

# KANSAS REGISTER



**JACK H. BRIER**  
**Secretary of State**

**State of Kansas**

**Vol. 1, No. 51**

**December 23, 1982**

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## State of Kansas

**DEPARTMENT OF  
HEALTH AND ENVIRONMENT****PUBLIC NOTICE**

The Kansas Statewide Health Coordinating Council will hold public hearings to receive comments on: two State Health Plan components developed during 1982 (Long-Term Care and Environmental/Health Data), priorities and issues addressed in the 1982 State Health Plan, and priority health issues which should be addressed by the Council in the future. Copies of the two new components are available at the Office of Health Planning. The hearing schedule is as follows: 1) January 4th, 7:30 p.m., V.A. Hospital—Hawley Auditorium, 2200 Gage Boulevard, Topeka, Kansas; 2) January 5th, 7:30 p.m., Wichita/Sedgwick County Department of Community Health—Auditorium, 1900 East 9th Street, Wichita, Kansas; and 3) January 6th, 7:30 p.m., Hays City Hall—Commission Room, 16th and Main Streets, Hays, Kansas.

Persons wishing to present oral testimony at a public hearing should contact Mary Corrigan, Office of Health Planning, Forbes Field, Topeka, Kansas 66620, (913) 862-9360, ext. 536. The Council respectfully requests that at least one written copy of oral testimony be provided at the public hearing. Written comments will also be considered by the Council, but must be received at the Office of Health Planning by January 10, 1983.

At its January 26, 1983 meeting, the Council will review the public comments and technical updates prepared by the staff, and adopt the 1983 State Health Plan.

**JOSEPH F. HARKINS**  
Secretary

Doc. No. 000847

**NOTICE**

The offices of  
Kansas Secretary of State  
Jack H. Brier  
will be closed on  
Friday, December 24, 1982  
and  
Friday, December 31, 1982  
and  
after 11:00 a.m. on  
Monday, January 10, 1983.

**JACK H. BRIER**  
Secretary of State

## State of Kansas

**SOCIAL AND REHABILITATION SERVICES  
ADVISORY COMMISSION ON  
JUVENILE OFFENDER PROGRAMS****NOTICE OF MEETING**

The Advisory Commission on Juvenile Offender Programs will meet on Friday, January 7, 1983, at Youth Services, Smith-Wilson Building, 2700 West Sixth Street, Topeka, Kansas, from 9:00 a.m. until 4:00 p.m.

**ROBERT C. BARNUM**  
Commissioner, Youth Services

Doc. No. 000839

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PUBLISHED BY  
**JACK H. BRIER**  
Secretary of State  
State Capitol  
Topeka, Kansas 66612



PHONE: 913/296-2236

**Carol A. Bell**  
Publications Director

State of Kansas

**SOCIAL AND REHABILITATION SERVICES**

**FAMILY AND CHILDREN TRUST FUND SOLICITATION**

Notice is hereby given to all interested parties that guidelines and applications will be available from the SRS Area Offices beginning January 3, 1983 for the Family and Children Trust Fund.

Approximately \$50,000 is available for new community based projects aimed at the prevention of child abuse and neglect and family abuse. The purpose of the program is to provide seed funds to community based projects. A \$15,000 maximum on individual grants, a three year limit on funding, and an assumption of cost policy are included in the guidelines.

Applications are due in the SRS Area Offices no later than 5:00 P.M. Friday, February 11, 1983. Final award decisions will be made by the Children and Youth Advisory Committee in time for funding to commence on June 1, 1983.

**ROBERT C. BARNUM**  
Commissioner, Youth Services

Doc. No. 000840

State of Kansas

**SOCIAL AND REHABILITATION SERVICES**

**OPEN MEETING NOTICE**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an Open Meeting on January 4, 1983, at 9:00 a.m., in the Staff Development Training Center, Topeka State Hospital.

The scheduled agenda for the Open Meeting includes:

- Budget discussions.
- Possible program changes.

Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Ottawa, Parsons, Pittsburg, Pratt, Salina, Topeka (Area Office and State Office Building), Wichita, and Winfield.

