

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

In the matter of the failure of Somerset Energy,)	Docket No: 25-CONS-3431-CPEN
Inc. (Operator) to comply with K.A.R. 82-3-113)	
and K.A.R. 82-3-117 regarding the Nevius)	CONSERVATION DIVISION
#OW-6 in Miami County, Kansas.)	
_____)	License No.: 6143

PRE-FILED TESTIMONY OF

CELENA PETERSON

ON BEHALF OF COMMISSION STAFF

AUGUST 28, 2025

Q. What is your name and business address?

A. CeLena Peterson, 266 N. Main St. Wichita, KS 67202.

Q. By whom are you employed and in what capacity?

A. I am employed by the Conservation Division of the Kansas Corporation Commission as a Geology Specialist within the Conservation Division's Production and Underground Injection Control (UIC) Departments.

Q. Would you please briefly describe your background and work experience?

A. Yes. I graduated from Emporia State University (ESU) in 2011 with a Bachelor of Science Degree in Earth Science. I worked at Terracon Consultants as a Field Geologist from 2012 to 2016 completing Phase I and Phase II Environmental Site Assessments. From 2016 to 2019 I was employed by Amec Foster Wheeler / Wood Environment & Infrastructure Solutions as a Field Geologist where I worked on environmental investigation and remediation projects. Since May 2021, I've worked in my current position with the Kansas Corporation Commission as a Geology Specialist. I became a licensed professional geologist in November 2022.

Q. What are your duties with the Conservation Division?

A. My duties include processing Notice of Intent to Drill (C-1) forms, Cathodic Protection Borehole Intent to Drill (CB-1) forms, Application for Commingling of Production (ACO-4) forms, Well Plugging Application (CP-1) forms, Well Plugging Record (CP-4) forms, and reviewing notices of violations for CP-4s. As part of my duties, I ensure Commission regulations are enforced for these forms.

Q. Have you previously testified before this Commission?

A. No.

Q. What is the purpose of your testimony in this matter?

A. The purpose of my testimony is to discuss the evidence supporting the Commission's findings in regard to the Penalty Order issued against Somerset Energy, Inc. (Operator) in Docket 25-CONS-3431-CPEN (Docket 25-3431). My testimony will discuss Operator's violations of K.A.R. 82-3-113(a) and K.A.R. 82-3-117. The violation concerning K.A.R. 82-3-113(b) will be addressed by Mr. Troy Russell.

Q. Please provide a brief overview of the facts in this docket.

A. Operator was penalized for violating K.A.R. 82-3-113(a) for failing to file a CP-1 form prior to plugging the Nevius #OW-6 well (Subject Well), K.A.R. 82-3-113(b) for failing to properly notify Commission Staff of its proposed plugging plan at least five days prior to plugging the Subject Well, and K.A.R. 82-3-117 for failing to file a CP-4 form with the Commission within 60 days of plugging the Subject Well.

Q. What are the requirements of K.A.R. 82-3-113(a)?

A. K.A.R. 82-3-113(a) provides that before any work is commenced to plug and abandon any well drilled for the discovery of oil or gas, for underground porosity gas storage, or for disposal of salt water, or to plug and abandon any injection well for enhanced recovery, including any well drilled below the fresh and usable water level, the operator shall give written notice to the Conservation Division of the intention to plug and abandon that well. The notice shall be submitted upon a form furnished by the Conservation Division and shall contain all of the information requested on it. Further, K.A.R. 82-3-113(a) provides that failure to file a notice of intention to plug and abandon a well shall be punishable by a \$100 penalty.

1 **Q. What are the requirements of K.A.R. 82-3-117?**

2 A. K.A.R. 82-3-117(a) provides that within 60 days after plugging any well drilled for
3 discovery of oil or gas, for disposal of salt water, or for injection for enhanced recovery, the
4 owner or operator of the well shall file a well plugging report with the Conservation
5 Division on the form furnished by the Commission and verified by the operator which
6 includes (1) the date of drilling; (2) the location of the well; (3) the method used in
7 plugging the well; and (4) all other information required by the Commission. Further,
8 K.A.R. 82-3-117(b) provides that failure to file a plugging report shall be punishable by a
9 \$100 penalty.

10 **Q. Do the Commission's regulations define "Operator"?**

11 A. Yes. K.A.R. 82-3-101(a)(48) defines "Operator" as a person who is responsible for the
12 physical operation and control of a well, gas-gathering system, or underground natural gas
13 storage facility. By making the decision to plug the Subject Well, Operator became
14 responsible for the control of the well.

15 **Q. When was the Subject Well plugged?**

16 A. Commission databases indicate that the Subject Well was plugged on March 25, 2025.

17 **Q. Did Operator file a CP-1 prior to plugging the Subject Well?**

18 A. No. Operator failed to file a CP-1 form for the Subject Well prior to plugging the Subject
19 Well. To date, I have not received a CP-1 form from Operator for the Subject Well.

