



within the 2016 Specified Area are hereby amended to comply with the requirements of this Order.”<sup>4</sup>

3. On June 27, 2019, the Commission issued an *Order Directing Staff to File a Revised Report and Recommendation*, requiring Conservation Staff to submit a revised Report and Recommendation in light of the approximately two year period of inactivity in this docket.<sup>5</sup>

4. On August 29, 2019, Conservation Staff filed its Revised Report and Recommendation (Revised R&R), attached hereto and incorporated herein, stating that “the emergency conditions that led to the opening of this docket no longer exist,” and therefore, recommending the Commission designate the prior orders in this docket as precedential and close the docket.<sup>6</sup> Staff specifically noted that “the volume injected into large volume Arbuckle injection wells in the Commission [Emergency] Order areas has decreased by . . . 37% . . . from 2016 to 2018.”<sup>7</sup> Staff also noted “a 57% decrease in earthquakes of all magnitude” from 2016 to 2018 in the Commission Emergency Order areas.<sup>8</sup> Staff further stated: “The average number of earthquakes of any magnitude per month has dropped from 44.42 per month in 2016 to 9.67 per month in 2019 in the Commission [Emergency] Order areas.”<sup>9</sup> Finally, Staff noted that “[i]ndustry activity is also decreasing in these areas, with the lack of new Mississippi horizontal wells being drilled and the rise in the plugging of Mississippi horizontal production wells and Arbuckle saltwater disposal wells.”<sup>10</sup>

5. Based on the evidence that the emergency conditions no longer exist, Staff recommended the Commission designate its Orders in this docket as precedential, making those

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<sup>4</sup> *Id.* at Ordering Clause A.

<sup>5</sup> *Order Directing Staff to File a Revised Report and Recommendation*, ¶ 6 (June 27, 2019).

<sup>6</sup> Revised R&R, p. 1.

<sup>7</sup> Revised R&R, pp. 2-3.

<sup>8</sup> Revised R&R, p. 3.

<sup>9</sup> Revised R&R, p. 3.

<sup>10</sup> Revised R&R, p. 4.

volume restrictions and reporting requirements permanent.<sup>11</sup> Staff recommended that Staff itself should take appropriate steps to memorialize these conditions as part of the Commission's regulations, and if a change in conditions occurs, the Commission should address such changed conditions in a separate docket.<sup>12</sup>

### **Findings and Conclusions**

6. In light of Staff's recommendations, the Commission finds that its March 19, 2015 *Order Reducing Saltwater Injection Rates* and August 9, 2016 *Second Order Reducing Saltwater Injection Rates* shall have precedential effect in accordance with K.S.A. 77-415(b)(2)(A). Thus, the two Orders shall promptly be published in full on the Commission's website.

7. Moreover, no further Commission activity is anticipated in this docket, and thus, the docket should be closed.

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

A. The Commission's March 19, 2015 *Order Reducing Saltwater Injection Rates* and August 9, 2016 *Second Order Reducing Saltwater Injection Rates* are designated as precedential in accordance with K.S.A. 77-415(b)(2)(A).

B. This docket is closed.

C. 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>13</sup>

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

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<sup>11</sup> Revised R&R, p. 4.

<sup>12</sup> Revised R&R, p. 4.

<sup>13</sup> K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

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

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 09/19/2019 \_\_\_\_\_



\_\_\_\_\_  
Lynn M. Retz  
Executive Director

Mailed Date: \_\_\_\_\_

MJD

**CERTIFICATE OF SERVICE**

15-CONS-770-CMSC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 09/19/2019.

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