

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Failure of Utah Oil, LLC) Docket No. 24-CONS-3315-CPEN
(Operator) to Report Activity That Occurred)
During the 2023 Calendar Year in Compliance) CONSERVATION DIVISION
with K.A.R. 82-3-409.) License No.: 34223

**PRE-FILED TESTIMONY
OF DEE ROEHL**

1 **Q: PLEASE STATE YOUR NAME AND BUSINESS ADDRESS FOR THE RECORD.**

2 A: Dee Roehl f/k/a Dee Leach, 2394 Utah Road, Rantoul, KS 66079.

3 **Q: WHAT IS YOUR RELATIONSHIP TO UTAH OIL, LLC ("UTAH OIL")?**

4 A: I am employed part time by Utah Oil to perform certain record keeping and office work. As
5 it pertains to this Docket, I am responsible for filing the U3C's for Utah Oil.

6 **Q: PLEASE DESCRIBE IN DETAIL YOUR INVOLVEMENT IN THE U3C FILINGS AT**
7 **ISSUES IN THIS DOCKET?**

8 A: In recent years I have been responsible for filing the U3C form for Utah Oil. Prior to seeing
9 the testimony given in this Docket I mistakenly believed that U3C forms needed to be filed
10 before the end of March each year. But nonetheless, on Saturday March 30, 2024 my father
11 Brad Leach called to tell me he had received the March 28, 2024 Notice of Violation ("NOV")
12 indicating that the U3C form had not been filed and needed to be filed before April 11, 2024
13 in order to avoid a penalty. I apologized to him and told him I would drop what I was doing
14 and complete the filing immediately. As he and I spoke we decided that no one at the KCC
15 would receive the filing until Monday April 1, 2024 anyway, so I could wait until Monday to
16 complete the filing rather than doing it over the weekend.

17 On Monday April 1, 2024 after getting off work at my full time job I completed the

1 U3C form and successfully uploaded it into KOLAR. The screen showed me the date that the
2 U3C form had been created and that there were no errors. Upon seeing this I believed the form
3 was successfully submitted and awaiting review and approval by KCC staff. Later the same
4 evening on April 1, 2024 my father Brad Leach called me to make sure the U3C form had been
5 filed. I told him it had been filed and was in the KCC's hands for review and approval. My
6 father told me he was going to call the KCC to verify that everything was submitted correctly
7 just to be sure. I reminded him that he had done the same thing the year before and that staff
8 told him the form was submitted and staff needed to process it on their end so we should
9 disregard the NOV. My father remembered what had transpired the year before and decided
10 it was unnecessary to call and verify the filing was received. I had absolutely no doubt that
11 what I was telling him was correct and that the form was fully completed and submitted well
12 before the deadline set forth in the NOV.

13 On May 1, 2024, my father learned that the penalty order in this Docket was going to
14 be issued and immediately called me asking about this U3C filing. When he told me this I
15 honestly wasn't worried at all because I knew for certain the form had been fully complete and
16 submitted. So I assured my father that there must be some mistake on the KCC's end and that
17 there was nothing to be concerned about. After hanging up from that call I immediately logged
18 into KOLAR to verify that it was still showing the U3C form to have been submitted and to
19 see whether I could determine why a penalty was being issued. The U3C form was still
20 showing in the KOLAR system just as it was before so I clicked on it to see if perhaps it would
21 show me something useful and when I opened the form I saw for the first time the submit
22 button on that screen. My heart immediately sank as I realized what had happened. I clicked

1 "submit" and called my father back to tell him what had happened.

2 I felt terrible that I had messed this filling up and caused my father's company to be
3 penalized. No one wants to lose money for something like this, but Utah Oil's perfect record
4 of compliance has always been a point of pride for my father so I knew losing that would
5 matter more to him than the money. When I called my father, I couldn't help but cry as I told
6 him about my mistake and apologized. That same day I drafted and sent the attached email
7 **(Exhibit DR-1)** to legal staff explaining everything that had transpired, and provided copies
8 of screen shots showing the last date the U3C form had been modified was April 1, 2024 and
9 showing it was uploaded to KOLAR on the same date. Legal staff indicated he had spoken
10 with staff and they were unwilling to provide any relief.

