONS-3255-CPEN, Order Designating Prehearing Officer and Setting Prehearing Conference, ¶ 4 (May 12, 2020) (request for hearing was timely).

3. On May 12, 2020, the Commission issued an order in each docket, setting a prehearing conference for May 28, 2020, at 1:30 p.m.⁵

4. On May 28, 2020, the Prehearing Officer called both prehearing conferences to order simultaneously.

II. Findings of Fact

5. The Prehearing Officer finds that ruling upon the consolidation of Commission dockets is within the ambit of things a Prehearing Officer may do.⁶ The Prehearing Officer further finds that at the May 28, 2020, prehearing conference(s), all parties agreed to consolidate these dockets. The Prehearing Officer further finds, for the sake of judicial efficiency, that it is in the public interest to consolidate Dockets 20-CONS-3182-CPEN and 20-CONS-3255-CPEN for hearing on a common record.⁷

III. Conclusions of Law

6. The captioned dockets should be consolidated.

THEREFORE, THE PREHEARING OFFICER ORDERS:

The captioned dockets are consolidated. Each subsequent filing submitted for either of these consolidated dockets shall carry the caption of both dockets, and shall be filed only in Docket 20-CONS-3182-CPEN, which shall serve as the primary docket. Commission employees shall then populate the filing in Docket 20-CONS-3255-CPEN.

⁵ Docket 20-CONS-3182-CPEN, Order Designating Prehearing Officer and Setting Prehearing Conference, Ordering Clause B (May 12, 2020); Docket 20-CONS-3255-CPEN, Order Designating Prehearing Officer and Setting Prehearing Conference, Ordering Clause B (May 12, 2020).

⁶ See *Order Designating Prehearing Officer and Setting Prehearing Conference* issued in both dockets (“[A] Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b)...”); see also K.S.A. 77-517(b) (listing, among other things, “such other matters that will promote the orderly and prompt conduct of the hearing”); K.S.A. 77-551(c).

⁷ See K.A.R. 82-1-224(b).

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: June 4, 2020

/s/ Jonathan R. Myers

Jonathan R. Myers
Prehearing Officer

JRM

CERTIFICATE OF SERVICE

20-CONS-3182-CPEN and 20-CONS-3255

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 06/04/2020.

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