

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

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

COMMISSION STAFF ITEMIZATION OF COSTS

Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) hereby submits its itemization of costs, as instructed by the Commission in its *Order Directing Commission Staff to Submit Itemization of Costs* filed June 27, 2024.

District #2 Supervisor Jeff Klock spent 13 hours in imposing and collecting the penalty in this matter. An itemization of Mr. Klock's time is attached as Exhibit A.

District #2 Compliance Officer Dan Fox spent 27 hours in imposing and collecting the penalty in this matter. An itemization of Mr. Fox's time is attached as Exhibit B.

District #2 Environmental Compliance and Regulatory Specialist (ECRS) Virgil Clothier spent 36 hours in imposing and collecting the penalty in this matter. Mr. Clothier also traveled 572 miles in imposing and collecting the penalty. An itemization of Mr. Clothier's time and mileage is attached as Exhibit C.

District #2 ECRS Keith Karlin spent 9 hours in imposing and collecting the penalty in this matter. Mr. Karlin also traveled 56 miles in imposing and collecting the penalty. An itemization of Mr. Karlin's time and mileage is attached as Exhibit D.

Conservation Division Legal Assistant Paula Murray spent 1.15 hours in imposing and collecting the penalty in this matter. An itemization of Ms. Murray's time is attached as Exhibit E.

Conservation Division Litigation Counsel Tristan Kimbrell spent 21.75 hours in imposing and collecting the penalty in this matter. An itemization of Mr. Kimbrell's time is attached as Exhibit F.¹

In determining costs for fulfilling requests made under the Kansas Open Records Act, the Commission uses the following fee schedule: \$12 per hour of clerical staff time, \$15 per hour of technical staff time, and \$26 per hour of legal staff time.² The State of Kansas mileage reimbursement rate for private automobiles is \$0.655 per mile.³ This fee schedule and mileage reimbursement rate may be used to calculate a total cost in imposing and collecting the penalty in this matter. Mr. Klock, Mr. Fox, Mr. Clothier, and Mr. Karlin are all technical Staff. Collectively, they spent 85 hours on this matter, and traveled 628 miles, resulting in a cost of \$1,686.34 ($85 \times \$15 + 628 \times \$0.655 = \1686.34). Ms. Murray is clerical Staff; her cost for this matter is \$13.80 ($1.15 \times \$12 = \13.80). Mr. Kimbrell is legal Staff; his cost for this matter is \$565.50 ($21.75 \times \$26 = \565.50). This results in a total cost of \$2,265.64.

Respectfully Submitted,

/s/Tristan Kimbrell
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¹ A specific itemization of tasks worked on by Mr. Kimbrell is not included as Mr. Kimbrell represented Staff in the above-captioned matter, and a specific itemization of tasks falls under the attorney-client privilege.

² See <https://www.kcc.ks.gov/records-information/make-an-open-records-request>.

³ See <https://admin.ks.gov/offices/accounts-reports/informational-messages-and-circulars/informational-circular-no-24-a-001-supersedes-23-a-001>.

