

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

In the matter of whether the license of Thor ) Docket No. 24-CONS-3001-CSHO  
Operating, LLC (Operator) should be revoked. )  
) CONSERVATION DIVISION  
)  
) License No. 36020  
\_\_\_\_\_ )

In the matter of the failure of Quito, Inc. ) Docket No. 24-CONS-3072-CPEN  
(Operator) to comply with K.A.R. 82-3-120. )  
) CONSERVATION DIVISION  
)  
) License No. 33594  
\_\_\_\_\_ )

In the matter of the failure of Quito, Inc. and/or ) Docket No. 24-CONS-3086-CMSC  
Thor Operating, LLC to comply with K.A.R. 82- )  
3-120 and K.A.R. 82-3-133. ) CONSERVATION DIVISION  
)  
) License No. 33594 & 36020  
\_\_\_\_\_ )

**MOTION TO COMPEL**

Comes Now Staff of the Kansas Corporation Commission (Staff and Commission, respectively), respectfully requesting an Order to Compel Thor Operating, LLC (Operator) to provide responses to discovery requests submitted by Staff in these dockets. In support of its Motion, Staff states the following:

1. On September 26, 2023, Staff submitted its First Set of Interrogatories and Request for Production of Documents to Operator (First Request). A copy of Staff's First Request is attached to this motion as **Exhibit A**. On October 11, 2023, Operator responded to Staff's First Request. A copy of Operator's Responses is attached to this motion as **Exhibit B**. On November 17, 2023, Staff emailed Operator's counsel follow-up questions regarding the answers provided as part of Operator's Responses. A copy of Staff's email is attached to this motion as **Exhibit C**. To date, Operator has failed to respond to Staff's email requesting supplemental information.

2. Operator objected to a majority of Staff's Requests, but provided responses pursuant to those objections to all but three requests. The three requests without responses are Requests 8, 10, and 17. First, Operator has objected to Request 8 of Staff's First Request, which asked Operator to provide a list detailing the hierarchy structure of Thor Operating, LLC employees and independent contractors.<sup>1</sup> Operator objected to this request on the basis that the information sought is irrelevant and immaterial nor is it calculated to lead to the discovery of admissible evidence.<sup>2</sup> Second, Operator has objected to Request 10 of Staff's First Request. Staff's Request 10 requested Operator to list all royalty interest owners (including overriding royalty owners) and the percentage of their interest in the Appleby, Dearmond, Flossie-White, McFarland-Delong, Morton, Sears, Wall and Williamson leases.<sup>3</sup> Operator objected to this request on the basis that the information sought is irrelevant and immaterial nor is it calculated to lead to the discovery of admissible evidence.<sup>4</sup> Lastly, Operator has objected to Request 17 of Staff's First Request, which asked Operator to provide all written documents (including text messages and emails) between Mr. Goetz and Mark McCann, Chris Williams, anyone else acting on behalf of Mr. McCann, or current or former employees/independent contractors of Quito Inc. since November 2022.<sup>5</sup> Operator objected to this request on the basis that the information sought is irrelevant and immaterial nor is it calculated to lead to the discovery of admissible evidence.<sup>6</sup> Operator also states that such communications could theoretically encompass a substantial and voluminous quantity of communications, requiring a significant time and effort to identify, locate and produce, at a significant cost and expense.

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<sup>1</sup> Exhibit A at Request 8.

<sup>2</sup> Exhibit B at Request 8.

<sup>3</sup> Exhibit A at Request 10.

<sup>4</sup> Exhibit B at Request 10.

<sup>5</sup> Exhibit A at Request 17.

<sup>6</sup> Exhibit B at Request 17.

3. Staff believes that information requested in Staff's First Request 8 is relevant and material to the dockets pending before the Commission. The purpose of Docket 24-CONS-3001-CSHO (24-3001) is to determine whether Operator's license should be revoked based on the potential connection between Operator and Quito, Inc. One of the ways that connection may be established is by verifying whether Operator's employees or the independent contractors it uses are the same as the employees or independent contractors used by Quito, Inc. Staff believes that Operator should be compelled to provide a response to Staff's First Request 8 in order to verify that information. Staff does not believe that this information is irrelevant or immaterial as it could help both Staff and the Commission piece together the specific connections between Operator and Quito, Inc.

