THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

E		D. Keen, Chair st Albrecht Duffy	
In the Matter of the Application of F.G	. Holl)	Docket No. 20-CONS-3093-CEXC
Company L.L.C., for an Order Grantin	g an)	
exception to the pit closure time limitat	tion of)	CONSERVATION DIVISION
K.A.R. 82-3-602 at its ILS Land "A" 1	-1 well)	
located in the NE/4 of Section 1, Township 19)	License No. 5056
South, Range 14 West Barton County,	Kansas.)	

ORDER GRANTING APPLICATION

The above captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings and conclusions:

I. JURISDICTION

- 1. The Commission has the exclusive jurisdiction and authority to regulate oil and gas activities in Kansas.¹
 - 2. K.A.R. 82-3-602(a)(2) limits pit permit extensions to two, three-month extensions.
- 3. K.A.R. 82-3-100 provides that the Commission may grant an exception to any regulation after application and notice.

II. FINDINGS OF FACT

- 4. F.G. Holl Company, L.L.C. (Operator) conducts oil and gas activities in Kansas under active license number 5056.
- 5. On September 23, 2019, Operator filed an Application stating they are the owner and operator of the ILS Land "A" #1-1 well, API #15-009-26209. Operator is requesting an

-

¹ K.S.A. 74-623.

² See Application for F.G. Holl Company L.L.C. ¶3, (Sep. 23, 2019).

additional extension to the deadline for closing the pit(s) ("subject pit(s)") associated with the well as an exception to K.A.R. 82-3-602 provided under K.A.R. 82-3-100(b).

- 6. Operator has already received the two extensions allowed by K.A.R. 82-3-602(a)(2) but is requesting an additional extension due to excessive moisture from persistent rainfall at the location of the subject pit(s).³
- 7. Operator states any fluids which may remain in the subject pit(s) is fresh water from rainfall.4
- Operator has verified that notice was properly served and published, as required 8. under K.A.R. 82-3-135a.
 - 9. No protest was filed under K.A.R. 82-3-135b.
- 10. Staff recommends that Operator be granted a 60-day exception to the pit closure time limitations in K.A.R. 82-3-602(a)(2).⁵

III. **CONCLUSIONS OF LAW**

- The Commission concludes that it has jurisdiction over Operator in this matter. 11.
- 12. The Commission concludes the Application will prevent waste, has no effect on correlative rights, prevent pollution, and was filed in accordance with the rules and regulations of the Commission and in accordance with Kansas statutes.
 - 13. The Commission concludes that notice was properly served and published.
- Based on the above facts, the Commission finds and concludes that the Application 14. should be granted.

 $^{^{3}}$ *Id.*, at ¶¶5, 7.

⁴ *Id.*, at ¶6.

⁵ Staff has verified with Operator that a 60-day extension from the date of the order would be acceptable. *See* Exhibit A.

THEREFORE, THE COMMISSION ORDERS:

- A. Operator's Application is granted. Operator shall have until February 10, 2020, to close the subject pit(s).
- B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁶

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy; Commissioner

Dated:	/12/2019	Lynn M. Ret			
		Lynn M. Retz Executive Director			
Mailed Date:	12/12/2019				

KAM

⁶ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

Kelcey Marsh

From: Loveness Mpanje < Impanje@fgholl.com>
Sent: Tuesday, November 26, 2019 9:46 AM

To: Kelcey Marsh

Subject: RE: 20-CONS-3093-CEXC

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

This is an EXTERNAL EMAIL. Think before clicking a link or opening attachments.

Kelcey,

Yes, the 60 days will be sufficient.

Thanks, Loveness

From: Kelcey Marsh [mailto:k.marsh@kcc.ks.gov] Sent: Monday, November 25, 2019 3:08 PM

To: 'Impanje@fgholl.com'
Subject: 20-CONS-3093-CEXC

Loveness,

This email is in regards to your application in the referenced docket for an extension to close the pit at the ILS Land "A" #1-1 well in Barton County, Kansas. The Application submitted did not specify the extra amount of days you are requesting to close the pit. Staff has made a field inspection of the pit and recommends for the pit to be closed 60 days from the date of the order.

Are you ok with that amount of time as an extension?

Sincerely, KM

Kelcey Marsh



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/

This transmission, email and any files transmitted with it, may be: (1) subject to the Attorney-Client Privilege, (2) an attorney work product, or (3) strictly confidential under federal or state law. If you are not the intended recipient of this message, you may not use, disclose, print, copy or disseminate this information. If you have received this transmission in error, notify the sender (only) and delete the message. This message may also be subject to disclosure under the KORA, K.S.A. 45-215 et seq.

1

Exhibit A

CERTIFICATE OF SERVICE

20-CONS-3093-CEXC

I, the undersigned, certify that a true copy o	of the attached Order has been served to the following by means of
first class mail and electronic service on	12/12/2019

KATHLEEN HAYNES
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
k.haynes@kcc.ks.gov

CASE MORRIS
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 4
2301 E. 13TH STREET
HAYS, KS 67601-2654
Fax: 785-271-3354
c.morris@kcc.ks.gov

JONELLE RAINS
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
j.rains@kcc.ks.gov

KELCEY MARSH, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION CENTRAL OFFICE 266 N. MAIN ST, STE 220 WICHITA, KS 67202-1513 Fax: 785-271-3354 k.marsh@kcc.ks.gov

MARGERY L. NAGEL F. G. HOLL COMPANY L.L.C. 9431 E. CENTRAL STE 100 WICHITA, KS 67206-2563 mnagel@fgholl.com

RICHARD WILLIAMS
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 4
2301 E. 13TH STREET
HAYS, KS 67601-2654
Fax: 785-271-3354
r.williams@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe