

**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 Quito, Inc., for) Docket No: 24-CONS-3338-CEXC
an exception to the 10-year time limitation of)
K.A.R. 82-3-111 for its Tom Appleby #1 well) CONSERVATION DIVISION
located in the NW/4 of Section 30-33S-11E,)
Chautauqua County, Kansas.) License Nos: 33594

In the matter of the application of Quito, Inc., for) Docket No: 24-CONS-3359-CEXC
an exception to the 10-year time limitation of)
K.A.R. 82-3-111 for its Tom Appleby #5 well) CONSERVATION DIVISION
located in Section 30, Township 33 South, Range)
11 East, Chautauqua County, Kansas.) License Nos: 33594

**ORDER CONSOLIDATING DOCKETS, DESIGNATING PRESIDING OFFICER,
AND SETTING PREHEARING CONFERENCE**

The Commission rules as follows:

1. On April 26, 2024, Quito, Inc. (Operator) filed applications as described by the above captions. On May 14, 2024, Commission Staff filed a motions to dismiss; Operator has not responded.
2. Under K.A.R. 82-1-224, the Commission may consolidate two or more dockets for hearing on a common record if the Commission deems it to be in the public interest. The Commission deems it in the public interest, as a matter of judicial efficiency, to consolidate the captioned dockets.
3. Under K.A.R. 82-3-120, an operator of a well must have a current license. Because Operator does not have a current license, it would not be appropriate to grant Operator's applications. Commission records, however, indicate that on May 6, 2024, Operator filed a license application. The Commission therefore takes Staff's motions under advisement, and finds a Presiding Officer should

be designated in these proceedings to determine procedural matters that may arise, including but not limited to conducting prehearing conferences.¹

4. The Commission finds a prehearing conference should be scheduled.

5. 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 is an artificial entity, it cannot appear in person.² Thus, Commission regulations require artificial entities such as Operator 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 captioned dockets are consolidated. Each subsequent filing submitted for either of these consolidated dockets shall carry the caption of both dockets, and shall be filed only in Docket 24-CONS-3338-CEXC, which shall serve as the primary docket. Commission employees shall then populate the filing in Docket 24-CONS-3359-CEXC.

B. 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 others to serve in this capacity.

C. A prehearing conference is scheduled for **Thursday, June 27, 2024, at 9:30 a.m.** by telephone. The conference call information is: telephone number (253) 205-0468, Meeting ID

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

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.”).

5248125436.⁴ **Operator must appear via a licensed attorney. Prior to the Prehearing Conference, Operator’s attorney must file an entry of appearance, comports with the pleading requirements of K.A.R. 82-1-219 and identifying the filer as a licensed attorney**

D. 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 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


E. 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.**

F. 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 (recused); Kuether, Commissioner

Dated: 06/13/2024 _____



Lynn M. Retz
Executive Director

Mailed Date: 06/13/2024 _____
JRM

⁴ If prompted, there is no Participant ID; just press pound to continue.
⁵ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

CERTIFICATE OF SERVICE

24-CONS-3338-CEXC, 24-CONS-3359-CEXC

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

first class mail and electronic service on 06/13/2024.

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/S/ KCC Docket Room

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