

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

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

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) CONSERVATION DIVISION
in Graham County, Kansas.)
_____) License No.: 3809

**STAFF’S RESPONSE TO WILLIAM STORY’S “REPLY TO ORDER ON
REPRESENTATION AND PROCEDURAL SCHEDULE DATED MAY 11, 2017”**

William Story’s request for the Commission to reconsider its May 11, 2017 Order on Representation and Procedural Schedule should be denied as the order is not a final order subject to reconsideration pursuant to K.S.A. 77-529. Furthermore, Mr. Story continues to engage in the unauthorized practice of law by filing pleadings on behalf of MEM Partnership in defiance of the Commission’s Order. Staff requests the arguments raised in his pleading be discarded as the unauthorized practice of law. Finally, William Story fundamentally misstates email communications he claims to have received from Commission Staff.

JURISDICTION

1. K.S.A. 77-529 provides that any party may file a petition for reconsideration within 15 days after service of a final order stating the specific grounds upon which relief is requested.
2. K.S.A. 77-515(c) provides that a state agency may require a corporation or other artificial person to participate by counsel.

3. The Commission has found that MEM Partnership is an artificial entity required to appear by legal counsel for portions of the proceeding that require the practice of law.¹

BACKGROUND

4. Operator, a limited partnership formed in Texas, conducts oil and gas activities in Kansas under license number 3809.

5. This matter was originally set for an evidentiary hearing on June 15, 2017 at 10:00 am regarding MEM Partnership's failure to comply with Commission regulations.

6. On April 12, 2017, William Story filed a pleading entitled "Possible Change of Order for Procedural Schedule Hearing" which explained that Mr. Story's family timeshare vacation is from June 9, 2017 through June 16, 2017.² Commission Staff declined to respond to the request for continuance and the pre-hearing officer subsequently granted the request and scheduled the matter for hearing on July 20, 2017, at 10:00 a.m., with pre-filed testimony deadlines remaining unchanged.

7. An evidentiary hearing in this docket is currently pending for July 20, 2017.

8. On May 11, 2017, the Commission issued an Order on Representation and Procedural Schedule which designated MEM Partnership an "artificial entity" requiring representation by legal counsel when appearing before the Commission.

9. On May 16, 2017, an automatically generated email was sent from the address noreply.kgsprd@kgs.ku.edu which informed Mr. Story that his license is scheduled to expire on June 30, 2017. The notice further states, "At that time [June 30, 2017], if unplugged wells remain on your license, and you have not renewed it, you will be in violation of K.A.R. 82-3-120."³

¹ See *Order on Representation and Procedural Schedule*, paragraph 15.

² See *Possible Change of Order For Procedural Schedule Hearing*, paragraphs 4-5.

³ See Exhibit A.

10. On May 22, 2017, William Story filed a pleading entitled “Reply to Order on Representation and Procedural Schedule Dated May 11, 2017” on behalf of Operator. The filing seeks reconsideration of the Commission’s Order on Representation and Procedural Schedule issued May 11, 2017 and contains legal arguments disclaiming responsibility for the subject well similar to those raised by Mr. Story in previous filings with the Commission.

DISCUSSION

The Commission’s Order on Representation and Procedural Schedule is not a final order subject to review pursuant to K.S.A. 77-529.

11. In his May 22, 2017 filing, William Story seeks reconsideration of the Commission’s Order.⁴ K.S.A. 77-529 provides that “...any party, within 15 days after service of *a final order*, may file a petition for reconsideration with the agency head, stating the specific grounds upon which relief is requested.” (Emphasis added). Further, the Commission has previously made a finding that an order continuing deadlines was not a final order on the merits of the case.⁵ Here, William Story petitions the Commission for relief from an Order that is not a final order disposing of the docket, but rather, deals exclusively with procedural matters. Mr. Story’s pleading provides no new information to the Commission and essentially amounts to a disagreement with the Order. Despite the Commission’s Order to the contrary, Mr. Story continues in his attempt to advance legal arguments on behalf of MEM Partnership. Commission Staff submits that Mr. Story is not entitled to a reconsideration of the Commission’s Order and requests the motion be denied.

⁴ See *Reply to Order on Representation and Procedural Schedule Dated May 11, 2017*, paragraph 8.

⁵ See *In the Matter of the application of C12 Kansas Oil, LLC, for an order providing for the unitization and unit operation of the Post Rock Unit in Russell County, Kansas*. 15-CONS-009-CUNI

William Story fundamentally misrepresents the contents of an email received regarding MEM's license to operate.

12. In his pleading, Mr. Story suggests that Commission Staff has notified him that an application to renew MEM Partnership's license will be denied. However, Commission Staff has made no such representations electronically or otherwise. An automatically generated message from the Commission's KOLAR system was sent to Mr. Story's email address on May 16, 2017 at 10:43 am. This standard notification reminds all operators that a failure to renew a license with wells remaining on the expired license will constitute a violation of Commission regulations, but makes no assertions about whether a license renewal application will be either granted or denied in the future.⁶

WHEREFORE, Commission Staff respectfully requests the Commission deny the relief sought by William Story and discard legal arguments raised therein in keeping with the Commission's prior Order in this docket.

Respectfully submitted,



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Kansas Corporation Commission
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⁶ See Exhibit A.

Amy Banks

From: noreply.kgsprd@kgs.ku.edu
Sent: Tuesday, May 16, 2017 10:43 AM
To: billstory100@gmail.com
Cc: Paula Murray; klook@kgs.ku.edu; Amy Banks
Subject: KOLAR: KCC License Renewal Required - MEM Partnership LP, a General Partnership, KCC License #3809

Operator:

Your operator's license will expire in 45 days, on 06/30/2017. At that time, if unplugged wells remain on your license, and you have not renewed it, you will be in violation of K.A.R. 82-3-120.

Your license must be renewed electronically through KOLAR. You will not be able to renew your license until your Well Inventory Certification has been submitted, also through KOLAR.

Violation of K.A.R. 82-3-120 carries a \$500 penalty. If your license expires, your oil and gas operations in Kansas must be suspended. Additional penalties could also be assessed, and the Commission could order any unplugged wells remaining on your license to be plugged, with costs assessed to you.

To start the license renewal process, go to <https://kolar.kgs.ku.edu>. Log in and click on the Licensing tab. Please contact the Conservation Division with any questions.

Users Notified

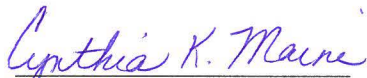
WILLIAM STORY

CERTIFICATE OF SERVICE

I certify that on 5/31/2017, I caused a complete and accurate copy of this Response to be served via United States mail, with the postage prepaid and properly addressed to the following:

William Story
MEM Partnership LP, A General Partnership
PO Box 130832
Spring, TX 77393-0832

And delivered by email to:
Dustin Kirk, Deputy General Counsel
KCC Topeka Office



Cynthia K. Maine
Administrative Assistant
Kansas Corporation Commission