

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

In the Matter of the failure of Benjamin M. Giles (“Operator”) to comply with K.A.R. 82-3-120.	)	Docket No.: 20-CONS-3082-CPEN
	)	
	)	CONSERVATION DIVISION
	)	
	)	License No.: 5446

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**MOTION TO STRIKE STATEMENT IN SUPPORT  
OF PETITION FOR INTERVENTION**

COME NOW, Commission Staff (“Staff”) of the State Corporation Commission of the State of Kansas (“Commission”), files this Motion to Strike the Statement in Support of Petition for Intervention filed by the unsecured creditors’ committee of MWM Oil Company, Inc. (“Creditors”). In support its Motion, Staff states as follows:

1. On October 17, 2019, the Commission issued a Penalty Order in this docket against Operator finding that Operator committed one violation of K.A.R. 82-3-120(a) because an unplugged well or unplugged wells, for which Operator is responsible, remain on Operator’s expired license and wells listed on Operator’s expired license continue to operate.<sup>1</sup>
2. On October 22, 2019, MWM Oil Co., Inc. and RAG Oil Co., LLC filed a Petition for Intervention, Request for Hearing, and Emergency Motion to Lift Shut-In Order.<sup>2</sup>
3. On October 25, 2019, Community National Bank & Trust filed a Petition for Intervention, Request for Hearing, and Emergency Motion to Lift Shut-In Order.<sup>3</sup>
4. On October 25, 2019, Charlene A. Giles filed a Petition for Intervention, Request for Hearing, and Emergency Motion to Lift Shut-In Order.<sup>4</sup>

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<sup>1</sup> *Penalty Order*, ¶¶ 10 (Oct. 17, 2019).

<sup>2</sup> Petition for Intervention, Request for Hearing, and Emergency Motion (Oct. 22, 2019).

<sup>3</sup> Petition for Intervention, Request for Hearing and Emergency Motion to Lift Shut-In Order (Oct. 25, 2019).

<sup>4</sup> Request for Hearing, Motion to Lift Shut-In Order, and Request to Renew License (Oct. 25, 2019).

5. On October 25, 2019, the Unsecured Creditors' Committee of MWM Oil Company, Inc. filed a Statement in Support of Petition for Intervention.<sup>5</sup>

## II. ARGUMENT

6. Creditors are not a party to this proceeding, nor have they filed for intervention in this docket. The statement filed by Creditors is unsolicited commentary from a bankruptcy committee, the contents of which are not instructive to the Commission's determination in this matter, and as such it has no evidentiary value.

7. Additionally, Creditors filing is not procedurally proper. Creditors' cite to no Commission statute, rule, or regulation to support the filing of its statement as a non-intervenor, and as such Staff moves to strike the statement.

WHEREFORE, Staff respectfully requests the Commission grant this motion and strike the Statement in Support of Petition for Intervention, and for any further relief as the Commission deems just and proper.

Respectfully submitted,



Kelcey A. Marsh, #28300  
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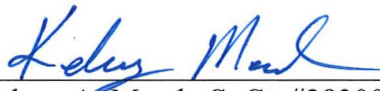
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<sup>5</sup> Statement in Support of Petition for Intervention (Oct. 25, 2019).

**VERIFICATION**

STATE OF KANSAS                     )  
  ) ss.  
COUNTY OF SEDGWICK            )

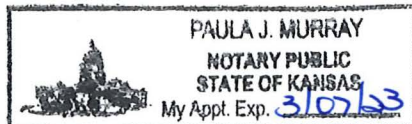
Kelcey A. Marsh, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of his knowledge, information and belief.

  
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Kelcey A. Marsh, S. Ct. #28300  
Litigation Counsel  
State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 6 day of Nov, 2019.

  
\_\_\_\_\_  
Notary Public

My Appointment Expires: 3/07/23



## **CERTIFICATE OF SERVICE**

20-CONS-3082-CPEN

I, the undersigned, certify that a true copy of the attached Motion to Strike Statement in Support of Petition for Intervention has been served to the following by means of first class mail and electronic service on November 6, 2019.

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/S/ Paula J. Murray

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Paula J. Murray