

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

In the matter of the failure of Barracuda)	Docket No.: 25-CONS-3360-CPEN
Operating Company (Operator) to comply with)	
K.A.R. 82-3-120 and K.A.R. 82-3-133 by)	CONSERVATION DIVISION
operating under a suspended license.)	
_____)	License No.: 33593

PRE-FILED REBUTTAL TESTIMONY

OF

CASE MORRIS

ON BEHALF OF COMMISSION STAFF

OCTOBER 10, 2025

1 **Q. Are you the same Case Morris who pre-filed direct testimony in this docket on August**
2 **22, 2025?**

3 A. Yes.

4 **Q. What is the purpose of your rebuttal testimony in this matter?**

5 A. The purpose of my testimony is to discuss the assertions contained in the Pre-Filed Direct
6 Testimony of Carolyn Gabel given on behalf of Barracuda Operating Company (Operator) in
7 Docket 25-CONS-3360-CPEN (Docket 25-3360).

8 **Q. On page 4 of Ms. Gabel's testimony, she suggests that Operator has not had the best**
9 **record of compliance beginning in 2023 because of her lack of experience and lack of**
10 **close attention to KOLAR notifications. Is that a good reason to reduce the penalty**
11 **amount in this docket?**

12 A. No, it is not. First, I would point out that Operator has not had a great record of compliance
13 even before 2023. As Exhibit CM-1 of my pre-filed direct testimony shows, between 2012
14 and 2023, Operator received seven penalty orders. Second, while I am certainly sympathetic
15 to Ms. Gabel's lack of oil and gas experience, I do not believe that such lack of experience is
16 a good excuse for continuing to perform oil and gas activities under a suspended license. An
17 operator has a duty to comply with all Commission rules, regulations, and orders, even if one
18 of the operator's employees lacks experience. That is especially true in this docket given that
19 the Shut-In Order was the second Shut-In Order issued to Operator within a six-month period.

20 **Q. On page 5 of Ms. Gabel's testimony, she explains the reason Operator's license was**
21 **suspended by Staff in Docket 25-CONS-3276-CPEN (Docket 25-3276). Does that docket**
22 **have any relevance to the current docket?**

1 A. No, it does not. The Commission issued a Shut-In Order in the present docket because
2 Operator continued to perform oil and gas operations even though Staff had suspended
3 Operator's license in three dockets: Docket 25-CONS-3050-CPEN, Docket 25-CONS-3223-
4 CPEN, and Docket 25-CONS-3242-CPEN. Staff did subsequently suspend Operator's license
5 in Docket 25-3276—the docket Ms. Gabel references—but that had no bearing on the
6 issuance of the Shut-In Order.

7 **Q. On page 6 of Ms. Gabel's testimony, she states that oil prices need to be higher for a**
8 **positive business climate and suggests the penalty amount in this docket is excessive. Do**
9 **you believe penalty amounts should be based on current oil prices?**

10 A. No, I do not. Oil prices change on a very frequent basis, and to base penalty amounts on oil
11 prices would mean that operators might receive vastly different penalty amounts for the same
12 violation based simply on what day a penalty order happened to be issued by the Commission.
13 Basing penalty amounts on current oil prices would be entirely unreasonable.

14 **Q. Also, on page 6 of Ms. Gabel's testimony, she states that the penalty amount is not**
15 **needed as an economic deterrent and is designed only to punish Operator. Do you agree**
16 **with those assertions?**

17 A. I do not. On January 28, 2025, the Commission issued a Shut-In Order against Operator in
18 Docket 25-CONS-3246-CPEN for conducting oil and gas operations under a suspended
19 license. The penalty amount in that order was \$10,000. Less than six months later, on May 8,
20 2025, the Commission issued the Shut-In Order in this docket for conducting oil and gas
21 operations under a suspended license. Clearly, the \$10,000 penalty amount in the first Shut-
22 In Order was not enough of an economic deterrent to prevent Operator from committing the
23 same violation a few months later. The Commission's decision to increase the penalty amount

1 in this docket to \$25,000 was necessary to provide an actual and substantial economic
2 deterrent to Operator.

3 **Q. On page 7 of Ms. Gabel's testimony, she asks that the penalty amount in this docket be**
4 **reduced to an amount of no more than \$5,000. Do you think that \$5,000 is a reasonable**
5 **penalty in this docket?**

6 A. Certainly not. As I explained in my previous answer, a \$25,000 penalty amount appears
7 necessary as an actual and substantial economic deterrent for this Operator.

8 **Q. Has your recommendation changed based on Ms. Gabel's testimony?**

9 A. No, the Shut-In Order should still be affirmed. Ms. Gabel does not dispute in her testimony
10 that Operator's license was suspended and that Operator continued to perform oil and gas
11 operations under a suspended license. Ms. Gabel's testimony merely asserts that the penalty
12 amount is too high. Given that this is Operator's second Shut-In Order in such a short period
13 of time, I believe the heightened penalty amount is entirely reasonable.

14 **Q. Does this conclude your testimony?**

15 A. Yes.

CERTIFICATE OF SERVICE

25-CONS-3360-CPEN

I, the undersigned, certify that a true and correct copy of the attached Testimony has been served to the following by means of electronic service on October 10, 2025.

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