

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

Before Commissioners: Dwight D. Keen, Chair
 Susan K. Duffy
 Andrew J. French

In the matter the application of Merit Energy) Docket No: **22-CONS-3319-CEXC**
Company, LLC for an exception to the 10-year)
time limitation of K.A.R. 82-3-111 for its Gore) CONSERVATION DIVISION
D #1 well in the Northwest Quarter of the)
Southwest Quarter of Section 4, Township 35) License No: 32446
South, Range 41 West, Morton County, Kansas.)

In the matter of the application of Merit Energy) Docket No: 22-CONS-3408-CEXC
Company, LLC for an exception to the 10-year)
time limitation of K.A.R. 82-3-111 for its Avery) CONSERVATION DIVISION
#2-28 well in the Northeast Quarter of the)
Southwest Quarter of the Northwest Quarter of) License No: 34998
Section 28, Township 30 South, Range 32 West,)
Haskell County, Kansas.)

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

The Commission rules as follows:

1. On February 25, 2022, Merit filed an application in Docket 22-3319 as described in the above caption; on May 5, 2022, Merit filed an application in Docket 22-3408 as described in the above caption. On September 16, 2022, Commission Staff motioned in both dockets for the designation of a presiding officer and the setting of a prehearing conference.¹

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.S.A. 77-551(c), the Commission finds a Presiding Officer should be designated to determine procedural matters that may arise prior to a hearing on the merits, including

¹ Staff alleged Operator needs to conduct casing integrity tests at the wells.

but not limited to conducting prehearing conferences.² The Commission also finds that a prehearing conference should be scheduled.

4. 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.³ 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.⁴

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 22-CONS-3319-CEXC, which shall serve as the primary docket. Commission employees shall then populate the filing in Docket 22-CONS-3408-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 other Staff members to serve in this capacity.

C. A prehearing conference is scheduled for **Thursday, October 13, 2022, at 2:00 p.m.** by telephone. The conference call information is: telephone number (866) 620-7326, conference code PIN: 3902542751. **Operator must appear via a licensed attorney.**

² See also K.S.A. 77-516 and K.S.A. 77-517.

³ See *State ex rel. Stephan v. Williams*, 246 Kan. 681, 691 (1990).

⁴ 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.”).

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.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 09/27/2022



Lynn M. Retz
Executive Director

Mailed Date: 09/27/2022

JRM

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

CERTIFICATE OF SERVICE

22-CONS-3319-CEXC, 22-CONS-3408-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 09/27/2022.

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/S/ KCC Docket Room

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