20 **Q. Did Operator file a CP-4 form within 60 days of the Subject Well being plugged?**

21 A. No. Operator failed to timely file a CP-4 form for the Subject Well within 60 days of being
22 plugged. To date, I have not received a CP-4 form from Operator for the Subject Well.

1 **Q. Did you have any communications regarding the CP-1 and CP-4 forms for the Subject**
2 **Well?**

3 A. I did not have any direct communication with Operator. I did receive an email from KCC
4 Legal Staff to anticipate paper forms being submitted by Operator and to let Legal Staff
5 know when the forms were submitted. It is my understanding that Operator preferred to
6 submit paper forms for the Subject Well. I have attached a copy of that communication to
7 my testimony as ***Exhibit CP-1***. In that email chain, KCC Legal Staff sent links to the CP-1
8 form and CP-4 form which are available through the KCC website to Mr. Keith Brock.
9 Additionally, that email directed Mr. Brock to submit the forms, once they were filled out,
10 by sending the forms to the KCC Central Office by U.S. Mail, hand delivery, or fax with a
11 hard copy placed in the mail as a follow-up. Mr. Brock responded to that email stating he
12 would have Operator fill out the forms and mail the paper copies in. However, as I stated
13 above, I have not received any forms for the Subject Well from Operator.

14 **Q. Please summarize your recommendation.**

15 A. I would recommend the Commission's Penalty Order be affirmed, based on the evidence
16 presented above and the evidence presented in Mr. Troy Russell's direct testimony.

17 **Q. Does this conclude your testimony?**

18 A. Yes.

From: [Kelcey Marsh \[KCC\]](#)
To: [CeLena Peterson \[KCC\]](#)
Subject: FW: Nevius OW-6
Date: Tuesday, April 8, 2025 11:58:00 AM
Attachments: [image001.png](#)

Hi CeLena,

Could you let me know when we receive the paper CP-1 and CP-4 for the Nevius OW-6 well, API #15-121-02901, from Somerset?

Thank you,
Kelcey

From: Keith Brock <KBrock@andersonbyrd.com>
Sent: Thursday, April 3, 2025 9:01 AM
To: Kelcey Marsh [KCC] <Kelcey.Marsh@ks.gov>
Subject: RE: Nevius OW-6

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you Kelcey. I will have them fill out those applications and mail the paper copies in. Are you wanting to hold off on dismissing the consolidated docket until this is done, or can we go ahead and let Jon know that the well is plugged and we are in agreement to dismiss those dockets leaving only the docket we jointly opened remaining?

Keith Brock
Anderson & Byrd, LLP
216 S. Hickory, P.O. Box 17
Ottawa, KS 66067
Phone: (785) 242-1234
Fax : (785) 242-1279

From: Kelcey Marsh [KCC] [<mailto:Kelcey.Marsh@ks.gov>]
Sent: Thursday, April 3, 2025 8:41 AM
To: Keith Brock <KBrock@andersonbyrd.com>
Subject: RE: Nevius OW-6

Keith,

On this one, I don't know that the reasons for not filing a T-1 are as obvious to me. However, if Somerset wants to submit a paper copy of the plugging application and plugging report, then they probably need to fill out the forms from our website so "Draft" is not written across the top of the form. Once the forms are filled out, then they need to be sent into the central office

via US mail, hand delivery, or fax with a hard copy placed in the mail as a follow-up.

- Well Plugging Application: https://www.kcc.ks.gov/images/PDFs/oil-gas/forms/cp1_ksona.pdf
- Well Plugging Record: <https://www.kcc.ks.gov/images/PDFs/oil-gas/forms/cp4.pdf>

Sincerely,

Kelcey Marsh
Litigation Counsel



Conservation Division | Kansas Corporation Commission
266 N. Main, Suite 220 | Wichita, KS | 67202-1513
Phone (316) 337-6200 | Fax (316) 337-6211 | <http://kcc.ks.gov>

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From: Keith Brock <KBrock@andersonbyrd.com>

Sent: Tuesday, April 1, 2025 10:09 AM

To: Kelcey Marsh [KCC] <Kelcey.Marsh@ks.gov>

Subject: FW: Nevius OW-6

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Kelcey,

KOLAR will not let my client submit the plugging report without transferring this well to my client's operator license and they don't want to do that for obvious reasons. Do you want us to just mail the plugging report to you, is an email sufficient, etc?

Keith Brock
Anderson & Byrd, LLP
216 S. Hickory, P.O. Box 17
Ottawa, KS 66067
Phone: (785) 242-1234
Fax : (785) 242-1279

From: Victoria Scott [<mailto:victoria@dbdoil.com>]

Sent: Tuesday, April 1, 2025 10:07 AM

To: Keith Brock <KBrock@andersonbyrd.com>

Subject: Nevius OW-6

please see the attached if you need anything else let me know

Thank you

Victoria

CERTIFICATE OF SERVICE

25-CONS-3431-CPEN

I, the undersigned, certify that a true and correct copy of the attached Testimony has been served to the following by means of electronic service on August 28, 2025.

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/s/ Sara Graves

Sara Graves