

**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 P.O.&G.    ) Docket No. 25-CONS-3030-CEXC  
Operating LLC for an exception to the 10-    )  
year time limitation of K.A.R. 82-3-111 for its    ) CONSERVATION DIVISION  
CSMU (MR NEU B2) #603 located in the NE    )  
NE of Section 34, Township 31 South, Range    ) License No. 35068  
35 West, Stevens County, Kansas.    )

**ORDER GRANTING AMENDED APPLICATION**

The Commission rules as follows:

**I. JURISDICTION**

1.        K.S.A. 74-623 provides the Commission exclusive jurisdiction and authority to regulate oil and gas activities in Kansas. K.A.R. 82-3-100 provides that the Commission may grant an exception to any regulation after application and notice, and after considering whether the exception will prevent waste, protect correlative rights, and prevent pollution.

2.        K.A.R. 82-3-111 requires wells that are inactive for more than 90 days, or in some circumstances more than 364 days, to be plugged or approved for temporary abandonment (TA) status. Under K.A.R. 82-3-111(b), a well shall not be eligible TA status if it has been shut-in for ten or more years, unless the Commission has granted an application for a regulatory exception.

**II. FINDINGS OF FACT**

3.        P.O.&G. Operating, LLC (Operator) is licensed to conduct oil and gas activities in Kansas and is responsible for the CSMU (MR NEU B2) #603 well (Subject Well), API #15-189-21009.

4.        On October 12, 2023, Operator filed an Application requesting an exception to the 10-year limit on TA status for the Subject Well in Docket 24-CONS-3115-CEXC. On June 14,

2024, Operator withdrew its application in order to refile a new application with all documents submitted in the proper order.<sup>1</sup> On July 25, 2024, Operator submitted the new application for the Subject Well in the captioned docket. On September 4, 2024, Operator filed an Amended Application.

5. On July 25, 2023, Operator successfully tested the Subject Well for mechanical integrity, indicating there is not a present threat to fresh and usable water.

6. Operator served and published notice at least 15 days before the issuance of this Order, as required under K.A.R. 82-3-135a. No protest was filed under K.A.R. 82-3-135b.

7. The reasons articulated in Operator's Amended Application and the results of the mechanical integrity test are sufficient to support the administrative grant of Operator's Amended Application.

### **III. CONCLUSIONS OF LAW**

8. The Commission has jurisdiction over Operator and Operator's Amended Application. Operator's Amended Application was filed in accordance with the rules and regulations of the Commission and in accordance with Kansas statutes. Operator properly served and published notice.

9. Based on the above facts, Operator's Amended Application should be granted. Operator has demonstrated a potential future use for the Subject Well that is preventative of waste. There is no apparent present pollution threat, and correlative rights will not be affected.

### **THEREFORE, THE COMMISSION ORDERS:**

A. Operator's Amended Application for an exception to the 10-year limit on TA status for the Subject Well is granted for three years, calculated from the date the Application in Docket 24-CONS-3115-CEXC was filed.

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<sup>1</sup> Docket 24-CONS-3115-CEXC, *Notice of Withdrawal of Application* (June 14, 2024).

B. Operator must file an annual TA form for the Subject Well. The first TA form shall be filed within 30 days.

C. Operator's Amended Application is being granted via summary proceedings; thus, this Order does not take effect until after the time for requesting a hearing has expired.<sup>2</sup> Any party may request a hearing on the above issues by submitting a written request setting forth the specific grounds upon which relief is sought, to the Commission at 266 N. Main, Suite 220, Wichita, Kansas 67202, within 15 days from the date of service of this Order.<sup>3</sup> If a hearing is not requested, then this Order shall become effective upon expiration of the time for requesting hearing.<sup>4</sup> If this Order becomes effective, then 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).<sup>5</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Date: 10/22/2024



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Lynn M. Retz  
Executive Director

Date Mailed: 10/22/2024

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<sup>2</sup> See K.S.A. 77-537.

<sup>3</sup> See K.S.A. 77-542.

<sup>4</sup> See K.S.A. 77-537.

<sup>5</sup> See K.S.A. 55-606; K.S.A. 77-503(c); K.S.A. 77-531(b).

## **CERTIFICATE OF SERVICE**

25-CONS-3030-CEXC

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 10/22/2024.

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KENNY SULLIVAN, DISTRICT #1 SUPERVISOR  
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/S/ KCC Docket Room  
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