

Kansas Administrative Regulations

Kansas Corporation Commission

Article 3.—Production and Conservation of Oil and Gas

82-3-1204. Notice of application; publication; protest.

(a) Each operator applying for a permit shall provide a copy of the application to the following:

- (1) Each operator of record of a mineral lease within one-quarter mile of each boundary of the proposed storage facility;
- (2) each owner of record of the minerals in unleased acreage within one-quarter mile of each boundary of the proposed storage facility; and
- (3) each surface owner of land where the proposed storage facility will be located.

(b) The operator shall publish notice of the application once each week for two consecutive weeks in the official county newspaper of each county where any lands affected by the application are located, once in the Kansas register, and once in a newspaper of general circulation in Sedgwick County.

(c) The operator shall include the following information in the published notice:

- (1) The name and address of the operator;
- (2) a brief description of the operations that will be performed at the proposed storage facility, including whether cavern storage or reservoir storage operations will be performed;
- (3) the name, address, and telephone number of a contact person for further information, including copies of the application;
- (4) the name and address of the conservation division's central office; and
- (5) a brief statement that any interested party may file a protest with the conservation division within 30 days and request a hearing.

(d) Any interested party may file a protest within 30 days after publication of the notice of the application.

(1) The protest shall be submitted in writing and shall include the following information:

(A) The name and address of the protester;

(B) a clear and concise statement of the direct and substantial interest of the protester in the proceeding;

(C) if the protester opposes only a portion of the proposed application, a description of the objectionable portion; and

(D) a statement of whether the protester requests a hearing on the application.

(2) The failure to file a timely protest shall preclude the person from appearing as a protester.

(3) The protester shall serve the protest upon the applicant in the manner described in K.A.R. 82-1-216(a) at the same time or before the protester files the protest with the conservation division.

(e) The application shall be held in abeyance for 30 days from the date of last publication or delivery of notice in subsection (a), whichever is later. If a protest with a request for hearing is filed pursuant to subsection (d) within the 30-day waiting period or if the director deems that a hearing is necessary to protect public safety, usable water, or soil, a hearing on the application shall be held.

(f) The operator shall publish notice of the hearing in the same manner as that required by subsection (b). The notice shall include the following information:

(1) The information specified in paragraphs (c)(1) through (c)(4);

(2) a statement that any member of the public who is not intervening in the matter may attend the hearing without prior notice, except that each person requiring special accommodations under the Americans with disabilities act shall notify the conservation division at least 10 days before the hearing;

(3) a statement that the applicant and any intervening person shall prefile written direct testimony pursuant to K.A.R. 82-1-229; and

(4) the date, time, and location of the hearing.

(Authorized by and implementing K.S.A. 2011 Supp. 66-1274; effective Dec. 21, 2012.)