

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

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

PETITION FOR RECONSIDERATION
PURSUANT TO K.S.A. §§ 55-606 and 77-529

COMES NOW Robinette Oil Company LLC (“Petitioner”) and petitions the State Corporation Commission of the State of Kansas (“Commission”) to reconsider an Order Denying Motion to Designate Presiding Officer and Set Prehearing Conference. In support hereof, Petitioner states as follows:

INTRODUCTION

1. Petitioner filed a Motion for the Designation of a Presiding Officer and Request for Hearing in this matter on May 5, 2025. The Motion requested the Commission investigate an abandoned well and sought a determination from the Commission on the parties legally responsible for plugging costs.

2. The Commission denied Petitioner’s motion in an Order Denying Motion to Designate Presiding Officer and Set Prehearing Conference dated May 22, 2025. The Commission’s Order found that the well was not an “abandoned well” for purposes of Kan. Stat. Ann. § 55-179(e) because “Commission records indicate Operator has an active license, and that the Noll #2-06 is claimed on Operator’s license.” Order Denying Motion to Designate Presiding Officer and Set Prehearing Conference, Docket No. 25-CONS-3366-CMSC, 2.

3. The Kansas Judicial Review Act (“KJRA”) mandates relief from any agency action when the following deficiencies exist:

[4] the agency has erroneously interpreted or applied the law;

[8] the agency action is otherwise unreasonable, arbitrary or capricious.

Kan. Stat. Ann. § 77-621(c).

I. The Commission has jurisdiction to investigate abandoned wells.

4. The Commission’s Order stated that “Operator has not presented a viable legal theory for the Commission to hear this matter[.]” Order Denying Motion to Designate Presiding Officer and Set Prehearing Conference, Docket No. 25-CONS-3366-CMSC, 2. For the reasons stated below, Petitioner believes that it previously did provide legal theory for the Commission to hear this matter, but alternatively, offers the below additional authorities and legal theories to the Commission.

5. The definition of “abandoned well” for the limited purposes of Kan. Stat. Ann. § 55-179(e) is as “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.” Kan. Stat. Ann. § 55-179(e). However, this does not mean that the Commission does not maintain jurisdiction with respect to wells that are deemed abandoned under other statutes or regulations. *See, e.g.* Kan. Stat. Ann. § 55-161 and Kan. Admin. Regs. § 82-3-111.

6. In fact, the Commission is expressly required to investigate “abandoned wells.” Kan. Stat. Ann. § 55-161. However, no definition of “abandoned wells” is included in this statute or in the definitions section applicable to this statute, and the definition provided in Kan. Stat. Ann. § 55-179(e) of “abandoned well” is only applicable to that section. Kan. Stat. Ann. §§ 55-161;

55-150 (definitions section applicable to § 55-161); and 55-179(e). Thus, it is necessary to determine what an “abandoned well” is for purposes of Kan. Stat. Ann. § 55-161.

7. Prior to the 2021 amendment to Kan. Stat. Ann. § 55-179, the Commission was required to find that a well was “abandoned, in fact” because there was no definition of “abandoned well” in the statute. *See* Post-Hearing Brief of Commission Staff, Docket No. 11-CONS-253-CSHO, 5. Thus, the Commission found that when “the wells are not plugged, in service, or temporarily abandoned, the wells are abandoned in fact.” *See* Order on Show Cause, Docket No. 11-CONS-253-CSHO, 5. Additionally, Commission regulations provide that “[i]f the operations on any temporarily abandoned well or other inactive well are not resumed within one year after the application has been approved, the well shall be deemed a permanently abandoned well[.]” Kan. Admin. Regs. § 82-3-111(b).

8. As found by the Commission, the well at issue has “been inactive and unplugged for years without temporary abandonment approval.” Order Denying Motion to Designate Presiding Officer and Set Prehearing Conference, Docket No. 25-CONS-3366-CMSC, 2. Thus, the well is permanently abandoned. *See* Kan. Admin. Regs. § 82-3-111(b).

