

**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 application of Merit Energy) **Docket No: 24-CONS-3399-CEXC**
Company, LLC for an exception to the 10-year)
time limitation of K.A.R. 82-3-111 for its McCoy) CONSERVATION DIVISION
#1 well in the Southwest Quarter of the Southwest)
Quarter of Section 21, Township 26 South, Range) License No: 32446
32 West, Finney County, Kansas.)

In the matter of the application of Merit Energy) Docket No: 25-CONS-3033-CEXC
Company, LLC for an exception the 10-year time)
limitation of K.A.R. 82-3-111 for its Williams #1-) CONSERVATION DIVISION
3 well in the Northwest Quarter of the Northeast)
Quarter of the Northeast Quarter of the Southeast) License No: 32446
Quarter of Section 7, Township 30 South, Range)
33 West, Haskell County, Kansas.)

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

The Commission rules as follows:

1. On June 28, 2024, Merit filed an application in Docket 24-3399 as described in the above caption. On July 26, 2024, it filed an application in Docket 25-3033, also as described above.
2. On December 16, 2024, Commission Staff motioned for the designation of a presiding officer and the setting of a prehearing conference in Docket 24-3399. On December 17, 2024, Staff did the same in Docket 25-3033. In both dockets, Staff alleges Merit has not conducted a satisfactory casing integrity test.
3. Under K.A.R. 82-1-224, the Commission may consolidate two or more dockets for hearing on a common record if the Commission deems it to be in the public interest. The Commission deems it in the public interest, as a matter of judicial efficiency, to consolidate the captioned dockets.

4. Under K.S.A. 77-551(c), the Commission finds a Presiding Officer should be designated to determine procedural matters that may arise prior to a hearing on the merits, including but not limited to conducting prehearing conferences.¹ The Commission also finds that a prehearing conference should be scheduled.

5. 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 Operator is an artificial entity, it cannot appear in person.² Thus, Commission regulations require artificial entities such as Operator 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.³

THEREFORE, THE COMMISSION ORDERS:

A. 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 24-CONS-3399-CEXC, which shall serve as the primary docket. Commission employees shall then populate the filing in Docket 25-CONS-3033-CEXC.

B. 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.

C. A prehearing conference is scheduled for **Thursday, January 16, 2025, at 2:00 p.m.** by telephone. The conference call information is: telephone number (253) 205-0468, Meeting ID

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).

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.”).

5248125436.⁴ **Operator must appear via a licensed attorney. Prior to the prehearing conference, Operator’s attorney must file an entry of appearance, comports with the pleading requirements of K.A.R. 82-1-219 and identifying the filer as 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.⁵

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: 12/31/2024



Lynn M. Retz
Executive Director

Mailed Date: 12/31/2024

JRM

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).

CERTIFICATE OF SERVICE

24-CONS-3399-CEXC, 25-CONS-3033-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 12/31/2024.

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/S/ KCC Docket Room

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