**ROBERT C. HARDER**  
Secretary

Doc. No. 000844

State of Kansas

**STATE CORPORATION COMMISSION**

**SPECIAL NOTICE  
PERTAINING TO  
MOTOR CARRIER HEARINGS  
BEFORE THE  
STATE CORPORATION COMMISSION**

The following applicants have filed applications for intrastate motor contract carrier authority, to transport SEED for Garst Seed Company of Coon Rapids, Iowa, between all points and places in the state of Kansas.

The hearing for these applications is scheduled for 11:00 AM in the County Courthouse, Finney County, Garden City, Kansas.

- Dennis E. Carter ) Docket No. 135,594 M
  - S. Rt., Box 50 )
  - Syracuse, KS 67878 )
  - Paul F. Hartley ) Docket No. 135,595 M
  - 2613 Lazy Lane )
  - Garden City, KS 67846 )
  - Tommy Jones ) Docket No. 135,596 M
  - 2112 N. 7th )
  - Garden City, KS 67846 )
  - Tom Moser ) Docket No. 135,597 M
  - S. Rt., Box 4 )
  - Syracuse, KS 67878 )
  - John Moser, Jr. ) Docket No. 135,598 M
  - S. Rt., Box 4 )
  - Syracuse, KS 67878 )
  - Dale A. Moser ) Docket No. 135,599 M
  - S. Rt., Box 4 )
  - Syracuse, KS 67878 )
  - Benny E. Steffens ) Docket No. 135,600 M
  - S & D Trailer Park, Rt. 1 )
  - Garden City, KS 67846 )
  - Albert & Don Thurston, ) Docket No. 135,601 M
  - dba Thurston Brothers )
  - Box 242 )
  - Ingalls, KS 67853 )
  - Merle R. Yakel ) Docket No. 135,602 M
  - Box 128 )
  - Lakin, KS 67860 )
- Applicants' Attorney: David J. Heinemann, 206 W. Pine, Box 1346, Garden City, KS 67846

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**WILLIAM E. GREEN**  
Administrator  
Transportation Division

Doc. No. 000843

State of Kansas

STATE BOARD OF EDUCATION

NOTICE OF HEARING ON PROPOSED TEMPORARY AND PERMANENT ADMINISTRATIVE REGULATIONS

TO ALL TEACHERS, ADMINISTRATORS, BOARDS OF EDUCATION, TRUSTEES AND CONTROL, TEACHER TRAINING INSTITUTIONS, SCHOOL AND COMMUNITY COLLEGE DISTRICTS, AND ALL OTHER PERSONS WHOM IT MAY CONCERN:

You are hereby notified that the Kansas State Board of Education will hold a public hearing in the first floor conference room of the Kansas State Board of Education, Kansas State Education Building, 120 East Tenth Street, Topeka, Kansas 66612, on the 11th day of January, 1983, beginning at 1:30 p.m. of said day to consider in substance the proposed changes of the Kansas Administrative Regulations (K.A.R.) of state agency 91, numbered K.A.R. 91-5-1 and 91-5-14, pertaining to driver education, which said board proposes to adopt as soon thereafter as the same have been put in final order, as temporary and permanent regulations, to become regularly effective May 1, 1984.

The proposed rules and regulations relate generally to Driver Education and more particularly to: amending of K.A.R. 91-5-1 to define Driver Education I and II programs; and the amending of K.A.R. 91-5-14 to provide the specific component of an approved motorcycle education program. Approved motorcycle education programs will make them entitled to participate in the newly created Motorcycle Safety Fund as provided by L. 1982 Ch. 42, § 3 (K.S.A. 1982 Supp. 8-272(b)).

The Fiscal Impact Statement for the proposed amendment of K.A.R. No. 91-5-1 and 91-5-14 shows that there will be no additional staff or increased costs required of local school districts, community colleges, other governmental agencies, units in private business and the general public.

Copies of the above numbered regulations are being attached to public hearing notices (which contain the fiscal impact statement, and the state board's public hearing procedures and guidelines) and are being mailed to all chief school administrators in the state and may be reviewed in their offices by interested persons. Copies of said public hearing notice are also being mailed to the clerk of each local school board for the attention of school board members.

