

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

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

In the Matter of the Failure of MEM Partnership ) Docket No. 17-CONS-3398-CPEN  
LP, a General Partnership (Operator) to Comply )  
with K.A.R. 82-3-111 at the Cooley #1 in Graham ) CONSERVATION DIVISION  
County, Kansas. )  
\_\_\_\_\_ ) License No. 3809

**ORDER CLOSING DOCKET**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas. Having examined the files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On December 15, 2016, the State Corporation Commission of the State of Kansas (Commission) issued a Penalty Order against the Operator alleging one violation of K.A.R. 82-3-111 because the subject well is inactive in excess of the time allowed by regulation without being plugged, returned to service, or approved for temporary abandonment (TA) status.<sup>1</sup>
2. On August 8, 2017, the Commission defaulted the Operator for failure to obtain Kansas licensed counsel and ordered the Operator to comply with the Penalty Order.<sup>2</sup>
3. On September 6, 2017, Mr. Story filed a civil action in Graham County District Court seeking to enjoin the Commission's actions.
4. On November 8, 2017, the Graham County District Court stayed the Commission's actions and remanded the matter back to the Commission.<sup>3</sup> The Commission timely appealed.

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<sup>1</sup> Penalty Order at 3 (Dec. 15, 2016).

<sup>2</sup> Order Denying Motion to Vacate; Default at 5-6 (Aug. 8, 2017).

<sup>3</sup> Order Staying Agency Action and Order Remanding to Agency for Hearing at 5, *Story v. State Corporation Comm'n*, 2014-CV-14 (Nov. 8, 2017).

5. On February 28, 2018, the Commission and Mr. Story jointly moved the Court of Appeals to dismiss the appeal noting that all issues contained in the original penalty had been resolved and that there was no need for further administrative proceedings with the exception of closing the docket.<sup>4</sup>

6. On March 6, 2018, the Court of Appeals granted the joint motion and dismissed the appeal. The Joint Motion to Dismiss Appeal and the Court of Appeals' order are attached for reference.

**THEREFORE, THE COMMISSION ORDERS:**

A. This docket shall be closed.

B. Any Party affected by this Order may file with the Commission a petition for reconsideration pursuant to K.S.A. 77-529(a). The petition shall be filed within 15 days after service of this Order and must state the specific grounds upon which relief is requested.<sup>5</sup> The petition shall be addressed to the Commission and sent to 266 N. Main, Ste. 220, Wichita, Kansas 67202.

C. 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

Dated: 05/03/2018



Lynn M. Retz  
Secretary to the Commission

Mailed Date: 05/04/2018

DLK/sc

<sup>4</sup> Joint Motion to Dismiss Appeal, *Story v. State Corporation Comm'n*, No. 118,766 (Feb. 28, 2018).

<sup>5</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).



**Court:** Court of Appeals

**Case Number:** 118766

**Case Title:** WILLIAM STORY D/B/A  
MEM PARTNERSHIP, LP, APPELLEE,  
V.  
THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS, APPELLANT.

**Type:** Joint Motion to Dismiss Appeal

Granted. Appeal dismissed.

SO ORDERED.

A handwritten signature in black ink, reading "David E. Bruns". The signature is stylized with a large, looping "D" and a cursive "B".

/s/ David E. Bruns, Judge

**IN THE COURT OF APPEALS FOR THE STATE OF KANSAS**

WILLIAM STORY D/B/A MEM	)	
PARTNERSHIP, LP,	)	
	)	
Plaintiff/Appellee,	)	
v.	)	Case No. 118766
	)	
THE STATE CORPORATION	)	
COMMISSION OF THE STATE OF	)	
KANSAS,	)	
Defendant/Appellant.	)	

**JOINT MOTION TO DISMISS APPEAL**

COMES NOW, Defendant/Appellant, the State Corporation Commission for the State of Kansas (Commission), by and through counsel, and Plaintiff/Appellee, Mr. William Story, pro se, and submits this Joint Motion to Dismiss Appeal and requests the Court of Appeals enter an order remanding the matter to the Commission for final disposition. In support of its motion, the Movants state as follows:

1. On September 9, 2017, as a result of Commission administrative action, the Plaintiff's license to conduct oil and gas operations in Kansas was suspended.
2. On October 23, 2018, the Plaintiff caused the subject oil well to be plugged in accordance with Commission regulations and paid all outstanding fines and penalties associated with the related administrative case.
3. On October 25, 2018, the Plaintiff's license was re-instated.
4. As of the date of this filing, to the Commission's knowledge, the Plaintiff is in full compliance with the Commission's Orders and regulatory authority. There is no need for further administrative proceedings before the Commission with the exception of an Order closing the administrative case.

5. Therefore, the District Court's Order and this Appeal are moot. "The general rule is that an appellate court does not decide moot questions or render advisory opinions." *Smith v. Martens*, 279 Kan. 242, 244 (2005) (quoting *Board of Johnson County Comm'rs v. Duffy*, 259 Kan. 500 (1996)). The Parties are regretful that it has taken an unfortunate amount of time to confirm the facts regarding this matter.

WHEREFORE, the Movants respectfully request the Court dismiss the matter and remand for final agency disposition.

Respectfully submitted,

//s Dustin L. Kirk  
Dustin L. Kirk #24858  
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Deputy General Counsel  
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*Attorney for the Defendant/Appellant*

Reviewed and Approved as to  
Form and Substance:

  
\_\_\_\_\_  
William Story  
MEM Partnership, LP  
PO Box 130832  
Spring, TX 77393  
Tel: 936-828-6018  
[billstory100@gmail.com](mailto:billstory100@gmail.com)

*Plaintiff/Appellee*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing Joint Motion to Dismiss Appeal has been served by first class U.S. mail, on this 28<sup>th</sup> day of February, 2018, to the following:

William Story  
PO Box 130832  
Spring, TX 77393

*Sally Conn*

\_\_\_\_\_  
Sally Conn

Public Service Administrator

Order

GH

# Court of Appeals of Kansas

301 SW 10th Ave.  
Topeka, KS 66612  
785.296.3229

CLERK DISTRICT COURT  
GRAHAM COUNTY COURTHOUSE  
410 N POMEROY  
HILL CITY, KS 67642

Appellate Case No. 18-118766-A  
District Court Case No. 17CV14

WILLIAM STORY D/B/A  
MEM PARTNERSHIP, LP, APPELLEE,  
V.  
THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS, APPELLANT.

THE COURT HAS TAKEN THE FOLLOWING ACTION:

FILED  
2018 MAR 12 AM 9:59

EFILED  
Date: March 6, 2018

Douglas T. Shima  
Clerk of the Appellate Courts



**Court:** Court of Appeals

**Case Number:** 118766

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MEM PARTNERSHIP, LP, APPELLEE,  
V.  
THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS, APPELLANT.

**Type:** Joint Motion to Dismiss Appeal

Granted. Appeal dismissed.

SO ORDERED.

A handwritten signature in black ink, appearing to read "David E. Bruns".

/s/ David E. Bruns, Judge



**CERTIFICATE OF SERVICE**

17-CONS-3398-CPEN

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 05/03/2018.

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/S/ DeeAnn Shupe

DeeAnn Shupe