

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

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

In the matter of the failure of Nacogdoches Oil & Gas,) Docket No: 24-CONS-3373-CPEN
LLC (Operator) to comply with K.A.R. 82-3-407 at the)
Spradling #68 well in Labette County, Kansas.) CONSERVATION DIVISION
)
_____) License Nos: 32042

In the matter of the failure of Nacogdoches Oil & Gas,) Docket No: 24-CONS-3374-CPEN
LLC (Operator) to report activity that occurred during the)
2023 calendar year in compliance with K.A.R. 82-3-409.) CONSERVATION DIVISION
)
_____) License Nos: 32042

**ORDER CONSOLIDATING DOCKETS, DESIGNATING PRESIDING OFFICER,
AND SETTING PREHEARING CONFERENCE**

The Commission rules as follows:

1. On May 30, 2024, the Commission issued a Penalty Order against Operator in Docket 24-3373 for violation of K.A.R. 82-3-407, alleging failure to conduct a mechanical integrity test on the Spradling #68 well. On June 27, 2024, Operator requested a hearing.
2. Also on May 30, 2024, the Commission issued a Penalty Order against Operator in Docket 24-3374 for violation of K.A.R. 82-3-409, alleging failure to file various annual fluid injection reports. On June 27, 2024, Operator requested a hearing.
3. 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.

4. 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,¹ and that a prehearing conference should be scheduled.

5. 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.² 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.³

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 24-CONS-3373-CPEN, which shall serve as the primary docket. Commission employees shall then populate the filing in Docket 24-CONS-3374-CPEN.

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.

¹ See also K.S.A. 77-516 and K.S.A. 77-517.

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

³ 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.”).

C. A prehearing conference is scheduled for **Thursday, August 15, 2024, at 1:30 p.m.** by telephone. The conference call information is: telephone number (253) 205-0468, Meeting ID 5248125436.⁴ **Operator must appear via a licensed attorney.**

D. 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 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.⁵


E. 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.**

F. 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 (recused); Kuether, Commissioner

Dated: 07/18/2024



Lynn M. Retz
Executive Director

Mailed Date: 07/18/2024
JRM

⁴ If prompted, there is no Participant ID; just press pound to continue.
⁵ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

CERTIFICATE OF SERVICE

24-CONS-3373-CPEN, 24-CONS-3374-CPEN

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 07/18/2024.

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/S/ KCC Docket Room

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