On the date of said hearing all interested persons shall be given reasonable opportunity to be heard and to present their views or arguments, orally or in writing, on said proposed regulations and on any and all other matters, suggestions or proposals they may have that relate generally or specifically to said regulations, that may result in amendment, supplement or revocation. Individuals or organizations that cannot appear at the hearing may, prior to January 5, 1983, submit to the secretary of the state board of education their written reactions in favor of or in opposition to the said pro-

posed regulations, or any other matters, suggestions, or proposals they may have relating thereto and they will be read into the record and considered by the board. Said hearing shall be conducted in compliance with the public hearing procedures and guidelines of the Kansas Board of Education.

KANSAS STATE BOARD OF EDUCATION

By: Dr. Floyd J. Grimes Chairman

Certified by: Merle R. Bolton Kansas Commissioner of Education

Doc. No. 000845

State of Kansas

STATE BOARD OF EDUCATION DEPARTMENT OF EDUCATION

BEFORE THE STATE BOARD OF EDUCATION

NOTICE OF SPECIAL MEETING AND PUBLIC HEARING

TO: THE BOARD OF TRUSTEES OF PRATT COMMUNITY COLLEGE, Pratt, Pratt County, State of Kansas, ) APPLICANT

AND

TO: ALL ADMINISTRATORS; BOARDS OF EDUCATION, TRUSTEES AND CONTROL; AREA VOCATIONAL AND AREA VOCATIONAL TECHNICAL SCHOOLS; MEMBERS OF THE STATE ADVISORY COUNCILS FOR COMMUNITY COLLEGES AND VOCATIONAL EDUCATION; AND ALL OTHER PERSONS WHOM IT MAY CONCERN:

You are hereby notified that the Kansas State Board of Education will hold a special meeting for the purpose of conducting a public hearing and taking action on the APPLICATION FOR APPROVAL OF AN AREA VOCATIONAL SCHOOL as a division of the Pratt Community College, filed pursuant to the provisions of K.S.A. 72-4416, that is pending before the Kansas State Board of Education, and said special meeting shall be held and said hearing heard by said board in the first floor conference room of the Kansas State Board of Education, Kansas State Education Building, 120 East Tenth Street, Topeka, Kansas 66612, on the 5th day of January, 1983, at 1:30 o'clock p.m., or as soon thereafter as said state board may hear the same for the determination of said application. At the conclusion of the hearing the state board will act upon such application. Other matters may be discussed at such special meeting and hearing but no action will be taken except on said application.

All of the above-captioned parties may appear in person and by legal counsel or other representative, for the purpose of presenting their testimony, documents, instruments, and statements, or other evidence, supporting or opposing said application for approval of an area vocational school at Pratt, Kansas, as a division of the Pratt Community College. Individuals or organizations that cannot appear at the hearing may, prior to December 31, 1982, submit to the secretary of the state board of education their written reactions in favor of or

(continued)

in opposition to said application, and any other matters, suggestions, or proposals that relate thereto, and such reactions will be read into the record and considered by the board. Said hearing shall be conducted in compliance with the procedures for the hearing of the state board of education of the Pratt Community College application.

Copies of this public hearing notice (along with the state board's public hearing procedures to be used for the hearing of said application) are being mailed to all chief school administrators, including those of community colleges and area vocational and area vocational-technical schools, in the state and may be reviewed in their offices by interested persons. Copies of said notice are also being mailed to the clerks of local school boards for the attention of school board members. Copies of said notice are also being mailed to all others who receive the state board's agenda. Copies of said application may be obtained by contacting the secretary of the state board of education, Kansas State Education Building, 120 E. 10th Street, Topeka, Kansas 66612, prior to December 27, 1982.