4. Staff believes Operator should be compelled to respond to First Request 10, which requested Operator to list all royalty interest owners (including overriding royalty owners) and the percentage of their interest in the Appleby, Dearmond, Flossie-White, McFarland-Delong, Morton, Sears, Wall and Williamson leases. Operator objected to this request on the basis that the information sought is irrelevant and immaterial nor is it calculated to lead to the discovery of admissible evidence. Staff believes the requested information is relevant and material based on the fact that the working interest in these leases belongs to Kansas Production Company, Inc., one of Mr. McCann's companies. Based on that information, it appears that the information requested would be beneficial to both Staff and the Commission while proceeding in this matter. That way both Staff and the Commission will have knowledge of the exact interest that Mr. McCann has in each of the leases.

5. Staff believes Operator should be compelled to respond to First Request 17 as the request is directly related to Docket 24-3001. Part of the question of whether Operator's license

should be revoked in Docket 24-3001 may be determined by any connection Operator has to Quito, Inc. or any other Mark McCann owned companies. As stated above, Staff's First Request 17 asked Operator to provide all written documents including text messages and emails between Mr. Goetz and Mark McCann, Chris Williams, anyone else acting on behalf of Mr. McCann, or current or former employees/independent contractors of Quito Inc. since November 2022.<sup>7</sup> Operator objected to the request as irrelevant and immaterial and because it is overbroad and burdensome. Staff believes these arguments do not have merit. First, Staff believes that the requested information is relevant and material. Operator states that Mr. Scott Goetz is its sole member and manager. Mr. Goetz also has worked for Mr. Mark McCann who is both the owner of Quito, Inc., the company that Operator has filed Transfer of Operator (T-1) forms from, and Kansas Production Company, Inc., the company that Operator signed an operating agreement with. Staff believes that the communications requested by Staff are material and relevant based on these connections and Mr. Goetz's involvement with companies owned by Mr. McCann. Operator also stated that First Request 17 was overbroad and burdensome. However, Operator also failed to provide any reasoning why Staff's request is such. Staff believes its request is properly limited both in time and by the number of people that it includes. Staff does not believe it is irrelevant or burdensome to ask for communications from November 2022, since that is around the time that the Commission held a hearing regarding Quito Inc.'s application for license renewal. Operator also has not represented that Quito, Inc. had a large number of employees/independent contractors that Mr. Goetz would have communicated with during this period of time. Staff would respectfully request that the Commission compel Operator to provide the documents requested.

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<sup>7</sup> Exhibit A at Request 17.

6. Staff has made a good faith effort to resolve this issue with opposing counsel via email and phone calls regarding the status of its discovery requests. Operator's objections to Staff's requests are without merit, and Staff believes it has provided sufficient reasoning above as to why its requests are relevant and material to the dockets at hand given Mr. Goetz's work history with companies owned by Mr. McCann and the apparent connection between Operator and Mr. McCann's companies.

WHEREFORE, for the reasons described above, Staff respectfully requests that Operator be compelled to provide answers to Staff's First Request 8 by providing a list detailing the hierarchy structure of Operator's employees and independent contractors, provide a response to Staff's First Request 10 by providing a list of all royalty interest owners (including overriding royalty owners) and the percentage of their interest in the Appleby, Dearmond, Flossie-White, McFarland-Delong, Morton, Sears, Wall and Williamson leases, and Staff's First Request 17 by providing all written documents including text messages and emails between Mr. Goetz and Mark McCann, Chris Williams, anyone else acting on behalf of Mr. McCann, or current or former employees/independent contractors of Quito Inc. since November 2022, and for such additional further relief as the Commission may find appropriate.

