

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

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

In the Matter of the Failure of MEM Partnership) Docket No. 17-CONS-3398-CPEN
LP, a General Partnership (Operator) to Comply)
with K.A.R. 82-3-111 at the Cooley #1 in Graham) CONSERVATION DIVISION
County, Kansas.)
) License No. 3809

NOTICE OF EX PARTE COMMUNICATION

1. On January 24, 2017, the Commission issued the Order Designating a Prehearing Officer and Setting a Prehearing Conference, designating Dustin L. Kirk to serve as Prehearing Officer in this docket.¹

2. On February 22, 2017, the Prehearing Officer issued an Order Continuing the Prehearing Conference until March 21, 2017.

3. On March 8, 2017, the Prehearing Officer received from William Storey, Managing Partner, MEM Partnership, LP, the original and seven copies of an Addendum: A Petition to Determine Legal Representation for MEM Partnership, LP.

4. Upon review of the documents, it appears they were not filed with the Commission or served on the other Parties in the docket. Therefore, such communication may be deemed ex parte in violation of K.S.A. 77-545. In order to cure such violation, the Prehearing Officer has attached the information to this notice in accordance with K.S.A. 77-545(d). To date, no other communication has occurred.

5. The attachment of the documents shall not be construed as a filing or service of said documents. It is in the Operator's interest to file and serve the documentation in

¹ Order Designating Prehearing Officer and Setting Prehearing Conference, Jan. 24, 2017.

accordance with the Commission's filing requirements and the general statutes, rules and regulations governing administrative proceedings. The Prehearing Officer encourages the Operator to contact Commission Staff at the KCC Conservation Division, 266 N. Main St., Ste. 220, Wichita, KS 67202, (316) 337-6245, to inquire as to how to correctly file documents in the docket, as well as serve the documents upon all parties.

Dated: March 22, 2017

/s/ Dustin L. Kirk
Dustin L. Kirk
Prehearing Officer
Office of General Counsel
Kansas Corporation Commission
1500 SW Arrowhead Rd.
Topeka, KS 66604-4027
(785) 271-3198 phone
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DLK/sc

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In the Matter of the Failure of MEM Partnership LP, a General Partnership (MEM) to Comply with K.A.R. 82-3-111 at the Cooley #1 in Graham County, Kansas.)	Docket No. 17-CONS-3398 -CPEN
)	
)	CONSERVATION DIVISION
)	
)	LICENSE NO. 3809

**ADDENDUM: A PETITION TO DETERMINE
LEGAL REPRESENTATION FOR MEM PARTNERSHIP, LP**

1. On February 21, 2017 at 1:30 p. m. a telephone Prehearing Conference call was held between the Deputy General Counsel, Kansas Corporation Commission (Commission) and MEM Partnership, LP, (MEM) pursuant to the Order Designating Prehearing Officer and Setting Prehearing Conference, dated January 24, 2017.
2. At this telephone Prehearing Conference the Deputy General Counsel Dustin L. Kirk was presiding and KCC staff (KCC) attorney Jon Meyers, from KCC Wichita, Kansas's office was also a participant and with William Story the Managing Partner of MEM Partnership, LP representing MEM.
3. At this Prehearing Conference call a discussion ensued whereby two major topics were discussed, the first of which was the statement by KCC staff attorney indicating that if this Docket No. 17-CONS-3398-CPEN were to go to a formal hearing with the Commissioners, then at that point MEM must be represented by a Kansas licensed attorney.
4. Whereby on every document regarding official Dockets issued by the KCC, to the best of our knowledge, has the very viable statement indicating as follows: "A Corporation shall appear before the Commission by a Kansas licensed attorney." The

subject Order Designating Prehearing Officer and Setting Prehearing Conference dated January 24, 2017, has this above statement in paragraph "E" of that document.

5. MEM is not a corporation, does not hold themselves out to be a corporation and there are numerous major differences between a Corporation and a Partnership with some of these differences are shown as follows:

a) A corporation has more people in the decision making process with a board of directors and management deciding on how the company is operated and a corporation is an independent legal entity owned by shareholders. A Partnership has two or more individuals that share ownership and the owners are responsible for expenses, liability and profit.

b) Corporations are more complicated with administrative fees, and complex tax and legal requirements and corporations must file Articles of Incorporation and obtain state and local licenses and permits, where Partnerships do not.

c) Corporation must have a Federal indemnification numbers and file IRS tax returns as a separate entity. In Partnerships, the general partners are held liable for all company taxes, debts and legal responsibilities.

6. MEM respectfully does not agree with KCC staff as to whether legal representation by a Kansas licensed attorney is required before a formal hearing with the Commissioners

7. KCC staff indicated that the Commissioners should make the decision for legal representation for MEM, If in fact this matter is not resolved between the parties prior to the formal hearing.

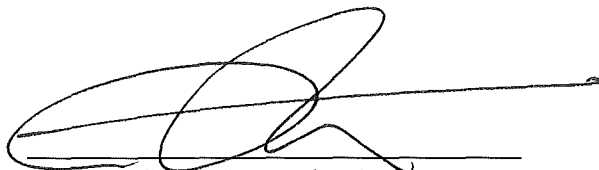
8. It appears respectfully to MEM that it should be the responsibility of MEM management to determine whether or not a Kansas licensed attorney is needed at a formal hearing before the commissioners. In any regard, it is the responsibility of MEM to receive the Official Order of the Commissioners with or without a Kansas licensed attorney.

9. Please be advised that the undersigned William Story has represented MEM Partnership, LP, before formal hearings of the Commissioners on three (3) different occasions over the past twenty (25) five years and if a Kansas licensed attorney is required at this time, then it may appear that the previous Commission Orders could be invalid. It is the opinion of MEM management that William Story is fully capable of representing MEM's interest in this matter. MEM has always found the Commissioners to be completely fair and equitable in their Official Orders.

10. The other major topic at the above telephone Prehearing Conference call was that this telephone Prehearing Conference should be continued until March 21, 2017 at 1:30 p.m. and all participants approved this continuance.

WHEREAS, CONSIDERING THE ABOVE, MEM Partnership, LP respectfully prays that this matter be resolved administratively within the KCC staff, if possible, or if not resolved to the satisfaction of both parties, pray herewith that this mater is set for a State Corporation Commission formal hearing and upon this formal hearing that the Commissioners shall grant MEM their request that a Kansas licensed attorney does not need to represent MEM in this Docket No. 17-CONS-3398-CPEN proceedings.

Dated: March 3, 2017.



William Story, Managing Partner
MEM Partnership, LP
PO Box 130832
Spring, Texas 77393
Cell 936-828-6018
Email: billstory100@gmail.com

Mailed to: Dustin L. Kirk Deputy General Counsel, Kansas Corporation Commission at
1500 S.W. Arrowhead Road, Topeka, Kansas 66604, an original and seven (7) copies.

SPACE BELOW IS VACANT BY DESIGN

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above document has been served by electronic mail this 22nd day of March, 2017:

William Story, Managing Partner
MEM Partnership, LP
PO Box 130832
Spring, TX 77393
billstory100@gmail.com

Richard Williams
KCC District #4

Jonathan R. Myers, Litigation
KCC Central Office



Sally Conn
Administrative Legal Specialist