KANSAS STATE BOARD OF EDUCATION

By: Dr. Floyd J. Grimes  
Chairman

Certified by: Dr. Merle R. Bolton  
Kansas Commissioner of Education

Doc. No. 000846

State of Kansas

**ATTORNEY GENERAL**

OPINION NO. 82-262

**Cities and Municipalities—Insurance—Risk Management Reserve Fund; City Employees Vacation and Sick Leave Benefits.** Frank H. Jenkins, Jr., City of Lenexa, Olathe, December 15, 1982.

The costs inherent in a city's obligation to pay employee sick leave and vacation benefits are not insurable losses for purposes of establishing a risk management fund authorized by K.S.A. 1981 Supp. 12-2615. Cited herein: K.S.A. 1981 Supp. 12-2615, K.S.A. 79-2925 to 75-2937. BJS

OPINION NO. 82-263

**State Boards, Commissions and Authorities—Public Employees Retirement Systems—Retirement Annuities.** William R. Kauffman, State Board of Regents, Topeka, December 15, 1982.

The Kansas Board of Regents lacks authority to invest in retirement annuity contracts on behalf of their employees who wish to take advantage of the tax sheltered annuity provisions of Section 403(b) of the Internal Revenue Code of 1954, unless such contracts are made with life insurance companies described in K.S.A. 74-4925. Cited herein: K.S.A. 74-4925, 26 U.S.C.A. 403(b) [IRC], 29 U.S.C.A. 1001, 1002 (1981 Supp.), 1003, 29 C.F.R. 2510 3-2. BJS

OPINION NO. 82-264

**Cities and Municipalities—Miscellaneous Provisions—Use of Moneys in City's Industrial Fund.** John F. Amos, Oswego City Attorney, Oswego, December 15, 1982.

A city which serves as a county seat may not expend moneys from its industrial fund to acquire a site for a county jail, since such an expenditure is not for the purpose of inducing an industry to locate within the city, or near its environs. Cited herein: K.S.A. 1981 Supp. 12-1617h, K.S.A. 12-1617i, 19-1901. TRH

ROBERT T. STEPHAN  
Attorney General

Doc. No. 000841

State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES**

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

MONDAY, JANUARY 3, 1983

#25420

Social and Rehabilitation Services Topeka—  
KEYPUNCH SERVICE

#25428

University of Kansas Medical Center, Kansas City—  
IBM TYPEWRITER MAINTENANCE

#52297

Kansas State University, Manhattan—GAS  
RANGES

#52298

Department of Transportation, Hutchinson—HY-  
DRAULIC PUMP

#52299

Wichita State University, Wichita—SEDAN

#52300

Fort Hays State University, Hays—EXERCISE  
MACHINE

#52301

Wichita State University, Wichita—TENNIS, VOL-  
LEYBALL NETS

#52302

Wichita State University, Wichita—NATATORIUM  
EQUIPMENT

#52318

Kansas Correctional Industries, Lansing—SHIRT-  
ING FABRIC, for Hutchinson

#52326

Wichita State University, Wichita—TERMINALS  
AND PRINTERS

TUESDAY, JANUARY 4, 1983

#25424

Various State Agencies—GRAPHIC ARTS FILM

(continued)

#25431

Kansas State University, Manhattan—READY MIX CONCRETE, for Ft. Hays Experiment Station

#25432

Wichita State University, Wichita—SURFACE AND BASE MIX ASPHALT, FOB Vendors Plant, Not delivered

#52305

Department of Transportation, Salina—AUTOMATIC TRANSMISSION FLUID

#52306

Department of Administration, Division of Printing, Topeka—ENVELOPES PRINTED OS-219 and OS-219A

WEDNESDAY, JANUARY 5, 1983

#25421

University of Kansas, Lawrence—FEBRUARY (1983) MEAT PRODUCTS

#25425

Larned State Hospital, Larned—SILVER RECOVERY SERVICE

#52310

Department of Administration, Division of Printing, Topeka—CARBONLESS PAPER—blue image—ROLLS

