

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

In the matter of whether Somerset Energy, Inc.’s) Docket No: 25-CONS-3193-CUIC
injection authority at eight wells subject to permit E-)
31,866 should be revoked.) CONSERVATION DIVISION
)
_____) License Nos: 6143

In the matter of the petition of Somerset Energy, Inc.) Docket No: 25-CONS-3195-CMSC
to open a docket pursuant to K.S.A. 55-605(a).)
) CONSERVATION DIVISION
)
_____) License Nos: 6143

ORDER CONSOLIDATING DOCKETS AND DESIGNATING PRESIDING OFFICER

The Commission rules as follows:

I. Background

1. On December 9, 2024, Commission Staff initiated Docket 25-3193 by filing a motion for the designation of a presiding officer and the scheduling of a prehearing conference, in anticipation of a hearing to determine whether Somerset Energy, Inc.’s injection authority for eight wells on permit E-31,866 should be revoked.¹ Staff alleged the recent discovery of the abandoned Nevius #OW-6 well² within a quarter mile of the eight wells, and Somerset’s unwillingness to shut-in the eight wells, necessitated review of this matter.³

2. On December 11, 2024, Somerset initiated Docket 25-3195 by petitioning to open a docket pursuant to K.S.A. 55-605(a),⁴ alleging it is not responsible for the Nevius #OW-6 well and that shutting in its eight wells would cause waste in violation of K.S.A. 55-601.⁵

¹ See, e.g., Motion for the Designation of Presiding Officer and the Scheduling of a Prehearing Conference, at Prayer (Dec. 9, 2024).

² API #15-121-02901.

³ See generally Staff’s Dec. 9, 2024, Motion.

⁴ In pertinent part, the statute reads “Any person...may institute proceedings before the commission upon any question relating to the enforcement of this act...”

⁵ See, e.g., Petition Opening Docket Pursuant to K.S.A. 55-605(a), ¶¶ 11, 16 (Dec. 13, 2024).

3. On December 13, 2024, Staff filed a response to Somerset’s petition, also motioning for the docket to be closed, on the grounds that Docket 25-3193 already existed. On December 20, 2024, Somerset replied, stating that the subject matter of its petition was broader than that described by Staff in Docket 25-3193, since Somerset was also alleging a widespread Staff practice of unlawfully forcing operators to accept responsibility for wells for which they are not responsible. Somerset also stated that the board of the Eastern Kansas Oil and Gas Association had voted the day prior to motion to intervene in Docket 25-3195 and would do so after the first of the year.

4. Also pending in Docket 25-3195 is Somerset’s December 13, 2024, motion for a preliminary order authorizing Somerset to continue operating the eight injection wells within a quarter mile of the Nevius #OW-6. On December 26, 2024, Staff responded in opposition.

II. Findings of Fact and Conclusions of Law

5. 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.

6. The purpose of these consolidated dockets shall be to determine what obligations Somerset may have as it pertains to the Nevius #OW-6 well, and how the status of the Nevius #OW-6 well should impact Somerset’s use of the eight wells within a quarter mile of that well.

7. The Commission finds a Presiding Officer should be designated in these proceedings to determine procedural matters that may arise, including but not limited to conducting prehearing conferences,⁶ and that a prehearing conference should be scheduled.

8. 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

⁶ See also K.S.A. 77-516 and K.S.A. 77-517.

licensed attorney. Because Operator is an artificial entity, it cannot appear in person.⁷ 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.⁸

9. The Commission finds that the below resolves all pending motions, petitions, and requests in these matters except Somerset's December 13, 2024, motion for a preliminary order authorizing it to continue operating the eight wells within a quarter mile of the Nevius #OW-6, and that the Commission wishes to take that motion under advisement.

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 25-CONS-3193-CUIC, which shall serve as the primary docket. Commission employees shall then populate the filing in Docket 25-CONS-3195-CMSC.

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. Somerset's December 13, 2024, motion for a preliminary order is taken under advisement; the Presiding Officer shall be in communication with the parties regarding the next steps on that motion.

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

⁷ See *State ex rel. Stephan v. Williams*, 246 Kan. 681, 691 (1990).

⁸ 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.").

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 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

CERTIFICATE OF SERVICE

25-CONS-3193-CUIC, 25-CONS-3195-CMSC

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.

KEITH A. BROCK, ATTORNEY
ANDERSON & BYRD, L.L.P.
216 S HICKORY
PO BOX 17
OTTAWA, KS 66067-0017
kbrock@andersonbyrd.com

TODD BRYANT, GEOLOGIST SPECIALIST
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
todd.bryant@ks.gov

KELCEY MARSH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
kelcey.marsh@ks.gov

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
jon.myers@ks.gov

TROY RUSSELL
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 3
137 E. 21ST STREET
CHANUTE, KS 66720
troy.russell@ks.gov

DUANE SIMS
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 3
137 E. 21ST STREET
CHANUTE, KS 66720
duane.sims@ks.gov

LANCE TOWN
SOMERSET ENERGY, INC.
4453 SHAWNEE RD
WELLSVILLE, KS 66092-0716

/S/ KCC Docket Room

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