Respectfully Submitted,

/s/ Kelcey Marsh  
Kelcey A. Marsh, S. Ct. No. 28300  
Litigation Counsel  
Kansas Corporation Commission  
266 N. Main, Suite 220  
Wichita, KS 67202  
Phone: 316-337-6200  
[k.marsh@kcc.ks.gov](mailto:k.marsh@kcc.ks.gov)

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

In the matter of whether the license of Thor ) Docket Nos. 24-CONS-3001-CSHO  
Operating, LLC (Operator) should be revoked. )  
 ) CONSERVATION DIVISION  
 )  
 ) License No. 36020

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**COMMISSION STAFF’S FIRST SET OF INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

COMES NOW the Staff of the Kansas Corporation Commission, and requires, pursuant to the Kansas Rules of Civil Procedure, that Operator answer each and every one of the following interrogatories. These interrogatories are considered continuing in nature and answers setting out facts and information discovered after these interrogatories have been answered should be filed and served upon counsel of record. Please provide a response for each interrogatory and the requested documents no later than October 11, 2023.

**INTERROGATORIES**

1. Please list all oil and gas operators and all companies owned in whole or in part by Mark McCann that Mr. Scott Goetz of Thor Operating, LLC, has performed work with or for over the past 10 years.

**ANSWER:**

2. Of the companies identified in response to Question 1, please list Mr. Goetz’s position or role with each of those companies and the time period of the work.

**ANSWER:**

3. When did Mr. Goetz form Thor Operating, LLC?

**ANSWER:**

4. Please list all individuals who are or have been an officer, director, partner, or member of Thor Operating, LLC. Please also include the time periods the individuals listed have been an officer, director, partner, or member.

**ANSWER:**

5. Please list all stockholders of Thor Operating, LLC and the percentage of stock that they hold.

**ANSWER:**

6. Please list all investors in Thor Operating or Mr. Goetz and the amount of money invested since November 2022.

**ANSWER:**

7. Please list the amount of monies received or paid on behalf of Thor Operating, LLC or Mr. Goetz since November 2022 and list the name of the provider.

**ANSWER:**

8. Please provide a list detailing the hierarchy structure of Thor Operating, LLC employees and independent contractors.

**ANSWER:**

9. Please list all working interest owners and the percentage of their interest in the Appleby, Dearmond, Flossie-White, McFarland-Delong, Morton, Sears, Wall, and Williamson leases.

**ANSWER:**

10. Please list all royalty interest owners (including overriding royalty owners) and the percentage of their interest in the Appleby, Dearmond, Flossie-White, McFarland-Delong, Morton, Sears, Wall, and Williamson leases.

**ANSWER:**

11. Who is Chris Williams, and what is his connection to Mr. Goetz and/or Thor Operating, LLC?

**ANSWER:**

12. Please identify the individual responsible for responding to each of the interrogatories listed above and the document requests below.

**ANSWER:**

### **DOCUMENTS**

13. Please provide all bank records for accounts that Mr. Goetz has access to since November 2022, including bank records for Thor Operating, LLC.

**ANSWER:**



14. Please provide all operating agreements or similar documents that include Mr. Goetz and/or Thor Operating, LLC.

**ANSWER:**

15. Please provide all lease agreements or similar documents that include Mr. Goetz and/or Thor Operating, LLC.

**ANSWER:**

16. Please provide all invoices for Mr. Goetz and/or Thor Operating, LLC since November 2022.

**ANSWER:**

17. Please provide all written documentation including text messages and emails between Mr. Goetz and Mark McCann, Chris Williams, anyone else acting on the behalf of Mr. McCann, or current or former employees/independent contractors of Quito Inc. since November 2022.

**ANSWER:**

Respectfully submitted,

/s/ Kelcey Marsh  
Kelcey A. Marsh, #28300  
Litigation Counsel | Kansas Corporation Commission  
266 N. Main St., Ste. 220 | Wichita, KS 67202

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

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Operating, LLC (Operator) should be revoked. )  
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**PRELIMINARY RESPONSE**

Operator notes that the Presiding Officer has not issued any Order in the pending matter concerning the extent to which discovery will be permitted, and the parties have not communicated or agreed upon discovery as provided by K.S.A. 77-522. By responding to this discovery request, Operator does not waive the provisions of K.S.A. 77-522 as to any future discovery requests, and reserves the right to seek protective orders or other relief as provided under the rules of civil procedure as to this or any future discovery requests.