#52311

University of Kansas Medical Center, Kansas City—LAPAROSCOPE

#52327

University of Kansas Medical Center, Kansas City—REFRIGERATED CENTRIFUGE

THURSDAY, JANUARY 6, 1983

#25348

University of Kansas, Lawrence—DEIONIZED WATER SYSTEM LEASE

#25422

Statewide—FEBRUARY (1983) MEAT PRODUCTS

#25426

Department of Social and Rehabilitation Services, Topeka—WATER TREATMENT MANAGEMENT AND CHEMICALS, for the Kansas Vocational Rehabilitation Center, Salina

#52319

Department of Transportation, Hutchinson—AB-3 AGGREGATE, for Kingman, Kansas

#52320

Kansas State University, Manhattan—MEAT PRODUCTS

#52321

Kansas State University, Manhattan—FROZEN POULTRY

#52323

Youth Center at Topeka—PUBLIC SALE OF FELLEED TIMBER WOOD

#52328

University of Kansas Medical Center, Kansas City—REFRIGERATED CENTRIFUGE

#52329

Kansas State University, Manhattan—REFRIGERATED CENTRIFUGE

#52330

Kansas Fish and Game Commission, Pratt—PICKUPS

#52331

University of Kansas, Lawrence—VAN

#52333

Wichita State University, Wichita—COAXIAL CABLE AND CONNECTORS

#52337

Winfield State Hospital and Training Center, Winfield—HOSPITAL BEDS

FRIDAY, JANUARY 7, 1983

#25249

University of Kansas, Lawrence—LAUNDRY AND DRY CLEANING SERVICE, for Uniformed Personnel

#25434

Kansas State Agencies—EGGS

#52334

Kansas State University, Manhattan—LABORATORY INCUBATOR

#52335

Kansas State University, Manhattan—INFRA-RED GAS ANALYZER

#52338

Department of Transportation, Norton—PAINTED STEEL POSTS

#52339

Department of Transportation, Chanute—STEEL POSTS, DELINEATOR AND SIGN

#A-4458

Department of Social and Rehabilitation Services, Topeka—HANDICAP IMPROVEMENTS, for Kansas Vocational Rehabilitation Center, Salina

MONDAY, JANUARY 10, 1983

#52307

Kansas Highway Patrol, Topeka—SALE OF USED CAMERAS

WEDNESDAY, JANUARY 12, 1983

#25419

University of Kansas Medical Center, Kansas City—TEMPERATURE MONITORS AND PROBE SENSORS

THURSDAY, JANUARY 13, 1983

#52219

Various Agencies—USED VEHICLE SALES

WEDNESDAY, JANUARY 19, 1983

#52336

University of Kansas, Lawrence—RACING SHELL

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 000842

## State of Kansas

**SECRETARY OF STATE****NOTICE**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the *Kansas Directory*, which is published annually by, and available free of charge on request to, the Secretary of State's office.

The 1982 Supplement to the *Kansas Directory* is now available free of charge on request. It updates the agency listings and should be used in conjunction with the 1981 *Kansas Directory*. Appointments shown on the following list are those which have been made since the supplement went to press (except appointments to county offices).

County officials are listed in the *Directory of County Officers*, which is also published by the Secretary of State and available free of charge.

**EXECUTIVE APPOINTMENTS**

(Appointments filed October 7, 1982 through December 14, 1982.)

[Eff.: effective date; Repl.: replaces; Reapp.: Re-appointment; Exp.: Appointment expires.]

*By the Governor***DEVELOPMENTAL DISABILITIES SERVICES, STATE PLANNING COUNCIL ON**

● Viola K. Davidson; R.R. 4; Paola 66071. Eff. 10-7-82. Fills position which has been vacant since the resignation of Kay Reed. Exp. 7-1-83.

**EMBALMING, STATE BOARD OF**

● Craig A. Stancliffe; 745 Arkansas; Lawrence 66044. Eff. 10-27-82. Repl. Earl W. Hupp. Exp. 7-31-85.

**EMERGENCY MEDICAL SERVICES COUNCIL**

● Richard F. Beamon, M.D.; 801 W. 76th Terr.; Overland Park 66204. Eff. 11-17-82. Repl. Charles E. Jones, M.D. Exp. 7-31-86.

● Jerrell J. Horton; Box 548; Lakin 67860. Eff. 11-17-82. Repl. Murray Brown. Exp. 7-31-86.

