

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

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the Matter of the Application of Larson)	Docket No. 18-CONS-3205-CUIC
Engineering, Inc. dba Larson Operating Company,)	
to authorize injection of saltwater into the)	CONSERVATION DIVISION
Pleasanton and Altamont formations at the)	
Danis #1-21 well, located in Section 21,)	License No.: 3842
Township 18 South, Range 29 West,)	
Lane County, Kansas.)	
_____)	

ORDER GRANTING MOTION TO DISMISS

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

Background:

1. On October 11, 2017, Larson Engineering, Inc. dba Larson Operating Company (Operator) filed an Application and affidavit of publication for an Injection Well in Lane County, Kansas.¹

2. On October 16, 2017, Susan Royd-Sykes filed a letter of protest.

3. October 23, 2017, Cindy Hoedel filed a letter of protest.

4. On October 27, 2017, Ms. Royd-Sykes filed a request for hearing.

5. On December 5, 2017, the Commission designated a Prehearing Officer and scheduled a Prehearing Conference in the matter. The Prehearing Officer convened the Prehearing Conference on December 19, 2017.

¹ Application for Injection Well (Oct. 11, 2017); Affidavit of Publication (Oct. 11, 2017).

6. On November 17, 2017, the Operator filed a second affidavit of publication indicating that a new publication was completed on November 8, 2017.

7. On December 22, 2017, the Operator filed a motion to dismiss the protests. The Operator noted, among other things, that neither Protestant served a copy of their protest on the Operator in accordance with K.A.R. 82-3-135b.

Analysis:

8. The Commission grants the Operator's motion to dismiss due to the Protestants' failure to comply with K.A.R. 82-3-135b. K.A.R. 82-3-135b states, "[e]ach protest . . . *shall be considered under the following conditions and requirements . . .*." K.A.R. 82-3-135b(d) provides the specific requirement that, "[e]ach protester *shall serve* the protest upon the applicant at the same time or before the protester files the protest with the conservation division." The regulation makes it clear that the Conservation Division Staff (Staff) cannot be responsible for serving the protest on the applicant.

9. The Commission interprets K.A.R. 82-3-135b to require strict compliance. The preamble makes it clear that a protest will only be considered if the conditions and requirements are met.

10. Here, there is no indication on record that the Protestants served the Operator with the protest. The Protestants did not respond or refute the Operators' motion or the allegations within or provide other evidence that they achieved compliance with the regulation. Therefore, the protests shall be dismissed. All other issues raised in the motion are now moot.

11. There are no other protests of record in this matter. As such, Staff is directed to process the application accordingly and advise the Commission if a hearing is necessary. Otherwise, the Docket shall be closed.

THEREFORE, THE COMMISSION ORDERS:

A. The Operator's Motion to Dismiss Protests is granted. Staff shall process the application accordingly.

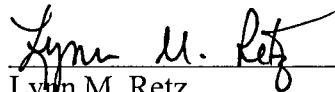
B. Any Party affected by this Order may file with the Commission a petition for reconsideration pursuant to K.S.A. 77-529(a). The petition shall be filed within 15 days after service of this Order, plus three days if mailed, and must state the specific grounds upon which relief is requested.² The petition shall be addressed to the Commission and sent to 266 N. Main, Ste. 220, Wichita, Kansas 67202.

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: JAN 09 2018



Lynn M. Retz
Secretary to the Commission

Mailed Date: JAN 10 2018
DLK/sc

Order Mailed Date

JAN 10 2018

² K.S.A. 55-162; K.S.A. 55-606; K.S.A. 77-529(a)(1); *see* K.S.A. 66-118b.

CERTIFICATE OF SERVICE

18-CONS-3205-CUIC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on **JAN 9 2018**.

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Order Mailed Date

JAN 10 2018

/S/ DeeAnn Shupe