11 **Q: DO YOU HAVE ANY IDEA WHY YOU WERE NOT ABLE TO SEE THE FINAL**
12 **SUBMIT BUTTON ON KOLAR WHEN THE U3C FORM WAS COMPLETED AND**
13 **UPLOADED ON APRIL 1, 2024?**

14 A: When I filled out the excel spreadsheet and loaded it into KOLAR on April 1, 2024 I did this
15 on my Utah Oil laptop at home and I could not see any "submit" button that needed to be
16 clicked. When my dad called me on May 1, 2024 to let me know that a penalty was going to
17 be issued I was at work (at my full time job) and I opened the filing on my work computer that
18 has two jumbo screens, and I was able to see the "submit" button at that time. The difference
19 would be screens, sizes and settings on each of the computers. I do not know for certain if this
20 is what led to the issue, but I do know that when I completed and uploaded the U3C form on
21 April 1, 2024 I thought I had done everything necessary to submit the form through KOLAR
22 and I could not see another "submit" button that needed to be clicked.

1 **Q: IS THIS A SITUATION WHERE IT IS SIMPLY YOUR WORD AGAINST KCC**
2 **STAFF'S CONCERNING THE DATES WHEN CERTAIN ACTIONS OCCURRED?**

3 A: No not at all. The attached electronic records clearly show that the subject U3C form was
4 created and also last modified on April 1, 2024. In addition, the KOLAR system clearly shows
5 that such form was uploaded to KOLAR on April 1, 2024. I do not believe that KCC staff
6 disputes the time line of events as I have described them. It is my understanding that the issue
7 is simply, as a matter of policy staff doesn't want to negotiate U3C penalties. In the past the
8 Commission has always been very easy to work with and took a problem solving approach
9 when addressing situations rather than imposing very harsh penalties on operators for honest
10 mistakes like this one. So Utah Oil elected to request this hearing in order to find out whether
11 the Commission itself still has an interest in working with good operators to achieve
12 compliance with regulations, or if the Commission itself has departed from that policy as well
13 in favor of imposing large penalties even for simple KOLAR user error.

14 **Q: DENISE KLUG PROVIDED THE FOLLOWING SUMMARY OF THE FIVE STEPS**
15 **NECESSARY FOR AN OPERATOR TO SUBMIT A U3C FORM IN KOLAR. WHICH**
16 **STEPS WERE COMPLETED BY UTAH OIL WITH REGARD TO THE SUBJECT**
17 **U3C FILING:**

18 When operators choose to submit U3Cs by file upload, they will go to the U3C
19 upload page, which includes detailed instructions explaining the entire process.
20 The first step is to download a .csv template from KOLAR. The template is an
21 Excel file, but saved in the .csv format. The operator may choose to either
22 download a template prefilled with basic information for each injection well
23 in their inventory, or the operator may download a template that contains the
24 file header row only. The second step is to edit the template they have
25 downloaded, being sure to fill each required cell. The third step is to save the
26 edited file to their local computer in the .csv file format. The fourth step is to
27 upload the .csv file to the KOLAR website, at which point KOLAR will

1 validate the uploaded file and add messages indicating any errors, warnings,
2 or comments. When the file is successfully uploaded and validated with no
3 errors, the U3C Annual Reports grid in KOLAR will show the Created date for
4 the report; the Submitted date in the grid, however, will still be empty as the
5 U3Cs have not yet been submitted. **The final step** is to click the Detail link for
6 the successfully validated file to navigate to the Detail page where the operator
7 can view and submit the processed U3Cs to the KCC. After clicking the button
8 to Submit to KCC, the Submitted date for the report will be displayed in the
9 report grid.

