

**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 application of Canaday Oil) Docket No: 24-CONS-3103-CUNI
Corporation for an order authorizing unitization)
and unit operation of the Irons Morrow Sand Unit) CONSERVATION DIVISION
in Clark County, Kansas.)
_____) License No: 5303

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

The Commission rules as follows:

1. On October 5, 2023, Canaday Oil Corporation (Operator) filed an application as described in the above caption. The Commission has received the following protests:
 - a. On October 19, 2023, through counsel Robert Eisenhauer, the protest of Karen Lee Byerley (Trustee of the Karen Lee Byerley Revocable Trust) and Louise Ann West;
and
 - b. On October 24, 2023, through counsel Michelle Mahieu, the protest of Mark Mahieu, Michelle Mahieu, Estate of Eddie V. Mahieu, Estate of Linda L. Mahieu, Thomas O'Brien (Trustee of the O'Brien Family Trust) and John L. Bair (Trustee of the John L. Bair Trust).
2. 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 on the merits, including but not limited to conducting prehearing conferences.¹ The Commission also finds a prehearing conference should be scheduled.

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

3. 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 and the protesting estates are an artificial entities, they cannot appear in person.² Thus, Commission regulations require artificial entities such as Operator and the protesting estates 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 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, November 16, 2023, at 1:30 p.m.** by telephone. The conference call information is: telephone number (253) 205-0468, Meeting ID 5248125436.⁴ **Operator and the protesting estates must appear via 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

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.”).

⁴ 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.⁵

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 Kelcey Marsh, Litigation Counsel, telephone number (316) 337-6200, k.marsh@kcc.ks.gov.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/02/2023



Lynn M. Retz
Executive Director

Mailed Date: 11/02/2023
JRM

⁵ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

CERTIFICATE OF SERVICE

24-CONS-3103-CUNI

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

US mail and electronic service on 11/02/2023.

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/S/ KCC Docket Room

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