**INTERROGATORIES**

1. Please list all oil and gas operators and all companies owned in whole or in part by Mark McCann that Mr. Scott Goetz of Thor Operating, LLC, has performed work with or for over the past 10 years.

**ANSWER:** Operator objects to this interrogatory as irrelevant and immaterial. Neither K.S.A. 55-155, K.A.R. 82-3-120, the KCC License Application form OPL-1 or instructions to that form, the Request for Change of Operator Transfer of Injection or Surface Pit Permit form T-1 or instructions to that form, identify existing or prior contractual relationships or employment as a condition, factor or element the Commission is to consider in issuing an Operator's license or transferring operator responsibility, and therefore, a response to the interrogatory is outside of the general scope of discovery under K.S.A. 60-226 (b) (1), and will not produce admissible evidence. Nor is the interrogatory reasonably designed or calculated to produce information which would lead to the discovery of evidence which would be relevant or material and admissible.

Subject to the objection, Mr. Goetz has previously been a part time employee of McCann Field Services, Inc., a corporation previously owned by Mark McCann. Scott Goetz is the sole member and manager of Thor Operating, LLC, which currently operates oil and gas leases in which the working or operating interest is held by Kansas Production Company, Inc, a corporation owned by Mark McCann.

2. Of the companies identified in response to Question 1, please list Mr. Goetz's position or role with each of those companies and the time period of the work.

**ANSWER:** Operator objects to this interrogatory as irrelevant and immaterial for the same reasons set forth in its response to Interrogatory No. 1. Neither K.S.A. 55-155, K.A.R. 82-3-120, the KCC License Application form OPL-1 or instructions to that form, the Request for Change of Operator Transfer of Injection or Surface Pit Permit form T-1 or instructions to that form, identify existing or prior contractual relationships or

employment as a condition, factor or element the Commission is to consider in issuing an Operator's license or transferring operator responsibility, and therefore, a response to the interrogatory is outside of the general scope of discovery under K.S.A. 60-226 (b) (1), and will not produce admissible evidence. Nor is the interrogatory reasonably designed or calculated to produce information which would lead to the discovery of evidence which would be relevant or material and admissible.

Subject to the objection, Mr. Goetz had no title while employed by McCann Field Services, Inc. The time periods of work varied according to the nature of the work performed. Scott Goetz is the sole member and manager of Thor Operating, LLC.

3. When did Mr. Goetz form Thor Operating, LLC?

**ANSWER:** February 10, 2023.

4. Please list all individuals who are or have been an officer, director, partner, or member of Thor Operating, LLC. Please also include the time periods the individuals listed have been an officer, director, partner, or member.

**ANSWER:** Thor Operating, LLC has no officers, directors or partners. Scott Goetz is the sole member and manager of Thor Operating, LLC, and has been since February 10, 2023.

5. Please list all stockholders of Thor Operating, LLC and the percentage of stock that they hold.

**ANSWER:** Thor Operating, LLC has no stockholders.

6. Please list all investors in Thor Operating or Mr. Goetz and the amount of money invested since November 2022.

**ANSWER:** Operator objects to this interrogatory as irrelevant and immaterial for the same reasons set forth in its response to Interrogatory No. 1. Neither K.S.A. 55-155, K.A.R. 82-3-120, the KCC License Application form OPL-1 or instructions to that form, the Request for Change of Operator Transfer of Injection or Surface Pit Permit form T-1 or instructions to that form, identify investors as a condition, factor or element the Commission is to consider in issuing an Operator's license or transferring operator responsibility, and therefore, a response to the interrogatory is outside of the general scope of discovery under K.S.A. 60-226 (b) (1), and will not produce admissible evidence. Nor is the interrogatory reasonably designed or calculated to produce information which would lead to the discovery of evidence which would be relevant or material and admissible.

Subject to such objection, Thor Operating, LLC has no investors and has had no investors since November, 2022.

7. Please list the amount of monies received or paid on behalf of Thor Operating, LLC or Mr. Goetz since November 2022 and list the name of the provider.

