

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

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

In the matter of the failure of Ace Energy, LLC) Docket No: 22-CONS-3124-CPEN
(Operator) to comply with K.A.R. 82-3-111 at)
seventeen wells in Crawford County, Kansas.) CONSERVATION DIVISION
)
) License No: 34998
_____)

In the matter of the failure of Ace Energy, LLC) Docket No: 22-CONS-3150-CPEN
(Operator) to comply with K.A.R. 82-3-111 at)
seven wells in Crawford County, Kansas.) CONSERVATION DIVISION
)
) License No: 34998
_____)

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

The Commission rules as follows:

1. On September 9, 2021, the Commission issued a Penalty Order in Docket 22-3124 against Operator for seventeen violations of K.A.R. 82-3-111 because seventeen wells for which Operator is responsible had been inactive in excess of the time allowed by regulation without being plugged, returned to service, or approved for temporary abandonment status.¹

2. On October 5, 2021, the Commission issued a Penalty Order in Docket 22-3150 against Operator for seven violations of K.A.R. 82-3-111 because seven additional wells for which Operator is responsible had been inactive in excess of the time allowed by regulation without being plugged, returned to service, or approved for temporary abandonment status.²

3. On October 8, 2021, Operator requested a hearing in each docket.

4. 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.

¹ See Docket 22-CONS-3124-CPEN, Penalty Order, ¶¶ 4, 7 (Sep. 9, 2021).

² See Docket 22-CONS-3150-CPEN, Penalty Order, ¶¶ 4, 7 (Oct. 5, 2021).

5. The Commission deems it in the public interest, as a matter of judicial efficiency, to consolidate Dockets 22-3124 and 22-3150.

6. Under K.S.A. 77-551(c), the Commission finds a Presiding Officer should be designated in this proceeding to determine procedural matters that may arise prior to a hearing on the merits, including but not limited to conducting prehearing conferences.³

7. The Commission finds a Prehearing Conference should be scheduled.

8. 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.⁴ 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.⁵

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-3124-CPEN, which shall serve as the primary docket. Commission employees shall then populate the filing in Docket 22-CONS-3150-CPEN.

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.

³ See also K.S.A. 77-516 and K.S.A. 77-517.

⁴ See *State ex rel. Stephan v. Williams*, 246 Kan. 681, 691 (1990).

⁵ 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.”).

C. A Prehearing Conference is scheduled for **Thursday, November 4, 2021, at 4:30 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.**

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.⁶

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 Tristan Kimbrell, Litigation Counsel, telephone number (316) 337-6200, t.kimbrell@kcc.ks.gov.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 10/14/2021



Lynn M. Retz
Executive Director

Mailed Date: 10/14/2021
JRM

⁶ K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

CERTIFICATE OF SERVICE

22-CON-3124-CPEN; 22-CONS-3150-CPEN

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 10/14/2021.

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/S/ Desirae Mayfield

Desirae Mayfield