Jeff Klock Itemization

Date	Time	Notes
5/1/2023	2 hr	The District Office received a letter from Bauer Pike Law firm on 4/28/2023 regarding the Grover #3. I spoke to ECRS Virgil Clothier regarding the status of the well, and reviewed a past field report regarding the well. I then corresponded with Tristan Kimbrell, Litigation Counsel regarding any action the District Office should take.
6/29/2023	30 min	I reviewed the TA penalty recommendation from Keith Karlin on the Carlin A #2 . I signed off on the penalty recommendation and forwarded it to Dan Fox, Compliance Officer.
7/18/2023	30 min	I reviewed the TA penalty recommendation from Virgil Clothier on the Grover #3 . I signed off on the penalty recommendation and forwarded it to Dan Fox, Compliance Officer.
11/9/2023	2 hr	Keith Karlin and I spoke about the status of the Carlin A #2 penalty recommendation that had been made in June. I contacted Dan Fox, Compliance Officer who in turn reached out to Tristan Kimbrell, Litigation Counsel. I then reviewed the TA penalty recommendation from Virgil Clothier on the Samms #1 . I signed off on the penalty recommendation and forwarded it to Dan Fox, Compliance Officer.
3/8/2024	2 hr	I corresponded with Tristan Kimbrell regarding the pre-filed testimony of Dan Fox. I then spoke with Dan Fox regarding his testimony, and we reviewed the pre-filed direct testimony draft with exhibits.
3/15/2024	1 hr 30 min	I reviewed Docket 24-CONS-3145-CPEN and contacted Mike Novy. From my notes on 3/15 it appears I pulled the past CP-111's for the Carlin A #2 and contacted Mike Novy to discuss the high fluid levels in the Samms #1 and the Carlin A #2. A CP-1 plugging application had been filed on the Samms #1 in 12/2023, which I also reviewed.
3/19/2024	1 hr	I spoke with Mike Novy regarding the Carlin A #2 and bringing the well into compliance. I corresponded by email to Dan Fox, Compliance Officer and Keith Karlin, ECRS.
4/8/2024	30 min	I read the pre-filed direct and rebuttal testimony of Mike Novy.
4/10/2024	30 min	I reviewed the rebuttal testimony of Dan Fox, Compliance Officer.
4/24/2024	30 min	I scanned and attached the satisfactory CIT to the Samms #1 CP-111 on KOLAR.

6/12/2024 1 hr I spoke with Tristan Kimbrell, Litigation Counsel, regarding the evidentiary hearing, and corresponded with Dan Fox, Compliance Officer and Virgil Clothier, ECRS regarding the Grover #3 which was still out of compliance.

6/17/2024 1 hr I worked up the plugging orders for Mike Novy on the Grover #3, and discovered the CP-1 on file had expired. I contacted Tristan Kimbrell, Litigation Counsel regarding the expired CP-1.

Total time spent on this Docket, 13 hours.

Dan Fox Itemization

6/29/2023-Penalty order recommendation write up. Carlin A #2. 2.0 hrs.

7/12/2023-Review field report and Affidavit of non-production letter from landowner's attorney on the Grover #3 in Reno Co. from Virgil C. 1.0 hr.

7/18/2023-Work on file for recommendation on the Grover #3 from Virgil C. Cover sheet and TA NOV letter removal and updates to file. 1.0 hr.

9/7/2023-Updated File, new field report from Virgil Clothier and reviewed denied TA and photos sent from the field for file. 1.0 hr.

10/10/2023-Check on status of file for Keith Karlin and the Carlin A #2 in Saline Co and the Grover #3 in Reno Co. 1.0 hr.

11/7/2023-Field report review from Virgil Clothier on the Samms #1 for TA violation in Reno Co. 1.0 hr.

11/8/2023-Penalty order recommendation write up on the Samms #1 in Reno Co. Also creating another file for additional well violation with recommendation. 3.0 hrs.

11/20/2023-Updates to file for notification from legal department that orders were proposed on the next consent agenda. 1.0 hr.

11/28/2023-Update to file(s), Commission order was issued, Docket #24-CONS-3145-CPEN for the Carlin A#2 the Grover #3 and the Samms #1 in RN. & SA. Co. 2.0 hrs.

12/27/2023-Request for hearing notice comes to Dist. 2 office from Braden M Perry (Counsel for Novy Oil & Gas, Inc.) Updates to file. 1.0 hr.

1/3/2024-Denied TA from Keith Karlin and the Samms #1 review and file. Updated field report from Virgil Clothier to review and file. 1.0 hr.

1/11/2024-Corrected Order Designating Presiding Officer and Setting Prehearing Conf. from Topeka that I reviewed and filed. 0.5 hrs.

3/8/2024-Prefiled Testimony review of exhibits and Direct Testimony document review. 2.0 hrs.

3/11/2024-Update to well status from Keith Karlin on the Carlin A #2, review documents sent. Field report and photos of pulling unit being on-sight but no change in status as well was still down. 0.5 hrs.

3/12/2024-Respond to e-mails from the field on status of case. 0.3 hrs.

3/15/2024-Filed Direct Testimony of Dan Fox on behalf of Commission Staff. 1.0 hr.

