

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

In the Matter of the Application of Haas)	Docket No. 19-CONS-3224-CUIC
Petroleum, LLC to Amend Injection)	
Permit E-31342 for the Thoele South Lease)	CONSERVATION DIVISION
Located in Section 29, Township 18 South,)	
Range 21 East, Franklin County, Kansas.)	License No. 33640

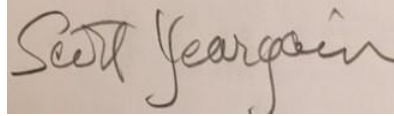
Reply to Motion to Dismiss and Motion to Accept Protests

COME NOW, Scott Yeargain, Polly Shteamer, and Cindy Hoedel, Portestants who reply to a Motion to Dismiss Protests and respectfully move that all protests be accepted. In support of their motion, Scott Yeargain, Polly Shteamer and Cindy Hoedel state:

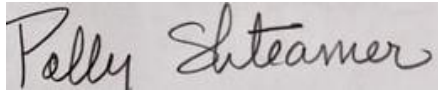
1. On December 6, 2018 Haas Petroleum published a legal notice in the Ottawa Herald seeking "Application to amend the permit to authorize the enhanced recovery of saltwater in the Thoele South Wells located in Franklin county, Kansas."
2. Protestant Cindy Hoedel filed a protest of such permit on January 7, 2019.
3. Protestants Scott Yeargain and Polly Shteamer filed a protest of such permit on January 7, 2019.
4. A prehearing conference was held for this docket on February 14, 2019.
5. A motion to dismiss protests in this docket was entered into the docket on February 14, 2019 by counsel for applicant, Mr. Keith A. Brock.
6. A Protective and Discovery Order was placed into this docket on February 15, 2019 by Prehearing officer Jonathan R. Myers.
7. Applicant's legal notice published on December 6, 2018 is an instance of a constructive notice in which the party to whom notice is being served is the public of Franklin county, Kansas and "all persons interested or concerned..."
8. If the requirements for constructive notice have been met ample case law demonstrates that the parties to be notified have been properly served.

9. Section 5 of Mr. Brock's "Motion to Dismiss Protests" states "Neither of the two protests filed in this docket contain any statement or allegation that the protesting parties have a direct and substantial interest in this Docket...." Protestants state that they are parties to this proceeding by virtue of being members of the public for whom this public notice is given, specifically the public citizens of Franklin county, Kansas and, in the case of Cindy Hoedel, "all persons interested or concerned...." Issues of "standing" in this docket pertain by virtue of parties suffering harm as the result of a defective legal notice.
10. Evidence of such harm is submitted by protestants who administered a quiz (Attachment A) to randomly chosen members of the public of Franklin county, Kansas. On February 20, 2019 protestants handed to adult members of Franklin county citizens the quiz found in Attachment A. No coaching, hinting, or other form of interference of independent thinking was engaged in by protestants. 8 adults were handed the quiz. All eight adults were told by Scott Yeargain that the legal appeared in the December 6 edition of the Ottawa Herald. All 8 adults were asked to read the legal notice carefully and pick an answer to the question, following the legal, which answer best states his or her interpretation of the activity for which permit is sought. Three such persons were in the Subway shop at 902 S. Main Street in Ottawa. Two of the subjects work at the Franklin county courthouse, one in the county clerk's office, one in the county treasurer's office. Three of the subjects work in the city library. One of the subjects is known by protestant Yeargain (Keith King). One of the subjects at the library is very slightly known by one of the protestants. Six subjects are not known by protestants.
11. Survey results (Attachment B): two subjects state that Haas Petroleum is seeking to recover oil from a lease; three subjects state that Haas Petroleum is seeking permit to dispose of saltwater into a lease; three subjects state that Haas Petroleum is seeking to recover saltwater from a lease. Protestants state that this small survey supports their claim that the Haas Petroleum, LLC legal notice has not been properly served to the parties for which such notice is mandated by both law and regulation. 75% of sampled adult readers who consciously and attentively read this notice could not infer to the conclusion that applicant was seeking permit to recover oil from a lease. This last statement is the essence of protestants' claim that they and the public have been harmed by the misleading and confusing language of this legal and that on this basis they, the protestants, have standing in this docket. This harm, specifically, can be stated thus: protestants and the public cannot assess risk attendant to proposed activities of applicant; protestants and the public cannot locate regulations and statutes which may be applicable to applicant's proposed activities; protestants and the public are burdened by language which is grammatically correct and which describes no contemplated, imagined or proposed, activity of applicant.

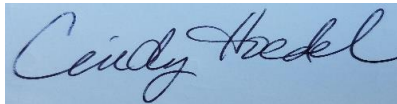
WHEREFORE, protestants respectfully request the commission to deny applicant's motion to dismiss applicants and move that this docket proceed to hearing by means of the scheduling order filed into this docket on February 15, 2019.