**ANSWER:** Operator objects to this interrogatory as irrelevant and immaterial for the same reasons set forth in its response to Interrogatory No. 1. Neither K.S.A. 55-155, K.A.R. 82-3-120, the KCC License Application form OPL-1 or instructions to that form, the Request for Change of Operator Transfer of Injection or Surface Pit Permit form T-1 or instructions to that form, identify monies received or paid on behalf of the Operator as a condition, factor or element the Commission is to consider in issuing an Operator's license or transferring operator responsibility, and therefore, a response to the interrogatory is outside of the general scope of discovery under K.S.A. 60-226 (b) (1),

and will not produce admissible evidence. Nor is the interrogatory reasonably designed or calculated to produce information which would lead to the discovery of evidence which would be relevant or material and admissible.

Subject to such objection, Thor Operating, LLC has received compensation for operator's services in an amount equal to \$250.00 per month or ½ of 1% of the net oil sales proceeds, whichever is greater, for the eight (8) leases it currently operates for Kansas Production Company, Inc.

8. Please provide a list detailing the hierarchy structure of Thor Operating, LLC employees and independent contractors.

**ANSWER:** Operator objects to this interrogatory as irrelevant and immaterial for the same reasons set forth in its response to Interrogatory No. 1. Neither K.S.A. 55-155, K.A.R. 82-3-120, the KCC License Application form OPL-1 or instructions to that form, the Request for Change of Operator Transfer of Injection or Surface Pit Permit form T-1 or instructions to that form, identify the hierarchy structure of the Operator as a condition, factor or element the Commission is to consider in issuing an Operator's license or transferring operator responsibility, and therefore, a response to the interrogatory is outside of the general scope of discovery under K.S.A. 60-226 (b) (1), and will not produce admissible evidence. Nor is the interrogatory reasonably designed or calculated to produce information which would lead to the discovery of evidence which would be relevant or material and admissible.

9. Please list all working interest owners and the percentage of their interest in the Appleby, Dearmond, Flossie-White, McFarland-Delong, Morton, Sears, Wall, and Williamson leases.

**ANSWER:** Kansas Production Company, Inc. owns the entire working interest in each of those leases.

10. Please list all royalty interest owners (including overriding royalty owners) and the percentage of their interest in the Appleby, Dearmond, Flossie-White, McFarland-Delong, Morton, Sears, Wall, and Williamson leases.

**ANSWER:** Operator objects to this interrogatory as irrelevant and immaterial for the same reasons set forth in its response to Interrogatory No. 1. Neither K.S.A. 55-155, K.A.R. 82-3-120, the KCC License Application form OPL-1 or instructions to that form, the Request for Change of Operator Transfer of Injection or Surface Pit Permit form T-1 or instructions to that form, identify ownership of royalty, overriding royalty, or other similar non-operating interests as a condition, factor or element the Commission is to consider in issuing an Operator's license or transferring operator responsibility, and therefore, a response to the interrogatory is outside of the general scope of discovery under K.S.A. 60-226 (b) (1), and will not produce admissible evidence. Nor is the interrogatory reasonably designed or calculated to produce information which would lead to the discovery of evidence which would be relevant or material and admissible.

11. Who is Chris Williams, and what is his connection to Mr. Goetz and/or Thor Operating, LLC?

**ANSWER:** Chris Williams is a former employee of McCann Field Services, Inc.. He has and had no connection to Mr. Goetz or Thor Operating, LLC. He assisted Mr. Goetz and Thor in submitting the Master Electronic Filing Certification form electronically.

12. Please identify the individual responsible for responding to each of the interrogatories listed above and the document requests below.

**ANSWER:** Interrogatories Nos. 1-8 and 11 – Scott Goetz. Interrogatories Nos. 8, 10 and 11 – Mark McCann.

### **DOCUMENTS**

13. Please provide all bank records for accounts that Mr. Goetz has access to since November 2022, including bank records for Thor Operating, LLC.

**ANSWER:** Operator objects to this request for production of documents as irrelevant and immaterial for the same reasons set forth in its response to Interrogatory No. 1. Neither K.S.A. 55-155, K.A.R. 82-3-120, the KCC License Application form OPL-1 or instructions to that form, the Request for Change of Operator Transfer of Injection or Surface Pit Permit form T-1 or instructions to that form, identify bank records of the Operator or any of its members as a condition, factor or element the Commission is to consider in issuing an Operator's license or transferring operator responsibility, and therefore, a response to the request for production is outside of the general scope of discovery under K.S.A. 60-226 (b) (1), and will not produce admissible evidence. Nor is the request for production reasonably designed or calculated to produce information which would lead to the discovery of evidence which would be relevant or material and admissible.