3/19/2024-Copy of MIT was reviewed and filed with appeal documentation on the Carlin A #2 from Keith Karlin. 0.5 hrs.

3/21/2024-Filed e-mail from Virgil Clothier on correspondence about his conversation with Mike Novy on the Samms #1 in Reno County and conducting a CIT. 0.3 hrs.

3/27/2024-Reviewed and filed the paper form (U-7) and the Casing Integrity Test on the Samms #1 in Reno Co. for Novy Oil & Gas so well may qualify for temporary abandonment status. 0.3 hrs.

3/28/2024-Review of wells and their status with field personnel after Novy Oil stated the wells from Commission Docket 24-3145 were in compliance. 1.0 hr.

4/5/2024-Received Pre-filed testimony from Mike Novy for scheduled hearing, reviewed and filed in docket master file. 0.5 hrs.

4/10/2024-Review and file rebuttal testimony from Dan Fox on Docket 24-3145. 1.0 hr.

4/22/2024-Novy Oil & Gas finally filed a CP-111 (TA application) on KOLAR for the Carlin A #2 in Saline County and was approved by Keith Karlin-ECRS. MIT was performed on March 19, 2024 a month earlier. I reviewed document and filed. 0.5 hrs.

5/2/2024-Reviewed schedule and answered e-mails from legal staff about evidentiary hearing scheduled for June 21. 0.3 hrs.

6/12/2024-Field staff requesting an update from compliance office. Responding to e-mails. 0.3 hrs.

6/17/2024-Novy Oil & Gas filing a pit application on the Grover #3 for possible plugging. Responding to e-mails between Wichita Legal and District Staff. 0.5 hrs.

6/20/2024-Received notice from field Staff the Grover #3 was plugged and abandoned. Also that Novy Oil & Gas had withdrawn their request for a hearing. Update to file. 1.0 hr.

6/25/2024-Updated file with final details on well status and operator license status. 0.5 hrs.

6/27/2024-Operators license was un-suspended and Docket #24-3145 was closed out on the District 2 field staff side. 1.0 hr.

Total hours: 27

Virgil Clothier Itemization

Lease inspections and follow-up of Grover #3 well. 8 hours and 200 miles traveled.

Observation of well plugging for Grover #3 well. 14 hours and 180 miles traveled.

Lease inspections and follow-up of Samms #1 well. 14 hours and 192 miles traveled.

Keith Karlin Itemization

5/22/2023: Denied TA Carlin A#2 for High Fluid.	2 hrs + 14 mile round trip.
6/27/2023: 30 day review Denied TA.	2 hrs + 14 mile round trip.
3/11/2024: Drive by inspection. Rig gone, well down.	2 hrs + 14 mile round trip.
3/19/2024: CIT Carlin A#2, Passed.	2 hrs + 14 miles round trip.
4/22/2024: Approve TA Carlin A#2	1 hr. No drive Time.

Paula Murray Itemization

11/20/23 – Create docket and put Order on Agenda – 15 minutes

11/28/23 – Create invoice – 5 minutes

3/15/24 – Review draft of Dan Fox Testimony - 30 minutes

3/15/24 – Prepare and Service out Fox Testimony – 10 minutes

4/18/24 – Review draft of Fox Rebuttal – 5 minutes

4/19/24 – Prepare and service out Fox Rebuttal – 10 minutes

1.15 hrs.

Tristan Kimbrell Itemization

Time Period	Hours
1/22/24 to 2/2/24	1.25 hours
3/4/24 to 3/15/24	6.5 hours
3/18/24 to 3/29/24	1 hour
4/1/24 to 4/12/24	4 hours
4/15/24 to 4/26/24	1.75 hours
4/29/24 to 5/10/24	0.25 hours
6/10/24 to 6/21/24	7 hours
Total time	21.75 hours

CERTIFICATE OF SERVICE

24-CONS-3145-CPEN

I, the undersigned, certify that a true and correct copy of the attached Commission Staff Itemization of Costs has been served to the following by means of electronic service on July 19, 2024.

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/s/ Paula J. Murray

Paula J. Murray