Scott Yeargain
2263 Nevada Road
Ottawa, Kansas 66067



Polly Shteamer
2263 Nevada Road
Ottawa, Kansas 66067



Cindy Hoedel
205 Mercer St.
Matfield Green, Kansas 66862

CERTIFICATE OF SERVICE

We hereby certify that a copy of the above and foregoing was sent electronically this 22nd day of February, 2019 to:

Todd Bryant
t.bryant@kcc.ks.gov

Keith A. Brock
kbrock@andersonbyrd.com

Jonathan R. Myers
j.myers@kcc.ks.gov

Lauren Wright
l.wright@kcc.ks.gov

Rene Stucky
r.stucky@kcc.ks.gov

ATTACHMENT A

February 20, 2019

Please read the following legal notification. After doing so, please answer the question which is based on the notification.



Which of the following statements best describes what Haas Petroleum (the company which printed the legal) is seeking permission to do: circle one

- A. Extract gas from a lease
- B. Recover saltwater from a lease
- C. Recover oil from a lease
- D. Protest another company from taking over the lease
- E. Dispose of saltwater into a lease

Please print name _____


Address _____

Please sign name _____ date _____

ATTACHMENT B

February 20, 2019

Please read the following legal notification. After doing so, please answer the question which is based on the notification.




Which of the following statements best describes what Hess Petroleum (the company which printed the legal) is seeking permission to do: circle one

A. Extract gas from a lease
☒ B. Recover saltwater from a lease
 C. Recover oil from a lease
 D. Prevent another company from taking over the lease
 E. Dispose of saltwater into a lease

Please print name Darlene Mackay
 Address 631 N. Highway 40 Ottawa
 Please sign name Darlene Mackay date 2/20/19

February 20, 2019

Please read the following legal notification. After doing so, please answer the question which is based on the notification.




Which of the following statements best describes what Hess Petroleum (the company which printed the legal) is seeking permission to do: circle one

A. Extract gas from a lease
 B. Recover saltwater from a lease
 C. Recover oil from a lease
 D. Prevent another company from taking over the lease
☒ E. Dispose of saltwater into a lease

Please print name Leah Kay
 Address _____
 Please sign name _____ date _____

February 20, 2019

Please read the following legal notification. After doing so, please answer the question which is based on the notification.




Which of the following statements best describes what Hess Petroleum (the company which printed the legal) is seeking permission to do: circle one

A. Extract gas from a lease
 B. Recover saltwater from a lease
 C. Recover oil from a lease
 D. Prevent another company from taking over the lease
☒ E. Dispose of saltwater into a lease

Please print name Miley Miller
 Address 2440 St. Lawrence Rd.
 Please sign name Miley Miller date 2/20/19

February 20, 2019

Please read the following legal notification. After doing so, please answer the question which is based on the notification.




Which of the following statements best describes what Hess Petroleum (the company which printed the legal) is seeking permission to do: circle one

A. Extract gas from a lease
☒ B. Recover saltwater from a lease
 C. Recover oil from a lease
 D. Prevent another company from taking over the lease
 E. Dispose of saltwater into a lease

Please print name Cynthia Brewer
 Address 1006 S. Elm Ottawa K1
 Please sign name Cynthia Brewer date 2/20/19

February 20, 2019

Please read the following legal notification. After doing so, please answer the question which is based on the notification.




Which of the following statements best describes what Hess Petroleum (the company which printed the legal) is seeking permission to do: circle one

A. Extract gas from a lease
 B. Recover saltwater from a lease
☒ C. Recover oil from a lease
 D. Prevent another company from taking over the lease
 E. Dispose of saltwater into a lease

Please print name Kathy Sullivan
 Address _____
 Please sign name _____ date 2/20/19

February 20, 2019

Please read the following legal notification. After doing so, please answer the question which is based on the notification.




Which of the following statements best describes what Hess Petroleum (the company which printed the legal) is seeking permission to do: circle one

A. Extract gas from a lease
☒ B. Recover saltwater from a lease
 C. Recover oil from a lease
 D. Prevent another company from taking over the lease
 E. Dispose of saltwater into a lease

Please print name Karen Schumate
 Address 1741 Montserrat Ottawa K1
 Please sign name Karen Schumate date 2/20/19

February 20, 2019

Please read the following legal notification. After doing so, please answer the question which is based on the notification.



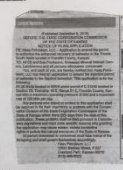
Which of the following statements best describes what Hess Petroleum (the company which printed the legal) is seeking permission to do: circle one

A. Extract gas from a lease
 B. Recover saltwater from a lease
☒ C. Recover oil from a lease
 D. Prevent another company from taking over the lease
 E. Dispose of saltwater into a lease

Please print name Greg Wilson
 Address _____
 Please sign name Greg Wilson date 2/20/19

February 20, 2019

Please read the following legal notification. After doing so, please answer the question which is based on the notification.



Which of the following statements best describes what Hess Petroleum (the company which printed the legal) is seeking permission to do: circle one

A. Extract gas from a lease
 B. Recover saltwater from a lease
☒ C. Recover oil from a lease
 D. Prevent another company from taking over the lease
 E. Dispose of saltwater into a lease

Please print name Jean Dine
 Address _____
 Please sign name Jean Dine date 2/20/19