9. Because the well has been abandoned, the Commission has jurisdiction and is statutorily required to investigate the well under Kan. Stat. Ann. § 55-161.

II. The Commission can find Gregory Noll responsible for plugging costs.

10. The Commission’s Order also stated that “the Operator has not presented a viable legal theory for the Commission to . . . find Gregory Noll responsible for plugging costs.” Order Denying Motion to Designate Presiding Officer and Set Prehearing Conference, Docket No. 25-CONS-3366-CMSC, 2. Kansas law expressly gives the Commission authority to determine violations of Commission rules and regulations.

11. After investigating an abandoned well, the Commission may hold a hearing if it finds “reasonable cause to believe that a person violated any provision of this act or any rules and regulations adopted pursuant to this act[.]” Kan. Ann. Stat. § 55-162(a). Additionally, the Commission “shall take any appropriate action necessary to prevent pollution and protect water quality” if the Commission finds that the person did violate any Commission rules and regulations. Kan. Ann. Stat. § 55-162(a).

12. An “Operator” is any “person who is responsible for the physical operation and control of a well[.]” Kan. Stat. Ann. § 55-150(e). A “Person” is defined to include “any natural person[.]” Kan. Stat. Ann. § 55-150(f). Responsible is not defined in the statute. However, the Commission has previously found that “removing the downhole equipment from the well constitutes operations and exercise of control over the well.” Order on Show Cause, Docket No. 06-CONS-177-CSHO, 3-4.

13. In this case, Gregory Noll or his agents intentionally damaged and buried the well. Motion for the Designation of a Presiding Officer and Request for a Hearing, Docket No. 25-CONS-3366-CMSC, 2. A dirt work contractor dug up the well so the extent of the damage could be determined and an examination of the well revealed the well had been intentionally bent at a ninety-degree angle approximately twenty to twenty-five below the ground. *Id.* Additionally, five or six feet of casing at the top of the well separated from the rest of the casing when the contractor excavated the well. *Id.* As a result of these actions, Gregory Noll became the operator of the well. *See* Kan. Stat. Ann. § 55-150(e); *see also* Kan. Admin. Regs. 82-3-101(48); Order on Show Cause, Docket No. 06-CONS-177-CSHO, 3-4. It is unknown what potential environmental or other problems may have been caused by Mr. Noll’s actions.

14. Because Gregory Noll did not obtain a license¹ prior to assuming responsibility for the physical operation and control of the well, Gregory Noll is in violation of Commission statutes and regulations. *See* Kan. Stat. Ann. § 55-155(a) (“Operators . . . shall be licensed by the Commission[.]”); Kan. Admin. Regs. § 82-3-120(a)(1) (“No operator . . . shall undertake any of the following activities without first obtaining . . . a current license[.]”).

15. Thus, the Commission can find Gregory Noll responsible for plugging costs under the theory that Gregory Noll is an operator of the well and did not obtain his license before assuming responsibility for the physical operation and control of the well. *See* Kan. Stat. Ann. § 55-162(a).

16. Furthermore, the Commission has “jurisdiction to regulate oil and gas production in Kansas[.]” Order Denying Motion to Designate Presiding Officer and Set Prehearing Conference, Docket No. 25-CONS-3366-CMSC, 2. Additionally, the Commission is required to take actions that are necessary to prevent waste and pollution. *See* Kan. Stat. Ann. §§ 55-604(a)(2) and 55-152(a). Pursuant to this authority and regulatory objectives, the Commission has, on its own motion, requested the designation of a presiding officer and request for hearing when a surface owner intentionally buried a well without Commission authorization. *See* Docket No. 25-CONS-3307-CMSC. If unlicensed surface owners are allowed to intentionally damage or bury wells without any repercussion, then this creates the potential for waste and pollution in direct violation of the Commission’s statutory and regulatory mandates. *See Murphy v. Nelson*, 260 Kan. 589, 595 (1996) (finding that “as a general rule an administrative agency may not violate or ignore its own rules”).

