

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

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

In the matter of an Order to Show Cause issued to ) Docket No.: 16-CONS-4131-CSHO  
Summer Sun Gas L.L.C. ("Operator") regarding )  
responsibility under K.S.A. 55-179 for plugging ) CONSERVATION DIVISION  
the Brown #2 well in Chautauqua County, Kansas. )  
\_\_\_\_\_ ) License No.: 6880

**ORDER ON MOTION TO INTERVENE AND  
FOR DISMISSAL OR REALIGNMENT OF PARTIES**

This matter comes before the State Corporation Commission of the State of Kansas ("Commission") on the motion of Gary D. Cude' and Summer Sun Gas, Inc. to intervene and for dismissal or realignment of the parties. Giving due consideration to the pleadings, its records and files, its regulations and the Kansas statutes the Commission finds and concludes:

**I. FACTS AND ALLEGATIONS**

1. On August 2, 2016, the Commission issued a Show Cause Order to Summer Sun Gas L.L.C. to determine responsibility for plugging the Brown #2 well in Chautauqua County, Kansas.
2. On August 24, 2016, a Prehearing Officer Order was entered establishing a hearing schedule.
3. On October 11, 2016, Gary D. Cude' and Summer Sun Gas, Inc. ("Movant") filed its motion.
4. On October 20, 2016, Staff filed a response to the motion.
5. Movant states and Kansas Secretary of State records confirm that Summer Sun Gas L.L.C. was dissolved in 2002.

6. Movant states and Kansas Secretary of State records confirm that Summer Sun Gas, Inc. was formed in 2001 and is currently active and in good standing.

7. Movant states and Commission records confirm that Gary D. Cude' drilled the Brown #2 well in 1982.

8. Movant states that Gary D. Cude's oil & gas business was assumed by Summer Sun Gas L.L.C.'s and that later Summer Sun Gas L.L.C.'s oil and gas business was assumed by Summer Sun Gas, Inc.

9. Movant states and attached a copy of the agreement dated November 25, 1986, whereby George Lowell Brown and Barbara Jean Brown accepted ownership and responsibility for the well.

10. Movant states that George Lowell and Barbara Jean Brown are now deceased and that John Brown and Roald Brown inherited ownership and responsibility for the well.

11. Movant states that John Brown and Ronald Brown have denied them access to the well and will not allow the well to be plugged. Movant also attempted to have Staff aid them in gaining access, but Staff was also refused.

12. Movant requests that the Commission dismiss Summer Sun Gas L.L.C. from this docket since it no longer exists and substitute Summer Sun Gas, Inc. and Gary D. Cude' as the real parties in interest. In the alternative Movant requests that Summer Sun Gas, Inc. and Gary D. Cude' be allowed to intervene in the docket. Movant also requests that John Brown and Ronald Brown be joined as Respondents in the docket.

13. Staff states in its response that it has no objection to adding Summer Sun Gas, Inc. and Gary D. Cude' as parties, but does not believe Summer Sun Gas L.L.C. should be dismissed. Staff has no objection to joining John Brown and Ronald Brown as parties once they

have been served with Movant's motion and afforded the opportunity to respond. Staff states that Summer Sun Gas, Inc. only spoke with Staff regarding eventually seeking Staff's assistance in obtaining access to the well.

## **II. FINDINGS & CONCLUSIONS**

14. The Commission finds that Summer Sun Gas L.L.C. is dissolved and no longer exists, therefore any finding of responsibility the Commission would make with regard to it would be ineffectual. Summer Sun Gas L.L.C. should be dismissed as a party to this docket.

15. The Commission finds that Summer Sun Gas, Inc. and Gary D. Cude' are successors in interest to Summer Sun Gas L.L.C. and are the real parties in interest with regard to the Brown #2 well. Therefore Summer Sun Gas, Inc. and Gard D. Cude' are joined as parties in this docket.

16. The Commission finds that John Brown and Ronald Brown may be the owner of and responsible for the Brown #2 well by virtue of the November 25, 1986, agreement attached to the motion. Therefore John Brown and Ronald Brown should be joined as parties in this docket.

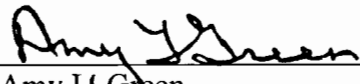
### **IT IS THEREFORE ORDERED:**

- A. That Summer Sun Gas L.L.C. is dismissed as a party in this docket.
- B. That Summer Sun Gas, Inc., Gary D. Cude', John Brown and Ronald Brown are joined as parties in this docket.

**BY THE COMMISSION IT IS SO ORDERED.**

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: NOV 03 2016

  
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Amy L. Green  
Secretary to the Commission

Mailed Date: November 3, 2016

JM

**CERTIFICATE OF SERVICE**

I certify that on November 3, 2016, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Jon R. Viets  
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*Attorney for Summer Sun Gas & Gary D. Cude*

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Ronald R. Brown  
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Sedan, Kansas 67361

And delivered by email to:

Jonathan R. Myers  
Conservation Division Central Office

/s/ Cynthia K. Maine  
Cynthia K. Maine  
Administrative Assistant  
Kansas Corporation Commission