

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Application of Cross Bar)
Energy, LLC, for a Permit to Authorize the) Docket No: 17-CONS-3689-CUIC
Injection of Saltwater into the Vigle VW-6)
Well Located in the SW/4 of Section 14,) CONSERVATION DIVISION
Township 23 South, Range 10 East,)
Greenwood County, and an Amendment to) License No: 33245
Injection Permit E-27315 to Change the)
Authorized Injection Rate and Pressure.)

FINAL PRECEDENTIAL ORDER

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds the following:

1. The Commission adopts the Written Findings and Recommendations made by the Presiding Officer, Shari Feist Albrecht, and are incorporated herein by reference.
2. The Commission finds that notice of the proceedings was proper.
3. The Commission orders that, to be considered valid, all protests filed in accordance with K.A.R. 82-3-135a and K.A.R. 82-3-135b must meet the “direct and substantial interest” requirement by demonstrating that each individual protestant has “standing” under Kansas’ traditional two-part test for standing. This means each protestant must demonstrate that, “[1] he or she suffered a cognizable injury and [2] that there is a causal connection between the injury and the challenged conduct.”¹ The Commission orders that this interpretation of K.A.R. 82-3-135a and K.A.R. 82-3-135b shall have precedential effect pursuant to K.S.A. 77-415(b)(2)(A).

¹ *Kansas Bldg. Indus. Workers Comp. Fund v. State*, 302 Kan. 656, 678 (2015) (citations and internal quotations omitted).

4. Therefore, the Commission finds that the Protestants shall be dismissed for lack of standing.

5. Notwithstanding the Commission's orders in paragraphs three and four discussed above, the Commission finds that the Application should be granted and that the subject wells and proposed injection authority will prevent waste, protect the fresh and usable waters and pose no threat of induced seismicity or surface contamination.

THEREFORE, THE COMMISSION ORDERS:

A. The Commission's interpretation of K.A.R. 82-3-135a and K.A.R. 82-3-135b explained in paragraph three (3) above is adopted as precedential pursuant to K.S.A. 77-415(b)(2)(A).

B. The Applicant's motion to dismiss all Protestants is granted.

C. The Application is granted.


D. Any party affected by this Order may file with the Commission a petition for reconsideration pursuant to K.S.A. 2016 Supp. 77-529(a). The petition shall be filed within 15 days after service of this Order, plus three days if mailed, and must state the specific grounds upon which relief is requested. The petition shall be addressed to the Commission and sent to 266 N. Main, Ste. 220, Wichita, Kansas 67202.

E. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: 04/05/2018



Lynn M. Retz
Secretary to the Commission

Mailed Date: 04/06/2018

DLK/sc

CERTIFICATE OF SERVICE

17-CONS-3689-CUIC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 04/05/2018.

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17-CONS-3689-CUIC

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