10 A: I completed steps 1 through 4 on behalf of Utah Oil on April 1, 2024. The grid showed the
11 date I had created it and that there were no errors. I believed the form had been submitted and
12 that the final date would be completed once it was reviewed and approved by KCC staff
13 through the KOLAR system. The "submit" button was not visible on this screen at all and I did
14 not realize that I needed to navigate to another screen to find a "submit" button. On May 1,
15 2024 when we learned that this penalty was being issued, I tried to open the "detail link" for
16 this form while trying to determine why a penalty was being issued and saw for the first time
17 the "submit" button when that "detail link" opened so I immediately clicked the submit button
18 at that time.

19 **Q: TO CLARIFY DID YOU MAKE THIS MISTAKE ON ALL 40 OF UTAH OIL'S U3C**
20 **FORMS?**

21 A: No, the way the KOLAR system is set up, all of our U3C filings are submitted on a single
22 form. This is very convenient and I am not complaining about this structure as it would be
23 tedious to submit separate U3C forms for each well. However, it is important to know that it
24 was just one single form that I made this mistake on, i.e. believed I had submitted it and hadn't.

25 **Q: HAVE YOU PREVIOUSLY FILED U3C FORMS WITH THE KCC?**

26 A: Yes I have. While I remember the forms themselves, how to complete them and the general

1 process I do not remember exactly what each screen shows on KOLAR from year to year when
2 these are filed. I only make these filings for Utah Oil, and it had been a full year since I had
3 completed a U3C filing when this one came due. I thought that staff had to review and approve
4 the filings on their end before they showed as submitted in the KOLAR account. I could
5 clearly see that this form was created and that there were no errors on my KOLAR screen and
6 everything I saw on that screen led me to believe I had successfully filed the form on April 1,
7 2024 (which was the first business day after receiving the NOV and 10 days before the
8 deadline given in such NOV to make this filing).

9 **Q: DOES THIS COMPLETE YOUR TESTIMONY TO THE COMMISSION?**

10 A: Yes.

VERIFICATION

STATE OF Kansas
COUNTY OF miami, ss:

I, Dee Roehl, f/k/a Dee Leach, being first duly sworn on oath, depose and state that I am the witness identified in the foregoing Direct Testimony; that I have read the testimony and am familiar with its contents; and that the facts set forth therein are true and correct.


Dee Roehl, f/k/a Dee Leach

SUBSCRIBED AND SWORN to before me this 9th day of August, 2024.



Notary Public

Appointment/Commission Expires: 5/25/24

Tammy Seamands
Notary Public, State of Kansas
My Appointment Expires
5/25/24

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was sent via U. S. Mail, postage prepaid, or electronically, this 9th day of August, 2024, addressed to:

Tristan Kimbrell
tristan.kimbrell@ks.gov

Cheryl Boyer
cheryl.boyer@ks.gov

Todd Bryant
todd.bryant@ks.gov

Jonathan R. Myers
jon.myers@ks.gov



Keith A. Brock

EXHIBIT DR-1

From: Tristan Kimbrell [KCC] <t.kimbrell@kcc.ks.gov>
Sent: Monday, May 6, 2024 1:45:25 PM
To: Dee Roehl <deeleach@live.com>; Brad Leach <bleachrantoul@yahoo.com>
Subject: RE: Utah Oil LLC - U3C

Ms. Roehl,

I showed Staff your email and spoke with them regarding this matter. I'm afraid Staff believes that the penalty order should remain in place, and is not open to negotiating a reduced penalty amount.

If you would like to have the Commission reconsider the penalty order, Utah Oil is welcome to request a hearing in front of the Commissioners (please note that as an LLC, Utah Oil will need to be represented by an attorney at any hearing). Please let me know if I can answer any additional questions.