● Reed Hartford; 1317 Woodland; Emporia 66801. Eff. 11-17-82. Repl. Carolyn Thomas. Exp. 7-31-86.

● Theodore H. McFarlane; 1809 Tennessee; Lawrence 66044. Eff. 11-17-82. Repl. Charles Gray. Exp. 7-31-86.

● John W. Prior; 511 North 8th; St. Marys 66536. Eff. 11-17-82. Repl. McDill H. Boyd. Exp. 7-31-86.

**FITNESS, GOVERNOR'S COUNCIL ON**

● Marlon R. Dauner; 4440 N.W. Green Hills; Topeka 66618. Eff. 11-9-82. Repl. Carl Nordstrom. Serves at the pleasure of the Governor.

● Don Fuertges, Ph.D.; Dept. of Health, Phy. Ed., and Recreation; Fort Hays State University; Hays 67601. Eff. 11-1-82. Repl. Judy Runnels, resigned. Serves at the pleasure of the Governor.

● Richard C. Morrell; Twin Towers; Emporia 66801. Eff. 11-10-82. Repl. Joan Wagnon. Serves at the pleasure of the Governor.

● Mark A. Pankau; 7733 Robinson; Overland Park 66204. Eff. 11-1-82. Repl. Jim Yount, resigned. Serves at the pleasure to the Governor.

● Jerry Tenbrink; 1810 Medford; Topeka 66604. Eff. 11-1-82. Repl. Rick Brennan, resigned. Serves at the pleasure of the Governor.

**GOVERNOR, OFFICE OF THE**

● Shirley J. Allen; 726 Buchanan; Topeka 66606. Executive Assistant to the Governor. Eff. 11-29-82. New position.

● R. Kevin Fern; 1301 Harrison, Apt. B33; Topeka 66612. Aide to the Governor. Eff. 11-18-82. Repl. Stan Teasley.

● William O. Hoch; 2809 Burlingame; Topeka 66611. Chief of Staff to the Governor. Eff. 11-29-82. New position.

● Michael R. Swenson; 1163 Fillmore; Topeka 66604. Press Secretary to the Governor. Eff. 11-29-82. Repl. William O. Hoch.

**INDIGENTS' DEFENSE SERVICES, STATE BOARD OF**

● Margalee Wright; 2312 Columbine; Wichita 67204. Eff. 10-28-82. Subject to Senate confirmation. Exp. 7-1-83. Fills vacancy.

**OPTOMETRY, BOARD OF EXAMINERS IN**

● Jo Ann McDowell; Box 708; Independence 67301. Eff. 10-27-82. Repl. Norris Class, resigned. Exp. 6-30-84.

**SUPREME COURT NOMINATING COMMISSION**

● Kenneth D. Buchele; 2112 West 22nd Avenue; Emporia 66801. Eff. 11-29-82. Repl. Frank S. Naylor, resigned. Exp. 6-30-87.

**VISION SERVICE PLAN OF KANSAS, INC.**

● Jack Milligan; 1718 Collins; Topeka 66604. Eff. 11-1-82. Repl. Gary Caplinger, resigned. Exp. 5-1-83.

**WICHITA STATE UNIVERSITY BOARD OF TRUSTEES**

● Daniel M. Carney; 201 Lynwood; Wichita 67218. Eff. 12-8-82. Repl. Harold R. Grueskin, resigned. Exp. 6-30-83.

**COUNTY AND JUDICIAL DISTRICT OFFICES**

(All of the following appointments will expire when a successor is elected and qualifies according to law.)

*By the Governor***OSBORNE COUNTY COMMISSIONER, 1ST DISTRICT**

● Donald S. Kiper; 19 Circle Drive; Downs 67437. Eff. 12-2-82. Repl. Henry Pottberg.

**WOODSON COUNTY REGISTER OF DEEDS**

● Helen Barney; Toronto 66777. Eff. 11-30-82. Repl. Mary Alice McNitt, resigned.