Subject to such objection, there are no records responsive to this request at this time.



14. Please provide all operating agreements or similar documents that include Mr. Goetz and/or Thor Operating, LLC.

**ANSWER:** Eight (8) Operating Agreements are provided.

15. Please provide all lease agreements or similar documents that include Mr. Goetz and/or Thor Operating, LLC.

**ANSWER:** Operator objects to this request for production of documents as irrelevant and immaterial for the same reasons set forth in its response to Interrogatory No. 1, and for the further reason that it is overbroad. Neither K.S.A. 55-155, K.A.R. 82-3-120, the KCC License Application form OPL-1 or instructions to that form, the Request for Change of Operator Transfer of Injection or Surface Pit Permit form T-1 or instructions to that form, identify lease agreements or similar documents between the Operator or any of its members and any other person as a condition, factor or element the Commission is to consider in issuing an Operator's license or transferring operator responsibility, and therefore, a response to the request for production is outside of the general scope of discovery under K.S.A. 60-226 (b) (1), and will not produce admissible evidence. Nor is the request for production reasonably designed or calculated to produce information which would lead to the discovery of evidence which would be relevant or material and admissible. The phrase "lease agreements or similar documents that include Mr. Goetz and/or Thor Operating, LLC" can reasonably be interpreted to include residential or commercial leases of property not in any way connected to the facts of the pending administrative action.

Subject to such objection, there are no records responsive to this request.

16. Please provide all invoices for Mr. Goetz and/or Thor Operating, LLC since November 2022.

**ANSWER:** Copies of invoices are provided.

17. Please provide all written documentation including text messages and emails between Mr. Goetz and Mark McCann, Chris Williams, anyone else acting on the behalf of Mr. McCann, or current or former employees/independent contractors of Quito Inc. since November 2022.

**ANSWER:** Operator objects to this request for production of documents as irrelevant and immaterial for the same reasons set forth in its response to Interrogatory No. 1, and for the further reason that it is overbroad and burdensome. Neither K.S.A. 55-155, K.A.R. 82-3-120, the KCC License Application form OPL-1 or instructions to that form, the Request for Change of Operator Transfer of Injection or Surface Pit Permit form T-1 or instructions to that form, identify written documentation, text messages or emails between the Operator or its member and the sole shareholder of a prior Operator or employees of the prior Operator as a condition, factor or element the Commission is to consider in issuing an Operator's license or transferring operator responsibility, and therefore, a response to the request for production is outside of the general scope of discovery under K.S.A. 60-226 (b) (1), and will not produce admissible evidence. Nor is the request for production reasonably designed or calculated to produce information

which would lead to the discovery of evidence which would be relevant or material and admissible. Production of all written documentation including text messages and emails between Mr. Goetz and Mark McCann, Chris Williams, anyone else acting on the behalf of Mr. McCann, or current or former employees/independent contractors of Quito Inc. since November 2022 could theoretically encompass a substantial and voluminous quantity of communications, requiring significant time and effort to identify, locate and produce, at significant cost and expense.

Respectfully submitted,

/s/ Kelcey Marsh  
Kelcey A. Marsh, #28300  
Litigation Counsel | Kansas Corporation Commission  
266 N. Main St., Ste. 220 | Wichita, KS 67202



Scott Goetz

VERIFICATION

STATE OF KANSAS                    )  
  ) SS:  
COUNTY OF MONTGOMERY        )

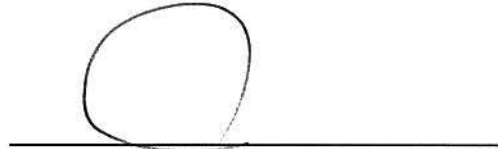
Scott Goetz of lawful age, being first duly sworn upon his oath, states:

That he is the manager and sole member of Thor Operating, LLC, Operator in the above entitled action; that he has read the above and foregoing Answers to Interrogatories to Opeartor, and knows the contents thereof and that all the statements therein contained are true.



