

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

In the matter of the failure of Novy Oil & Gas,) Docket No.: 24-CONS-3145-CPEN
Inc. (Operator) to comply with K.A.R.)
82-3-111 at the Carlin A #2, Grover #3, and) CONSERVATION DIVISION
Samms #1 wells in Reno and Saline Counties,)
Kansas.) License No.: 31714

PRE-FILED REBUTTAL TESTIMONY

OF

DAN FOX

ON BEHALF OF COMMISSION STAFF

APRIL 19, 2024

1 **Q. Are you the same Dan Fox who pre-filed direct testimony in this docket on March 15,**
2 **2024?**

3 A. Yes.

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

5 A. The purpose of my testimony is to discuss the assertions contained in the pre-filed testimony
6 of Michael Novy, given on behalf of Novy Oil & Gas, Inc. (Operator) in Docket 24-CONS-
7 3145-CPEN.

8 **Q. On page 2, line 10 of Mr. Novy's testimony, he alleges that Operator completed**
9 **successful casing integrity tests of the Carlin A #2 and Samms #1 wells. Is that correct?**

10 A. Yes, Operator performed successful casing integrity tests for both wells.

11 **Q. On page 2, line 11 of Mr. Novy's testimony, he alleges that the Carlin A #2 and Samms**
12 **#1 wells are now both compliant with Commission regulations. Is that also correct?**

13 A. No, it is not. As of the date of this testimony, Operator has not submitted successful temporary
14 abandonment (TA) applications for either well, brought either well back into production, or
15 plugged either well. Consequently, both the Carlin A #2 and Samms #1 wells remain out of
16 compliance with Commission regulations.

17 **Q. Is the Grover #3 well in compliance with Commission regulations?**

18 A. No, it is not. As of the date of this testimony, Operator has not submitted a successful TA
19 application for the Grover #3 well, brought the well back into production, or plugged the well.
20 As a result, the Grover #3 well remains out of compliance with Commission regulations.

1 **Q. Did Mr. Novy's testimony provide any reason for the Commission to reconsider the**
2 **Penalty Order issued in this docket?**

3 A. No, Mr. Novy's testimony did not provide any evidence to suggest that the Penalty Order in
4 this docket should not be upheld by the Commission.

5 **Q. Has your recommendation regarding this docket changed based upon Mr. Novy's**
6 **testimony?**

7 A. No, it has not. The wells at issue in this docket have been inactive and unplugged without TA
8 status for longer than allowed by Commission regulations.

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

10 A. Yes.

CERTIFICATE OF SERVICE

24-CONS-3145-CPEN

I, the undersigned, certify that a true and correct copy of the attached Prefiled Rebuttal Testimony of Dan Fox has been served to the following by means of electronic service on April 19, 2024.

DANIEL FOX, COMPLIANCE OFFICER, KCC DISTRICT 2
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 2
3450 N. ROCK RD BLDG 600 STE 601
WICHITA, KS 67226
d.fox@kcc.ks.gov

TRISTAN KIMBRELL, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
t.kimbrell@kcc.ks.gov

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
j.myers@kcc.ks.gov

BRADEN M. PERRY
KENNYHERTZ PERRY, LLC
2000 SHAWNEE MISSION PKWY STE 210
MISSION WOODS, KS 66205-3604
braden@kennyhertzperry.com

/s/ Paula J. Murray

Paula J. Murray