(continued)

**DICKINSON COUNTY SHERIFF**

- Kenneth B. Moore; 1502 N. Campbell; Abilene 67410. Eff. 11-22-82. Repl. Dale R. Ogren, resigned.

**KEARNY COUNTY SHERIFF**

- James F. Jarboe; Route 2; Garden City 67846. Eff. 10-26-82. Repl. M. L. McCue, resigned.

**TREGO COUNTY SHERIFF**

- J. Dean Ochs; R.R. 2, Box 6A; WaKeeney 67672. Eff. 11-17-82. Repl. Roger Sells, resigned.

**TREASURER OF SEWARD COUNTY**

- Amy Jo Neese; Route 1, Box 199; Liberal 67901. Eff. 11-1-82. Repl. Mabel Stefan, resigned.

**ASSOCIATE DISTRICT JUDGE,  
2ND JUDICIAL DISTRICT**

- Gary L. Nafziger; 202 E. Meadowlark Lane; Ozawie 66070. Eff. 11-10-82. Repl. Tracy Dee Kling-smith, resigned.

**DISTRICT JUDGE, 21ST JUDICIAL DISTRICT**

- Paul Edward Miller; 161 S. Dartmouth; Manhattan 66502. Eff. 10-21-82. Repl. Ronald D. Innes, resigned.

*By the President of the Senate***BUILDING CONSTRUCTION,  
JOINT COMMITTEE ON STATE**

- Senator Joe Harder; 532 Becker Ave.; Moundridge 67107. Eff. 11-12-82. Repl. Senator John Chandler, deceased. Exp. 1-10-83.

JACK H. BRIER  
Secretary of State

**State of Kansas****DEPARTMENT OF  
HEALTH AND ENVIRONMENT****TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board December 8, 1982. Will expire May 1, 1983.)

**Article 36.—FOOD SERVICE ESTABLISHMENTS,  
FOOD VENDING MACHINES COMPANIES AND  
LODGING ESTABLISHMENTS.**

**28-36-25. Sanitary facilities and controls.** (a) Water supply. (1) General requirements. Enough potable water for the needs of the food service establishment shall be provided from a source constructed and operated according to K.S.A. 65-163.

(2) Transportation. All potable water not provided directly by pipe to the food service establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed water system. Both of these systems shall be constructed and operated according to methods approved by the regulatory authority.

(3) Bottled water. Bottled and packaged potable water shall be obtained from an approved source and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

(4) Water under pressure. Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

(5) Steam. Steam used in contact with food or food contact surfaces shall be free from any materials or additives other than those allowed by the regulatory authority.

(b) Sewage. General requirements. All sewage shall be disposed of by a public sewer system or by a sewage disposal system constructed and operated according to K.S.A. 65-164 et seq. Nonwater-carried sewage disposal facilities shall be prohibited, except as permitted by K.A.R. 28-36-28 (1) through (8), or as permitted by the regulatory authority.

(c) Plumbing. (1) General requirements. Plumbing shall be sized, installed and maintained according to applicable local plumbing codes. In the absence of such a code, the requirements set forth in the uniform plumbing code, published by International Association of Plumbing and Mechanical Officials, as in effect on September, 1969, shall apply. There shall be no cross connection between the potable water supply and any nonpotable or questionable water supply, nor any source of pollution through which the potable water supply might become contaminated.

(2) Nonpotable water system. A nonpotable water system shall be permitted only if the nonpotable water does not contact food, potable water, or equipment that contacts food or utensils. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

(3) Backflow. The potable water system shall be installed to preclude the possibility of backflow. If an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood level rim, devices shall be installed to protect against backflow and back siphonage at all fixtures and equipment. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

(4) Grease traps. If used, grease traps shall be easily accessible for necessary cleaning and maintenance. Toilet wastes shall not be discharged through grease traps.

(5) Garbage grinders. If used, garbage grinders shall be properly installed and maintained. Garbage grinders shall be installed in all new and newly constructed establishments unless this requirement is waived by the regulatory authority.

(6) Drains. Except for properly trapped open sinks, there shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed.

