

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

Before Commissioners: Andrew J. French, Chairperson
 Dwight D. Keen
 Annie Kuether

In the matter of the application of Robinette Oil) Docket No: 25-CONS-3366-CMSC
Company LLC for a finding determining the)
responsibility of Gregory Noll to plug the Noll) CONSERVATION DIVISION
#2-06 well in Jefferson County, Kansas.)
_____) License No: 34978

**ORDER DENYING MOTION
TO DESIGNATE PRESIDING OFFICER
AND SET PREHEARING CONFERENCE**

The Commission rules as follows:

1. On May 5, 2025, Robinette Oil Company LLC (Operator) initiated this docket by submitting a motion requesting the designation of a presiding officer and the setting of a prehearing conference, in anticipation of a hearing regarding Gregory Noll's responsibility for the plugging of the Noll #2-06 well. Gregory Noll did not file a response; Commission Staff also did not respond.

2. Operator alleges it submitted a plugging application for the well in March 2022, but while plugging other wells on the lease, it noticed the Nolls doing dirt work operations for a drainage system, and when it went to plug the Noll #2-06, it discovered the well had been buried. Operator alleges Noll's dirt work contractor dug up the well to determine the extent of the damage, revealing the well had been intentionally bent at a 90-degree angle approximately 20 to 25 feet below ground. Operator reports five or six feet of casing at the top of the well separated from the rest during the excavations, that plugging will require significant further excavation, and that the intentional damage will substantially increase the cost of plugging. Operator has not plugged the well, and seeks a determination from the Commission regarding the parties legally responsible for plugging costs.¹

¹ See Motion for the Designation of a Presiding Officer and Request for Hearing, ¶¶ 8-17 (May 5, 2025).

3. In making its motion, Operator generally notes the Commission has jurisdiction to regulate oil and gas production under K.S.A. Chapter 55, specifically citing the Commission's jurisdiction under K.S.A. 55-179 to determine persons legally responsible for the proper care and control of abandoned wells and under K.S.A. 55-180 to investigate abandoned wells.² Operator states the well "is an abandoned well because the landowner buried it and planted row crops over the site."³

4. The problem with Operator's legal theory is that the well is not an abandoned well. Under K.S.A. 55-179(h), "abandoned well" means "a well that is not claimed on an operator's license that is active with the commission and is unplugged, improperly plugged or no longer effectively plugged." Commission records indicate Operator has an active license, and that the Noll #2-06 is claimed on Operator's license.⁴ Thus, the well is not abandoned as defined under K.S.A. 55-179 or described in K.S.A. 55-180.

5. Although the Commission does indeed have jurisdiction to regulate oil and gas production in Kansas, Operator has not presented a viable legal theory for the Commission to hear this matter and find Gregory Noll responsible for plugging costs. Accordingly, the Commission finds it appropriate to deny Operator's motion. If anything, it appears as if Operator should be penalized for violation of K.A.R. 82-3-111, because the well, for which Operator is legally responsible, has been inactive and unplugged for years without temporary abandonment approval. Commission Staff is directed to take appropriate action regarding any such violation.⁵

THEREFORE, THE COMMISSION ORDERS:

A. Operator's May 5, 2025, motion is denied.

² See *id.* at ¶¶ 1-4.

³ *Id.* at ¶ 18.

⁴ To reach this finding, the Commission takes administrative notice of its records. See K.A.R. 82-1-230(h).

⁵ The Commission notes Staff's April 18, 2025, denial of Operator's April 16, 2025, temporary abandonment application. See K.A.R. 82-1-230(h).

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.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 05/22/2025


Celeste Chaney-Tucker
Executive Director

Mailed Date: 05/22/2025
JRM

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).

CERTIFICATE OF SERVICE

25-CONS-3366-CMSC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail and electronic service on 05/22/2025.

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