

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

In the matter of the petition of Daylight )	Docket Nos.: 25-CONS-3040-CMSC
Petroleum, LLC (Operator) to open a docket )	
pursuant to K.S.A. 55-605(a) regarding a fluid )	CONSERVATION DIVISION
leak in Section 16, Township 30 South, Range )	
<u>16 East, Wilson County, Kansas.</u> )	License No.: 35639

**MOTION TO ADMIT AFFIDAVIT**

Staff of the Kansas Corporation Commission (Staff and Commission, respectively) hereby submits its motion to admit an affidavit from the owner of the building above the breakout well at the captioned location. In support of its Motion, Staff states as follows:

1. On February 20, 2025, the Commission held a hearing regarding the captioned matter. On May 29, 2025, the Commission issued an Order which found that Operator, more likely than not, caused pollution to occur through an abandoned well beneath the building on the captioned property, that Operator was responsible for the abandoned well, and that Operator's monitoring proposal was inadequate.<sup>1</sup> The Order directed Staff and Operator to make a filing recommending specific, near-term steps to locate and plug the abandoned well and plug it with minimal damage to the building.<sup>2</sup>

2. On July 3, 2025, Operator filed its Proposal of Near Term Steps in Light of Pending Litigation (Proposal). Operator's Proposal represents that it has no right to enter onto or perform additional operations on the property.<sup>3</sup> Operator proposed the Commission issue a Final Order which includes a stay of any enforcement action against Operator while ongoing litigation is pending and also while the judicial review proceeding to be initiated by Operator is pending.<sup>4</sup> On July 7, 2025, Staff filed its Recommendation to Locate and Plug Abandoned Well

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<sup>1</sup> Order, ¶¶ 8, 18 (May 29, 2025).

<sup>2</sup> *Id.* at Ordering Clause A.

<sup>3</sup> Daylight Petroleum, LLC's Proposal of Near Term Steps in Light of Pending Litigation, ¶ 1 (July 3, 2025).

<sup>4</sup> *Id.* at ¶5.

(Recommendation). Staff's Recommendation is to allow Staff to take the steps necessary in order to locate and plug the abandoned well at issue and assess the costs to Operator since Operator has been determined to be responsible for the care and control of the abandoned well.<sup>5</sup> Further, Staff recommended that Operator be required to provide a performance bond or letter of credit to Staff in the amount of \$250,000.<sup>6</sup>

3. Subsequent to Operator's Proposal and Staff's Recommendation being filed, Staff was contacted by counsel for the building owner. The building owner's counsel indicated that Operator's Proposal misrepresents the building owner's position. Attached to this filing as Exhibit A is an Affidavit signed by Rob Tinsley who is an owner of the building above the abandoned well at issue. The Affidavit provides that Operator has not discussed any additional operations with anyone associated with Rob Tinsley Properties, LLC. The Affidavit provides that Mr. Tinsley is willing to grant access to the building for purposes of conducting a GPR Survey and is willing to consider any additional investigative work that KCC Staff believes can or should be done to locate and plug the abandoned well beneath the building. Additionally, the Affidavit requests adequate assurances from the Commission that Operator be responsible for any damages to the building and that Daylight has the means to reimburse those damages. Staff believes the Affidavit supports Staff's Recommendation to locate and plug the abandoned well at issue and to require Operator to provide a performance bond or letter of credit to Staff as requested in Staff's Recommendation.

WHEREFORE, Staff respectfully motions for the attached affidavit from the building owner to be admitted into the record and for any other relief the Commission deems just and equitable.

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<sup>5</sup> Staff's Recommendation to Locate and Plug Abandoned Well, ¶6 (July 7, 2025).

<sup>6</sup> *Id.* at ¶8.

Respectfully Submitted,

/s/ Kelcey Marsh

Kelcey Marsh, #28300

Litigation Counsel | Kansas Corporation Commission

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## AFFIDAVIT

STATE OF KANSAS     )  
                                       )  
 COUNTY OF WILSON    )

Rob Tinsley, of lawful age, being first duly sworn on oath, states:


I am the owner of Rob Tinsley Properties, LLC ("Tinsley Properties") which owns the building above the well at issue in KCC Docket 25-CONS-3040-CMSC (Docket 25-3040). I have reviewed the recent filings made on behalf of KCC Staff and Daylight Petroleum in Docket 25-3040 regarding their proposed next steps and would like to clarify certain statements that were made on behalf of Daylight Petroleum. Specifically, Daylight Petroleum stated that Tinsley Properties would no longer allow it access "to perform additional operations to search for the source of the breakout." (Daylight's Proposal of Near Term Steps, ¶ 1). Daylight Petroleum, however, did *not* speak to or otherwise communicate with myself, Chris Tinsley (who helps manage Tinsley Properties), or my legal counsel Nathaniel Martens of Fleeson, Gooing, Coulson, and Kitch, LLC regarding the additional operations.

In its filing, Daylight Petroleum expressed concern regarding potential liability for trespass in light of the lawsuit that Tinsley Properties filed against it. The claims and allegations in the lawsuit, however, were not intended to prohibit Daylight Petroleum from performing further investigation or remediation work. The allegations and claims in the lawsuit were intended to ensure that Daylight Petroleum is ultimately held responsible for any damages that have been or will be caused to the building.

To be clear, Tinsley Properties, LLC is willing to grant access to the building for purposes of conducting a GPR survey or other non-intrusive testing or investigation of the abandoned well located beneath the building. I only ask that Tinsley Properties be given advance notice of at least 2-3 days in order to move equipment out of the way ahead of time.

Tinsley Properties, LLC is also willing to consider any additional investigative work that KCC Staff believes can or should be done to find and plug the abandoned well beneath the building, even if such work would result in damages to the building. However, Tinsley Properties would request adequate assurances from the Commission that Daylight will be responsible for any damages to the building and that Daylight has the means to reimburse Tinsley Properties for those damages. My concern is that Daylight will not pay for any such damages absent a Commission and/or District Court order directing it to do so.

FURTHER AFFIANT SAYS NOT.



Rob Tinsley  
 Rob Tinsley Properties, LLC

SUBSCRIBED AND SWORN TO before me this 1<sup>ST</sup> day of August, 2025.

My Commission Expires:

11/15/28



April Whitehead  
Notary Public

## **CERTIFICATE OF SERVICE**

25-CONS-3040-CMSC

I, the undersigned, certify that a true and correct copy of the attached Motion has been served to the following by means of electronic service on August 6, 2025.

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/s/ Sara Graves

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Sara Graves