

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of R.T. Enterprises of)	Docket No. 14-CONS-550-CWLE
Kansas, Inc. for Multiple Well Location Exceptions for)	
Wells Upon the Pearson and Finnerty Leases Located)	
In Section 11, Township 15 South, Range 20 East in)	License No. 33715
Douglas County, Kansas.)	Conservation Division
)	

POSITION STATEMENT OF PROTESTANTS

Protestants would submit that the Court, in its August 31, 2016 Memorandum Decision and Order, was quite clear on what is now expected of the KCC on remand:

“It is appropriate to allow the KCC to re-examine the possible pollution issues created by R.T. Enterprises’ well spacing on the Leases and proceed as the Commission sees fit under its authority to regulate oil and gas activities. While neither party may introduce new evidence that the parties did not submit within R.T. Enterprises’ first application for the exception, KCC may re-examine the initial evidence in light of the Court’s ruling.”

And,

“...the KCC may conduct further proceedings not inconsistent with the finding.”

And,

“This case is remanded so that the KCC may examine possible pollution issues caused by R.T. Enterprises’ oil and gas activities pursuant to its authority under K.S.A. 55-604(a)(2).”

It is abundantly clear that the Court fully expected the KCC to conduct further proceedings and re-examine all of the evidence in the case and make a new determination of what is appropriate in this case, given the KCC’s right to balance the economic interests and prevent pollution. Though the parties are precluded from introducing new evidence, the KCC is not. We would submit that the KCC is perfectly suited to evaluate the potential for pollution to occur on these leases, given the KCC’s knowledge of the history of the leases, and has the

authority to exercise its authority to prevent pollution, and especially where it would endanger the health and safety of the surface owners and their children.

In re-examining the evidence before it, the Commission should review, in particular, the threats made by the operator to the surface owners regarding the proximity to their residences he intends to drill. The Commission is aware that oil drilling operations, and extraction equipment, are inherently dangerous to untrained individuals. This would be especially true for children. The Commission is also aware that oil drilling and extraction operations result in the escape of noxious, poisonous, and explosive gases, and the Commission may, and should, use this knowledge to draft controls on oil operators to limit their activity to avoid placing the surface owners and their families in danger.

Respectfully submitted,

HAMPTON LAW OFFICE

/s/ John L. Hampton

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ATTORNEY FOR PROTESTANTS

CERTIFICATE OF SERVICE

I hereby certify, that on this 27th day of January, 2017, I served a true and correct copy of the above and foregoing, via email to the following named persons:

Mr. John McCannon
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and by filing this document through the KCC e-filing system.

/s/ John L. Hampton
John L. Hampton