

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Application of RJM) Docket No: 18-CONS-3305-CUIC
Company to authorize injection of)
saltwater into the Lansing-Kansas City) CONSERVATION DIVISION
formation at the Doll#3 well located in the)
SW/4 of Section 27, Township 18 South,) License No: 30458
Range 11 West, Barton County, Kansas.)

ORDER ON RECONSIDERATION

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 and concludes as follows:

1. On January 31, 2018, RJM Company (Applicant) filed an Application seeking authorization to inject saltwater into the Lansing-Kansas City formation at the Doll #3 well located in the SW/4 of Section 27, Township 18 South, Range 11 West, Barton County, Kansas.
2. The Commission received numerous protests and requests for hearing on the application.¹
3. On June 1, 2018, the Applicant filed a Motion to Dismiss all Protests alleging that no Protestant had established a direct and substantial interest in the Application showing that the Protestant had a cognizable injury connected to the granting of the Application.²

¹ Protests and/or requests for hearing were filed by: Jessica Skyfield, Julie Stielstra, Debby Duncan, Susan Royd-Sykes, Joyce Teubner, Lynne S. Hunter, Cindy Hoedel, Adam Stuart, Forest A. Ormes, Sarah Feyerherm, Margy Stewart, Vera Wallace, Samantha Stopple, Lindsay Metcalf, Susan Warren, Alexa Dawson, Kathy Carroll, Rachel Allai, Barbara L. Watkins, Michael L. Schmidt, Janet Hanson, Annette Talbot, Rep. Annie Kuether, Rep. Nancy Lusk, Daniel Copp, Lori Torres, Royceann Mather, Melanie Terrill, Andy Prosser, Brett Meyer, Melinda Graham, Kevin Ireland, Diane L. Kehres, Dr. Lee Anne Coester, Dawn Hawkins. Be it noted for the record that two additional Protestants, Elizabeth Fischer and Cynthia Evans, provided no contact information and therefore the Commission is without sufficient means to serve them with Commission Orders.

² Applicant's Motion to Dismiss the Protests Filed Herein at 3-5 (Apr. 13, 2018).

4. Between June 5 and June 11, 2018, Protestants Kathy Carroll, Andy Prosser, Royceann Mather, Cindy Hoedel, Charles and Lynne Hunter filed motions to deny the Applicant's Motion to Dismiss.

5. On June 21, 2018, the Applicant moved to strike the Protestants' responses for failure to comply with Commission regulations.³

6. Between June 29 and July 2, 2018, Protestants Cindy Hoedel, Royceann Mather, and Lynne Hunter filed responses to the Applicant's Motion to Strike.

7. On July 2, 2018, Protestant Cindy Hoedel filed an Objection to Notice by Applicant.

8. On July 5, 2018, Protestant Royceann Mather filed a Motion to Close Docket and Deny Permit.

9. On July 10, 2018, the Commission dismissed all Protestants for failure to demonstrate standing in accordance with Kansas law and specifically K.A.R. 82-3-135b.⁴

10. On July 20, 2018, Protestant Cindy Hoedel filed a Petition for Reconsideration.

11. On July 27, 2018, the Applicant filed a response to the Petition for Reconsideration.

12. A petition for reconsideration must state the specific grounds upon which relief is requested.⁵ The purpose of requiring matters to be raised in a petition for reconsideration is to inform the other parties and the Commission "wherein mistakes of law and fact were made in the order."⁶

³ Applicant's Motion to Strike and Response to Protestants' Motions to Deny Applicant's Motion to Dismiss the Protests Filed Herein at 2 (June 21, 2018).

⁴ Order Dismissing Protests at 2-4 (Jun. 10, 2018).

⁵ K.S.A. 77-529(a).

⁶ *Citizens' Util. Ratepayer Bd. v. State Corp. Comm'n*, 24 Kan. App. 2d 222, 228 (1997) (citing *Peoples Nat. Gas Div. of N. Nat. Gas Co. v. State Corp. Comm'n*, 7 Kan. App. 2d 519, 525 (1982)).

13. Ms. Hoedel's Petition raises concerns regarding Commission procedures in administering its Underground Injection Control Program in general and dockets unrelated to this proceeding.⁷ Ms. Hoedel's arguments on these points, raised in her other pleadings, do nothing to further the evaluation of the threshold question of Ms. Hoedel's standing to make such arguments.

14. Ms. Hoedel contends that the Commission did not address her interest in the Cheyenne Bottoms as a member of the general public. However, the Commission's interpretation of K.A.R. 82-3-135b requires a Protestant to show much more than just a general interest in the lands or a well's proximity thereto. As explained in the Order on Motion to Dismiss, Ms. Hoedel must demonstrate a cognizable injury, the nexus of which is granting the Application.⁸ Ms. Hoedel's alleged injury must be particularized, certainly impending and more than just a possible future injury.⁹

15. Ms. Hoedel's protest only raises the "risk" of spills or contamination and the "risk" of induced seismicity. Such allegations are not particular to Ms. Hoedel or impending and are nothing more than general grievances that do not meet the requirements of standing. Therefore, Ms. Hoedel's Petition for Reconsideration is denied for failing to sufficiently identify how the Commission erred in fact or at law.

⁷ Petition for Reconsideration (Jul. 20, 2018).

⁸ Order Dismissing Protests at 2-3.

⁹ *Id.* at 3.

THEREFORE, THE COMMISSION ORDERS:

A. Ms. Hoedel's Petition for Reconsideration is denied.

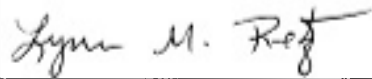
B. This Order constitutes final agency action.¹⁰ Any request for review of this action shall be in accordance with K.S.A. 77-613. Lynn M. Retz, Secretary to the Commission, is the proper party to receive service of a petition for judicial review on behalf of the Commission.¹¹

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

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 08/07/2018



Lynn M. Retz
Secretary to the Commission

Date Mailed: 08/08/2018

DLK/sc

¹⁰ K.S.A. 77-607(b)(1).

¹¹ K.S.A. 77-613(e).

CERTIFICATE OF SERVICE

18-CONS-3305-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 08/07/2018.

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