

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

Before Commissioners:                     Dwight D. Keen, Chair  
   Susan K. Duffy  
   Andrew J. French

In the matter of an order to show cause issued to Great    ) Docket No: 23-CONS-3176-CSHO  
Plains Petroleum, Inc. (Operator) for a plugging order at    )  
the Stumps #4 well in Barton County, Kansas.             ) CONSERVATION DIVISION  
   )   )  
   ) License No: 30163  
   )

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

The Commission rules as follows:

1.        On January 6, 2023, Commission Staff motioned for an order to show cause, the designation of a presiding officer, and the scheduling of a prehearing conference, on the issue of whether the Stumps #4 should be immediately plugged by Operator. Staff posits the well presents a potential threat of pollution and waste and needs to be plugged.

2.        The purpose of this docket shall be to consider what, if anything, Operator should be required to do at the Stumps #4; the Commission finds an order specifically directing Operator to show cause to be unnecessary. 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, including but not limited to conducting prehearing conferences.<sup>1</sup>

3.        The Commission finds a Prehearing Conference should be scheduled.

4.        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.<sup>2</sup> Thus,

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<sup>1</sup> See also K.S.A. 77-516 and K.S.A. 77-517.

<sup>2</sup> See *State ex rel. Stephan v. Williams*, 246 Kan. 681, 691 (1990).

Commission regulations require artificial entities such as Operator to appear before the Commission via counsel.<sup>3</sup> 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.<sup>4</sup>

**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 j.myers@kcc.ks.gov. The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for **Thursday, February 2, 2023, at 1:15 p.m.** by telephone. The conference call information is: telephone number (253) 205-0468, Meeting ID 5248125436.<sup>5</sup> **Operator must appear via a licensed attorney. Prior to the Prehearing Conference, Operator’s attorney must file an entry of appearance, if not already filed, comporting with the pleading requirements of K.A.R. 82-1-219 and identifying the filer as a licensed attorney.**

C. 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

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<sup>3</sup> See also K.A.R. 82-1-228(d)(2) (“[A] corporation shall not be permitted to enter an appearance, except by its attorney.”); Operator is a corporation.

<sup>4</sup> 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.”).

<sup>5</sup> If prompted, there is no Participant ID; just press pound to continue.

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.<sup>6</sup>

D. 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.**

E. The attorney designated to appear on behalf of the agency in this proceeding is Tristan Kimbrell, Litigation Counsel, telephone number (316) 337-6200, t.kimbrell@kcc.ks.gov.

**BY THE COMMISSION IT IS SO ORDERED.**

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 01/17/2023



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Lynn M. Retz  
Executive Director

Mailed Date: 01/17/2023  
JRM

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<sup>6</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

**CERTIFICATE OF SERVICE**

23-CONS-3176-CSHO

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 01/17/2023.

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/S/ KCC Docket Room  
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