

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the matter of Running Foxes Petroleum, Inc's) Docket No: 25-CONS-3324-CMSC
(Operator) responsibility for six abandoned wells)
located in Section 28, Township 28 South, Range 22) CONSERVATION DIVISION
East, Crawford County, Kansas.)
_____) License No: 33397

ORDER DENYING MOTION TO JOIN PARTIES

The Commission rules as follows:

1. On March 21, 2025, Commission Staff motioned for the designation of a presiding officer and the setting of a prehearing conference in this matter, alleging Operator to be responsible for the captioned wells.¹
2. On April 3, 2025, the Commission granted Staff's motion, stating that "the purpose of this docket shall be to consider whether Operator is responsible for the captioned wells under K.S.A. 55-179, and what actions Operator should be obligated to undertake regarding the wells."²
3. On May 8, 2025, Operator filed a motion to join parties, asking that both Cross Country Ventures, LLC (CCV) and Glenda Cutler (in her individual capacity) be joined in this docket. No response to Operator's motion was filed.
4. The certificate of service attached to Operator's motion indicates CCV and Glenda Cutler were not served Operator's motion.³ The Commission is unwilling to join persons to a proceeding without such persons having been afforded notice and an opportunity to be heard regarding whether joinder is proper. And while Operator requests that Glenda Cutler be joined, it fails

¹ See Motion for the Designation of a Presiding Officer and Scheduling of a Prehearing Conference (Mar. 21. 2025).

² Order Designating Presiding Officer and Setting Prehearing Conference, ¶ 2 (Apr. 3, 2025).

³ See Mtn. to Join Necessary Parties or, in the Alternative, to Join Proceedings, at Certificate of Service (May 8, 2025).

to make any substantive arguments regarding her joinder; the Commission is unwilling to join a person to a proceeding without any substantive reason having been offered. These points alone are sufficient cause to deny Operator's motion, but for the sake of expediency the Commission shall address Operator's arguments regarding joinder of CCV.

5. As mentioned above, the purpose of this docket is to consider whether Operator is responsible for the captioned wells under K.S.A. 55-179. That statute outlines which persons may have obligations to the state of Kansas for addressing abandoned wells, and under K.S.A. 55-179(b), multiple persons may be responsible for the same well. The Kansas Court of Appeals has stated K.S.A. 55-179 is reasonably construed to impose joint and several liability on parties responsible for plugged or abandoned oil wells, noting that under such liability, each liable party is individually responsible for the entire obligation.⁴

6. As Operator notes, CCV has already been held responsible for the abandoned wells. In Docket 24-CONS-3280-CPEN, the Commission found CCV in violation of Commission regulations for having unplugged wells (including the captioned wells) on an expired license. Under K.S.A. 55-179(e), wells on inactive licenses are abandoned. The Commission's order in Docket 24- 3280 stated that if CCV did not remedy the violation, then "Staff is directed to place the wells on the appropriate state plugging list, to plug according to priority and as funds allow, and to assess the plugging costs to Operator. This shall not preclude Staff from investigating additional potentially responsible parties."⁵ The Commission's order in that docket is final, and Commission records indicate CCV did not remedy the violation.⁶

⁴ See *John M. Denman Oil Co., Inc. v. State Corp. Com'n. of State*, 51 Kan. App. 2d 98, 103-104 (2015); see also *State v. Waliallah*, 428 P.3d 824, (Unpublished Disposition, 2018) (citing *Denman*).

⁵ See Docket 24-CONS-3280-CPEN, Penalty Order, Ordering Clause D (Apr. 11, 2024).

⁶ See K.A.R. 82-1-230(h) (the Commission may take administrative notice of its records).

7. Operator makes numerous arguments in support of its motion to join CCV. First, Operator posits failure to join CCV would unduly prejudice Operator's rights, stating "as operator of the [wells] for the previous three years, CCV would be the only party in possession of the direct evidence that would exonerate Operator from responsibility for plugging the [wells]." ⁷ The Commission is not convinced this evidentiary argument is relevant to the question of joinder; Operator may seek whatever evidence it wishes from CCV through appropriate mechanisms.

8. Second, Operator argues failure to join CCV violates the mandatory joinder provisions of K.S.A. 60-219. ⁸ The Commission notes it is not governed by the court's rules of civil procedure. Nevertheless, Operator argues that without CCV, the Commission cannot accord complete relief among the parties, and that disposing of this action without CCV would leave Operator subject to substantial risk of incurring double, multiple, or otherwise inconsistent obligations. The Commission does not find this persuasive; CCV has already been found responsible for the captioned wells via an uncontested final order, and Operator does not explain how this docket exposes Operator to double, multiple, or inconsistent obligations. Whether Operator has a valid private cause of action against CCV is immaterial to the questions before the Commission - whether Operator is statutorily responsible for the captioned wells pursuant to K.S.A. 55-179, and, if so, what obligations Operator should have to the State due to its statutory responsibility. ⁹

9. Operator also seeks permissive joinder of CCV under K.S.A. 60-220(a)(2). ¹⁰ The Commission is again not governed by this statute, but finds no utility in joining CCV to this proceeding; CCV has already been found responsible for the captioned wells, and the purpose of this docket is to consider whether *Operator* is also responsible for the captioned wells.

⁷ See Mtn. to Join Necessary Parties, p. 4.

⁸ *Id.*

⁹ See *id.*

¹⁰ See *id.* at p. 6.

10. Finally, in the alternative, Operator seeks joinder of this proceeding with Docket 24- 3280.¹¹ The Commission's uncontested final order in that docket, finding CCV responsible for the captioned wells, was issued in April 2024.¹² The Commission finds no utility in joining this docket to one in which it has already rendered an uncontested final judgment.

THEREFORE, THE COMMISSION ORDERS:

Operator's May 8, 2025, motion to join parties (or join proceedings) is denied.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 07/01/2025



Celeste Chaney-Tucker
Executive Director

Mailed Date: 07/01/2025

JRM

¹¹ See *id.* at pp. 6-7.

¹² See K.A.R. 82-1-230(h).

CERTIFICATE OF SERVICE

25-CONS-3324-CMSC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 07/01/2025.

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