Scott Goetz

Subscribed and sworn to before me this 27<sup>th</sup> day of October, 2023.



Notary Public

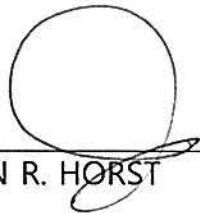
My Appointment Expires:



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 27th day of October, 2023, the above and foregoing Answers to Interrogatories and Response to Request for Production of Documents was served via email to:

Kelcey A. Marsh, Litigation Counsel  
Kansas Corporation Commission

  
\_\_\_\_\_  
JOHN R. HORST

## Kelcey Marsh [KCC]

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**From:** Kelcey Marsh [KCC]  
**Sent:** Friday, November 17, 2023 4:48 PM  
**To:** 'John Horst'  
**Subject:** RE: Thor Operating; Docket No. 24-CONS-3001-CSHO

John,

I just wanted to circle back regarding the discovery responses provided by Thor Operating. Specifically, there are a few requests that Staff would like to see responses/supplemental information provided. I have outlined those specific requests below:

- Request #8 requests a list detailing the hierarchy structure of Thor Operating, LLC employees and independent contractors. Thor objected to the request, and failed to provide any information subject to the objection.
  - Staff's position is that this information requested is pertinent to the ongoing dockets and should be provided.
- Request #13 requested all bank records for accounts that Mr. Goetz has access to since November 2022, including bank records for Thor Operating, LLC. Thor objected to the request, but stated that subject to the objection there are no records responsive to this request at this time.
  - So, does this response mean that Mr. Goetz does not have any bank accounts, or any business accounts for Thor Operating?
- Request #17 requested all written documentation including text messages and emails between Mr. Goetz and Mark McCann, Chris Williams, anyone else acting on the behalf of Mr. McCann, or current or former employees/independent contractors of Quito Inc. since November 2022. Thor objected to this request for production of documents as irrelevant and immaterial and for the further reason that it is overbroad and burdensome.
  - We've visited a little bit about this one as far as what Thor would not consider to be overbroad and burdensome, and it sounded like that was records specifically about the leases. I have discussed this with my client, and we are in agreement that we would like to see all communications between Mr. Goetz and Mr. McCann/Mr. McCann's representatives. It is Staff's position that Staff's request is pertinent to the ongoing dockets.

I would ask that Thor provide the information/documents requested by Staff. If there is a certain time period that Thor needs to gather the information and provide it to Staff, then please let me know. If Thor is absolutely against providing that information, then also let me know so that we can work on filing a Motion to Compel and seeking any other remedies allowed by law. Please let me know if you have any questions.

Sincerely,

**Kelcey Marsh**  
*Litigation Counsel*



Conservation Division  
Kansas Corporation Commission  
266 N. Main, Suite 220 | Wichita, KS | 67202-1513  
Phone (316) 337-6200 | Fax (316) 337-6211 | <http://kcc.ks.gov/>

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**From:** John Horst <jrhorst48@yahoo.com>  
**Sent:** Friday, October 27, 2023 10:31 AM  
**To:** Kelcey Marsh [KCC] <k.marsh@kcc.ks.gov>  
**Cc:** Scott Joe Goetz <goetz\_oil@yahoo.com>  
**Subject:** Thor Operating; Docket No. 24-CONS-3001-CSHO

**This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.**

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Kelcey, Mr. Goetz' signed Answers to Interrogatories are attached.

John R. Horst  
P. O. Box 560  
Caney, KS 67333  
620-879-2146  
620-879-2148 FAX  
[jrhorst48@yahoo.com](mailto:jrhorst48@yahoo.com)

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## **CERTIFICATE OF SERVICE**

24-CONS-3001-CSHO, 24-CONS-3072-CPEN, 24-CONS-3086-CMSC

I, the undersigned, certify that a true and correct copy of the attached Motion to Compel has been served to the following by means of electronic service on December 21, 2023.

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/s/ Paula J. Murray  
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