

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of SEK Energy,) Docket No: 18-CONS-3313-CEXC
LLC (Operator) for an exception to the 10-year time)
limitation of K.A.R. 82-3-111 for its Bradford,) CONSERVATION DIVISION
Richard #1-5 well located in the NW/4 of Section)
05, Township 30 South, Range 16 East, Wilson) License No. 33739
County, Kansas.)
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In the Matter of the Application of SEK Energy,) Docket No. 18-CONS-3314-CEXC
LLC (Operator) for an exception to the 10-year time)
limitation of K.A.R. 82-3-111 for its Ambrose,) CONSERVATION DIVISION
Mary #1-28 well located in the NE/4 of Section 28,)
Township 28 South, Range 15 East, Wilson) License No. 33739
County, Kansas.)
)

In the Matter of the Application of SEK Energy,) Docket No. 18-CONS-3315-CEXC
LLC (Operator) for an exception to the 10-year time)
limitation of K.A.R. 82-3-111 for its Wilson, Kim) CONSERVATION DIVISION
#1-8 well located in the NE/4 of Section 8,)
Township 30 South, Range 16 East, Wilson) License No. 33739
County, Kansas.)
)

In the Matter of the Application of SEK Energy,) Docket No. 18-CONS-3316-CEXC
LLC (Operator) for an exception to the 10-year time)
limitation of K.A.R. 82-3-111 for its Marler,) CONSERVATION DIVISION
Richard #1-16 well located in the SE/4 of Section)
16, Township 30 South, Range 16 East, Wilson) License No. 33739
County, Kansas.)
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In the Matter of the Application of SEK Energy,) Docket No. 18-CONS-3317-CEXC
LLC (Operator) for an exception to the 10-year time)
limitation of K.A.R. 82-3-111 for its Bosch, David) CONSERVATION DIVISION
#1-17 well located in the SE/4 of Section 17,)
Township 30 South, Range 16 East, Wilson) License No. 33739
County, Kansas.)
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In the Matter of the Application of SEK Energy,) Docket No. 18-CONS-3318-CEXC
LLC (Operator) for an exception to the 10-year time)
limitation of K.A.R. 82-3-111 for its Johnson, Ron) CONSERVATION DIVISION
#1-16 well located in the SE/4 of Section 16,)
Township 30 South, Range 16 East, Wilson) License No. 33739
County, Kansas.)
)

In the Matter of the Application of SEK Energy,) Docket No. 18-CONS-3319-CEXC
LLC (Operator) for an exception to the 10-year time)
limitation of K.A.R. 82-3-111 for its Beachner, Jim) CONSERVATION DIVISION
#3-4 well located in the NW/4 of Section 4,)
Township 32 South, Range 18 East, Labette) License No. 33739
County, Kansas.)
)

**ORDER CONSOLIDATING DOCKETS, DESIGNATING PREHEARING OFFICER,
AND SETTING PREHEARING CONFERENCE**

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 as follows:

1. On February 7, 2018, SEK Energy, LLC (Operator) filed Applications for an exception to the 10-year time limitation of K.A.R. 82-3-111 in the above-captioned dockets.
2. On April 30, 2018, Commission Conservation Staff (Staff) filed a Motion for Consolidation of Dockets, the Designation of a Prehearing Officer, and the Scheduling of a Prehearing Conference in the seven individual dockets. Staff also noted that the Operator is a corporate entity on behalf of whom no counsel has yet entered an appearance.¹ Staff asserted that, as a corporate entity, the Operator must be represented by counsel.²

¹ See Docket No. 18-CONS-3313-CEXC, Motion for Consolidation of Dockets, the Designation of a Prehearing Officer, and the Scheduling of a Prehearing Conference, ¶ 5 (Apr. 30, 2018).

² *Id.*

3. Pursuant to K.A.R. 82-1-224, the Commission may consolidate two or more dockets if the issues do not require separate and distinct proof. Staff has stated the Applications are the same and suffer from similar deficiencies. Therefore, for good cause shown, the Commission finds that the above-captioned dockets shall be consolidated for administrative efficiency and cost.

4. The Commission disagrees with Staff's general contention that the Operator must be represented by counsel at this time. On point with this proceeding, the Commission has previously ordered that, at a *hearing*, Commission regulations do not allow a corporation to enter an appearance, except by its attorney.³ Filing an Application and/or attending a Prehearing Conference does not entail appearing before the Commission at a hearing, and therefore, the Commission finds that, at this point in the proceeding, the Operator is not required to retain representation by counsel.

5. Pursuant to K.S.A. 77-551(c), the Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and a Prehearing Conference should be scheduled.

6. Although a Prehearing Officer is designated in this docket, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the

³ Docket No. 17-CONS-3403-CVAC, *Order Designating Prehearing Officer and Setting Prehearing Conference*, ¶ 4 and fn. 8 (Jan. 19, 2017). See Docket No. 13-SWBT-479-COM, *Order Seeking Additional Briefing on AT&T's Motion to Dismiss Complaint and Denying Best Phone's Motion to Dismiss AT&T's Motion to Dismiss*, ¶ 9 (July 11, 2013) (stating that "the Commission found K.A.R. 82-1-228(d)(2) only requires an attorney to appear on behalf of a corporation at a hearing"). The Commission's *Order Denying Intervention to IBEW, Local Unions No. 304 and 225* in Docket No. 18-KCPE-095-MER (Feb. 6, 2018), is inapt here because: (1) the Commission is not addressing a Petition to Intervene in the instant case; and (2) the 18-095 Order, as well as K.A.R. 82-1-228, do not require a corporation to retain counsel in order to file an Application, request a hearing and/or attend a Prehearing Conference, as the case may be.

deadline set forth in the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

THEREFORE, THE COMMISSION ORDERS:

A. Docket Nos. 18-CONS-3313-CEXC, 18-CONS-3314-CEXC, 18-CONS-3315-CEXC, 18-CONS-3316-CEXC, 18-CONS-3317-CEXC, 18-CONS-3318-CEXC and 18-CONS-3319-CEXC shall be consolidated.

B. The Prehearing Officer in this proceeding shall be Michael J. Duenes, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3181, email address m.duenes@kcc.ks.gov. The Commission may designate other Staff members to serve in this capacity. The Commission directs electronic service of all filings in the docket to include service on the Prehearing Officer.

C. A Prehearing Conference is scheduled for **Thursday, June 7, 2018 at 9:00 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

D. 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.

E. 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.⁴

⁴ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

F. A corporation shall appear before the Commission by a Kansas licensed attorney.⁵

G. The attorney designated to appear on behalf of the agency in this proceeding is Jon Myers, Litigation Counsel, telephone number (316) 337-6245, j.myers@kcc.ks.gov.

H. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner (Recused)

Dated: 05/17/2018



Lynn M. Retz
Secretary to the Commission

Mailed Date: 05/18/2018

MJD

⁵ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

CERTIFICATE OF SERVICE

18-CONS-3313-CEXC - 18-CONS-3319-CEXC

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 05/17/2018.

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/S/ DeeAnn Shupe

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