

**BEFORE 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 Palomino
Petroleum, Inc., to authorize injection of
saltwater into the Arbuckle formation at the
Carter Trust SWD well in the SW/4 of Section
23, Township 17 South, Range 26 West, Ness
County, Kansas

) Docket No. 19-CONS-3078-CUIC

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) License No. 30742

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) Conservation Division

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MOTION TO DISMISS PROTEST OF CINDY HOEDEL

COMES NOW John G. Pike of Withers, Gough, Pike & Pfaff, LLC, and on behalf of the Applicant, Palomino Petroleum, Inc., moves the Commission for an Order dismissing the protest of Cindy Hoedel filed in this docket. In support of said Motion, Applicant states:

1. The applicable regulations of the Commission required that a protest against the granting of an application for an order shall include specific allegations as to the manner in which the granting of the application will cause waste, violate correlative rights, or pollute the water resources of the State of Kansas. K.A.R. 82-3-135b(a).

2. The Commission has recently held in its Final Precedential Order issued on April 4, 2018, in Docket 17-CONS-3689-CUIC, that “Without specific allegations or a statement of the direct and substantial interest of the Protestant, the Protestant has not demonstrated a valid interest.”

3. The Commission further stated in said Final Precedential Order that, in order to satisfy standing requirements in Kansas, a person must demonstrate that he or she suffered a cognizable injury, and that there is a causal connection between the injury and the challenged conduct, and that a cognizable injury is established by showing that the individual personally

suffers some actual or threatened injury as a result of the challenged conduct, and that the injury must be particularized, i.e., it must affect the protester in a personal and individual way. Mere allegations of possible future injury do not meet the requirement of standing and instead, any threatened injury must be certainly impending. It is a well-recognized rule that individuals must assert their own legal rights and interests, and that an injury must be more than a generalized grievance alleged to be common to all members of the public.

4. The Commission must determine whether the facts alleged in the protest demonstrate standing. The protester in this docket does not demonstrate that she has any direct and substantial interest in this application, or that she resides and owns property within any reasonable proximity to the subject well. Rather, her property appears to be approximately 200 miles distant from the subject well. On the face of the protest, it does not appear that the protester would have even been person or entity entitled to notice of the application.

WHEREFORE, Applicant respectfully requests that the Commission issue an Order dismissing the protest of Cindy Hoedel, and denying the setting of a formal hearing based on said protest, and for such other relief as the Commission may find proper.

Respectfully submitted,

By: /s/ John G. Pike

John G. Pike, #09938

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Attorneys for Palomino Petroleum, Inc.

CERTIFICATE OF SERVICE

I, the undersigned, certify that a true copy of the attached *Motion to Dismiss Protest of Cindy Hoedel* has been served to the following parties by means of first class mail and electronic service on September 21, 2018.

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/s/ John G. Pike
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