

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the matter of the failure of application of) Docket No: 25-CONS-3084-CEXC
Redtail Investments LLC for an order granting)
an exception to the 10-year time limitation of) CONSERVATION DIVISION
K.A.R. 82-3-111 for its NMU Maddix #1 well)
located in the NE SW NE of Section 11,) License No: 35142
Township 33 South, Range 5 East, Cowley
County, Kansas.

**ORDER DESIGNATING PRESIDING OFFICER
AND SETTING PREHEARING CONFERENCE**

The Commission rules as follows:

1. On February 13, 2025, the Commission Staff motioned for the designation of a presiding officer and the setting of a prehearing conference in this matter, alleging Operator's August 30, 2024, application to be deficient. Operator has not responded.
2. Under K.S.A. 77-551(c), the Commission finds a Presiding Officer should be designated in this proceeding to determine procedural matters that may arise prior to a hearing on the merits, including but not limited to conducting prehearing conferences.¹
3. The Commission finds a prehearing conference should be scheduled.
4. Under K.A.R. 82-1-228(d)(1), any party may either "appear before the Commission and be heard in person on that party's own behalf," or appear before the Commission through a licensed attorney. Because Applicant is an artificial entity, it cannot appear in person.² Thus, Commission regulations require artificial entities such as Applicant to appear before the Commission

¹ See also K.S.A. 77-516 and K.S.A. 77-517.

² See *State ex rel. Stephan v. Williams*, 246 Kan. 681, 691 (1990).

via counsel. Even if Commission regulations did not require counsel in this matter, the Commission finds it would be in the public interest to require counsel via order.³

THEREFORE, THE COMMISSION ORDERS:

A. The Presiding Officer for prehearing matters in this proceeding shall be Jonathan R. Myers, Assistant General Counsel, Kansas Corporation Commission, 266 N. Main Street, Suite 220, Wichita, Kansas, 67202-1513, telephone number (316) 337-6245, email address jon.myers@ks.gov. The Commission may designate others to serve in this capacity.

B. A prehearing conference is scheduled for **Thursday, March 27, 2025, at 2:15 p.m.** by telephone. The conference call information is: telephone number (253) 205-0468, Meeting ID 5248125436.⁴ **Operator must appear via a licensed attorney. Prior to the Prehearing Conference, the attorney must file an entry of appearance, comporting with the pleading requirements of K.A.R. 82-1-219 and identifying the filer as a licensed attorney.**

C. At the prehearing conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding. At the prehearing conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA). Any party that fails to attend or participate in the prehearing conference, hearing, or other stage of this proceeding may be held in default under the KAPA.⁵

D. Although a presiding officer is designated, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's docket room. Any filing

³ The administration of justice is efficiently furthered by requiring persons licensed to practice law and familiar with procedure to represent artificial entities. *See In re Arnold*, 274 Kan. 761, 770 (2002). *See also* K.S.A. 77-515(c) ("A state agency may require a corporation or other artificial person to participate by counsel.").

⁴ If prompted, there is no Participant ID; just press pound to continue.

⁵ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

received after 5:00 p.m. shall be considered filed the next business day. In addition, any late filing shall be accompanied by a Motion to File Out-of-Time. **The Commission directs electronic service of all filings in the docket to include service on the Presiding Officer and mailed service of all filings to be directed to the Presiding Officer's attention.**

E. The attorney designated to appear on behalf of the agency in this proceeding is Kelcey Marsh, Litigation Counsel, telephone number (316) 337-6200, kelcey.marsh@ks.gov.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 03/04/2025



Abigail D. Emery
Acting Secretary to the Commission

Mailed Date: 03/04/2025
JRM

CERTIFICATE OF SERVICE

25-CONS-3084-CEXC

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 03/04/2025.

DANIEL FOX, COMPLIANCE OFFICER, KCC DISTRICT 2
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 2
3450 N. ROCK RD BLDG 600 STE 601
WICHITA, KS 67226
dan.fox@ks.gov

STEVE HOWARD
REDTAIL INVESTMENTS, LLC
8045 SW 36th ST
OKLAHOMA CITY, OK 73179-3812

JEFF KLOCK
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 2
3450 N. ROCK RD BLDG 600 STE 601
WICHITA, KS 67226
jeff.klock@ks.gov

KELCEY MARSH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
kelcey.marsh@ks.gov

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
jon.myers@ks.gov

/S/ KCC Docket Room

KCC Docket Room