

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Request to Transfer Wells) Docket No. 25-CONS-3235-CMSC
from Daylight Petroleum, LLC to Bluejacket) Conservation Division
Operating, LLC) License Nos. 35639 and 36169

**DAYLIGHT PETROLEUM, LLC'S SUPPLEMENTAL
RESPONSE TO STAFF'S MOTION FOR THE DESIGNATION
OF A PRESIDING OFFICER AND THE
SCHEDULING OF A PREHEARING CONFERENCE**

Daylight Petroleum, LLC ("Daylight") by and through its attorney, Keith A. Brock, hereby files this Supplemental Response to Staff's Motion for the Designation of a Presiding Officer and the Scheduling of a Prehearing Conference ("Staff's Motion"). Daylight filed a response to Staff's Motion a few moments ago, but subsequently discovered additional legal authority which it wished for the Commission to consider. This supplemental response is still timely pursuant to K.A.R. 82-1-218(d).

1. K.A.R. 82-1-214 provides as follows concerning commencement of proceedings before the Commission, "[a] proceeding shall be commenced either by the filing of an **application**, a **complaint**, or a **petition**, or by the issuance of an order of the commission initiating a proceeding on its own motion. . . ." Thus, there are four exclusive means through which a docket can be initiated before the Commission. The filing of, 1) an application, 2) a complaint, or 3) a petition, or 4) upon the Commission's own motion.

2. K.A.R. 82-1-218(a) sets for the requirements for all "applications." Among other things an "application" must contain,

The application shall set forth the **facts upon which the application is based**, in numbered paragraphs, and **reference to the particular provision of the law or regulations of the commission requiring or providing for the same** shall be made in the application.

The application shall contain further statements of fact and of law as may be required by any provision of law or these regulations.

Emphasis Added. *See* K.A.R. 82-1-218(a). Staff's Motion does not cite to any provisions of the law or regulations of the Commission requiring or providing for the relief requested in Staff's Motion. In addition, the facts set forth in Staff's Motion are insufficient as a matter of law to warrant the relief requested in Staff's Motion.

3. K.A.R. 82-1-218(b) sets forth the requirements for all "complaints" simply saying that complains shall comply with the provisions of K.A.R. 82-1-220. First the substance of Staff's Motion does not fall within the permissible reasons for filing a "complaint" as listed in K.A.R. 82-1-220(a). In addition, K.A.R. 82-1-220(b) requires that all "complaints" contain the following,

(1) Fully and completely advise each respondent and the commission as to the provisions of law or the regulations or orders of the commission that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions;

(2) set forth concisely and in plain language the facts claimed by the complainant to constitute the violations; and

(3) state the relief sought by the complainant.

Staff's Motion does not reference any provisions of law or regulations or orders of the Commission that has been or are being violated. Nor does Staff's Motion set forth concisely the facts which it claims constitute violations of a law or regulation.

4. K.A.R. 82-1-218(c) sets forth the requirements for all "petitions." Among other things, "petition" must "cite by appropriate reference the law, statute, or regulation relied upon by the petitioner for relief." Staff's Motion does not cite to any provisions of the law or regulations of the Commission requiring or providing for the relief requested in Staff's Motion.

5. For the reasons set forth herein, Staff's Motion is insufficient as a matter of law under

K.A.R. 82-1-214 to commence a proceeding before the Commission and must be denied.

6. As indicated in Daylight's initial Response, Staff has canceled the T-1 forms that were previously approved. Staff's Motion states that this was being done "due to concerns about the forms that have been filed" but Staff's Motion doesn't specify what if any concerns it had with the T-1 forms that were filed. Nor has Staff informed Daylight or Bluejacket of any concerns Staff had with the forms that were filed. Thus, in denying Staff's Motion, the Commission cannot permit Staff to simply withhold its approval of the T-1 forms for some unspecified reasons and thus deny Daylight and Bluejacket due process. Instead, the Commission should further order Staff to forthwith specify what if any "concerns" it has with the T-1 forms that were filed, or alternatively to approve such transfers.

WHEREFORE, Daylight Petroleum, LLC respectfully requests the Commission deny Staff's Motion and to further order Staff to forthwith specify what if any "concerns" it has with the T-1 forms that were filed, or alternatively to approve such transfers.

/s/ Keith A. Brock

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via electronic mail, this 29th day of January, 2025, addressed to:

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