

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

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

In the matter of concerns raised by Somerset Energy,) Docket No: 25-CONS-3283-CMSC
Inc. and the Eastern Kansas Oil and Gas Association)
(EKOGA) regarding Staff's enforcement of) CONSERVATION DIVISION
Commission rules and regulations under K.AR 82-)
3-100 et seq. and K.A.R. 82-3-400 et seq.) License No: N/A

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

The Commission rules as follows:

1. On March 4, 2025, Somerset Energy, EKOGA, and Commission Staff filed a joint motion asking for the designation of a presiding officer and the scheduling of a prehearing conference, noting “EKOGA alleges a widespread practice by Staff of leveraging injection authority and other approvals or authorizations, such as approval of T-1 forms, in order to compel operators to accept responsibility for abandoned wells they are not legally responsible for under K.S.A. 55-179,” and that “Somerset contends it has been individually affect by the issues described.”¹

2. The Commission finds it appropriate to initiate a docket so that parties may more formally explore these issues. 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.² The Commission also finds a prehearing conference should be scheduled.

3. 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

¹ See Joint Mtn. for the Designation of a Presiding Officer and the Sch. of a Prehearing Conf., ¶¶ 2-3 (Mar. 4, 2025).

² See also K.S.A. 77-516 and K.S.A. 77-517.

licensed attorney. Because Somerset and EKOGA are artificial entities, they cannot appear in person.³ Thus, Commission regulations require artificial entities such as these two entities to appear before the Commission 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.⁴

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. Parties are directed to use the descriptive title in above caption for all future filings.⁵

C. A prehearing conference is scheduled for **Thursday, March 27, 2025, at 3:45 p.m.** by telephone. The conference call information is: telephone number (253) 205-0468, Meeting ID 5248125436.⁶ **Parties must appear via a licensed attorney.**

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. 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.⁷

³ See *State ex rel. Stephan v. Williams*, 246 Kan. 681, 691 (1990).

⁴ 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.”).

⁵ The Commission finds the descriptive title in the above caption to be preferable to that in the joint motion, which stylized this “In the matter of Staff’s enforcement of the Commission’s rules and regulations.”

⁶ If prompted, there is no Participant ID; just press pound to continue.

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

E. 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 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.**

F. 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: 03/13/2025



Abigail D. Emery
Acting Secretary to the Commission

Mailed Date: 03/13/2025

JRM

CERTIFICATE OF SERVICE

25-CONS-3283-CMSC

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 03/13/2025.

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/S/ KCC Docket Room
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