Best,
Tristan

Tristan Kimbrell | *Litigation Counsel*
Conservation Division
Kansas Corporation Commission
Phone (316) 337-6200

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From: Dee Roehl <deeleach@live.com>
Sent: Wednesday, May 1, 2024 4:49 PM
To: Tristan Kimbrell [KCC] <t.kimbrell@kcc.ks.gov>; Brad Leach <bleachrantoul@yahoo.com>
Subject: Utah Oil LLC - U3C

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Mr. Kimbrell,

Thank you for taking my call today.

My father, Brad Leach received a call from Keith Brock his attorney who noticed we are on the docket for tomorrow to receive a fine for the unsubmitted U3C's. My father then called me to ask me what had happen. We did receive a letter in April showing that our U3C's had not been submitted. But at that time I had already submitted the Excel spreadsheet online, or I thought. I told him it just crossed in the mail. Today after that call I logged into the website to find I had uploaded the file on Kolar. on April 1, 2024. I thought it had to be approved by the field office so I didn't think anything about it not showing accepted. I just knew you had the file I had uploaded. But it hadn't submitted and I was not aware. It had only received my file I guess. I clicked the submit button I had not noticed on April 1st today,.

All of this is just because of my user error with Kolar. We had no intention of not completing the forms in a timely manner. We have not had any penalties in the past and work hard to stay in compliance with the state. I ask you to please show us mercy when it comes to these fines and fees. I have learned from this lesson and I follow up after any letters we receive from the state going forward immediately.

Please see the attached excel spreadsheet. You will note that it hasn't been updated since 04/01/2024. Also see the screen shot showing that I created the excel file on 04/01/2024. If you have any further questions in regards to this please contact me at the below phone number.

I apologize for the mess my error has created.

Dee Roehl

Dee Roehl

deeleach@live.com

(785) 418-9669

Back

Report ID 1235173899

File Name	USC File Upload Template - UTAH OIL 2023.csv
Reporting Year	2023
Created	04/01/2024 Dee Leach
Submitted to KCC	05/01/2024 Dee Leach
Lines	40
Errors	0
Warnings	0
Comments	0

[Display](#)
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Show **All** entries Search:

Line	Doc. ID	API Number	Lease Name	Well Number	Permit	Total Wells on Permit	SEC-TWP-RAN	Reporting Year	Fluid Type	Fluid Source	Fluid Analysis	Injection Formation	Additives	Total Dissolved Solids	Specific Gravity	Permitted Fluid Pressure	Permitted Fluid Rate	Fluid Total	Gas Total	Injection Data by Month					
																				Month	Days	Fluid Volume	Max Fluid Pressure	Gas Volume	FF
1	1775763.PDF	15-059-21165-00-00	BLUNK	W-5	E22297.5		18-17S-21E	2023	FRESH WATER	PRODUCED WATER	NO	SQUIRREL	NO	NO	NO	500	400	4294	0	Jan	31	352	500	0	0
																				Feb	28	378	500	0	0
																				Mar	31	395	500	0	0
																				Apr	30	352	500	0	0
																				May	31	388	500	0	0
																				Jun	30	299	500	0	0
																				Jul	31	385	500	0	0
																				Aug	31	301	500	0	0
																				Sep	30	385	500	0	0
																				Oct	31	345	500	0	0
																				Nov	30	398	500	0	0
																				Dec	31	321	500	0	0
2	1775764.PDF	15-059-21164-00-00	BLUNK	W-4	E22297.4		18-17S-21E	2023	FRESH WATER	PRODUCED WATER	NO	SQUIRREL	NO	NO	NO	500	400	5055	0	Jan	31	425	500	0	0
																				Feb	28	401	500	0	0
																				Mar	31	436	500	0	0
																				Apr	30	421	500	0	0
																				May	31	425	500	0	0
																				Jun	30	436	500	0	0
																				Jul	31	431	500	0	0