III. Kan. Stat. Ann. § 55-179(a) and (b)(6) are applicable legal theories.

¹ A search of the Commission’s “Kanas Oil Operators” database does not result in any licenses for Gregory Noll.

17. The Commission's Order found that the well was not an "abandoned well" for purposes of Kan. Stat. Ann. § 55-179(e) because "Commission records indicate Operator has an active license, and that the Noll #2-06 is claimed on Operator's license." Order Denying Motion to Designate Presiding Officer and Set Prehearing Conference, Docket No. 25-CONS-3366-CMSC, 2. Petitioner disagrees for the reasons stated below.

18. It is true that Petitioner was the prior operator of this well and intended to plug the well. Motion for the Designation of a Presiding Officer and Request for a Hearing, Docket No. 25-CONS-3366-CMSC, 2. However, as discussed above under Section II, Gregory Noll became the operator of the well by burying the well, bending the casing, and causing the casing to separate from the well. Motion for the Designation of a Presiding Officer and Request for a Hearing, Docket No. 25-CONS-3366-CMSC, 2. Because Gregory Noll became the operator and did not obtain his license before assuming responsibility for the physical operation and control of the well, the well is now an abandoned well. *See* Kan. Stat. Ann. § 55-179(e) (defining an abandoned well as one that is "not claimed on an operator's license that is active with the commission"). Petitioner continues to include the well on its license solely because it is concerned that its license will be suspended or that it may be penalized for failing to include the well in its inventory. *See* Kan. Admin. Regs. § 82-3-120(f).

19. For this reason, the Commission may find that Gregory Noll is legally responsible for plugging the well. *See* Kan. Stat. Ann. § 55-179(b)(6). This is because (i) Gregory Noll intentionally tampered with downhole equipment, intentionally buried the well, intentionally altered the state of the well that resulted in more than a de minimis increase in plugging costs, and conducted physical operations on the well; and (ii) the well is an abandoned well for purpose of the applicable statute. *See* Kan. Stat. Ann. §§ 55-179(b)(6) and (e).

WHEREFORE, the Petitioner requests the State Corporation Commission of the State of Kansas to (i) grant this Petition for Reconsideration concerning its Motion to Designate Presiding Officer and Set Prehearing Conference; (ii) order Gregory Noll to take such action necessary to remedy intentionally damaging and burying the well; (iii) order Gregory Noll to pay any costs related to remedying the damaged and buried well; and (iv) order Gregory Noll to pay costs and reasonable attorneys fees incurred by the Commission.

Respectfully submitted,

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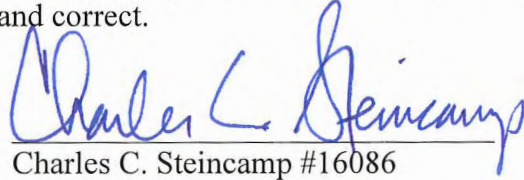
VERIFICATION

STATE OF KANSAS)
)
COUNTY OF SEDGWICK)

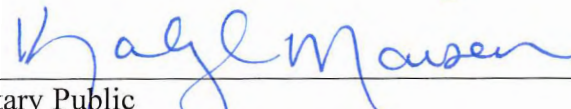
ss:

Charles C. Steincamp, of lawful age, being first duly sworn, upon oath states:

That he is one of the attorneys for Robinette Oil Company LLC, the petitioner herein, that he has read the above and foregoing Petition for Reconsideration, knows the contents thereof, and knows that all the statements made therein are true and correct.

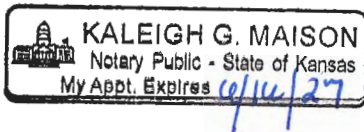

Charles C. Steincamp #16086

SUBSCRIBED and sworn to before me this 2nd day of June, 2025.



Notary Public

My appointment expires:



CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 2nd day of June, 2025, the Petition for Reconsideration Pursuant to K.S.A §§ 55-606 and 77-529 was electronically filed with the Commission's Docket Room, as well as a copy e-mailed to the following:

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