(d) Toilet facilities. (1) Toilet installation. Toilet facilities shall be installed according to applicable state and local requirements or as approved by the regulatory authority. Toilet facilities shall be conveniently located, and shall be accessible to employees and patrons at all times. Separate toilet facilities shall be provided for each sex in all new, newly constructed, or

*(continued)*



extensively remodeled facilities which offer food consumption arrangements for 10 or more persons on the premises.

(2) Toilet design. Toilets and urinals shall be designed to be easily cleanable.

(3) Toilet rooms. Toilet rooms shall be completely enclosed and shall have tight fitting, self closing, solid doors, which shall be closed except during cleaning or maintenance.

(4) Toilet fixtures. Toilet fixtures shall be kept clean, in good repair, and free of objectionable odors. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

(e) Hand washing lavatory facilities.

(1) Lavatory installation.

(A) Hand washing lavatories shall be properly installed and located in or immediately adjacent to food preparation areas to permit convenient use by all employees working in food preparation areas or utensil washing areas, or both.

(B) Hand washing lavatories shall be accessible to employees at all times.

(C) Hand washing lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing equipment or utensils shall not be used for hand washing.

(2) Lavatory faucets. Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self closing, slow closing, or metering faucet used shall be designed to provide a flow of water for at least fifteen seconds without the need to reactivate the faucet. Steam mixing valves are prohibited.

(3) Lavatory supplies. A supply of hand cleansing soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand drying device providing heated air shall be conveniently located near each lavatory. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the hand washing facilities.

(4) Lavatory maintenance. Lavatories, soap dispensers, hand drying devices and all related fixtures shall be kept clean and in good repair.

(f) Garbage and refuse.

(1) Containers.

(A) Garbage and refuse shall be kept in durable, easily cleanable, insect proof and rodent proof containers that do not leak and do not absorb liquids. Plastic bags and wet strength paper bags may be used to line these containers, and they may be used for storage inside the food service establishment.

(B) Containers used in food preparation and utensil washing areas shall be kept covered after they are filled.

(C) Containers stored outside the establishment, dumpsters, compactors and compactor systems shall be easily cleanable, shall be provided with tight fitting lids, doors or covers, and shall be kept covered when not in actual use. In containers designed with drains,

drain plugs shall be in place at all times, except during cleaning.

(D) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.

(E) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils or food preparation areas. Suitable facilities, including hot water and detergent or steam, shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

(2) Storage.

(A) Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet strength paper bags or baled units containing garbage or refuse shall be prohibited.

(B) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be insect proof and rodent proof and shall be large enough to store the garbage and refuse containers that accumulate.

(C) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. Garbage and refuse containers, dumpsters and compactor systems located outside shall be stored on or above a smooth surface of nonabsorbent material such as concrete or machine laid asphalt that is kept clean and maintained in good repair.

(3) Disposal.

(A) Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

(B) If garbage or refuse is burned on the premises, it shall be burned by controlled incineration methods meeting the requirements of K.S.A. 65-3001, *et seq.* Areas around incineration facilities shall be clean and orderly.

(g) Insect and rodent control.

(1) General requirements. Effective measures intended to minimize the presence of rodents, flies, cockroaches, and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

(2) Openings. Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tight fitting, self closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight fitting and free of breaks. Screening material shall not be less than 16 mesh to the inch. (Authorized by K.S.A. 36-507; implementing K.S.A. 36-508 and L. 1982, ch. 181, sec. 1; effective, E-79-29,

(continued)

Oct. 24, 1978; effective May 1, 1979; amended T-83-47, Dec. 8, 1982.)

**28-36-29.** (a) Inspections. Whenever an inspection of a food service establishment or commissary is made, the findings shall be recorded on an inspection report form devised or prescribed by the secretary. A copy of the completed inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. A copy of the inspection report may be obtained by the owner of the establishment upon written request.

(b) Correction of violations.  
(1) The completed inspection report form shall specify a definite period of time for the correction of the violations found; and correction of the violations shall be accomplished within the period specified, in accordance with the following provisions.

(A) All violations of four or five point weighted items not constituting an imminent health hazard shall be corrected as soon as possible, but no later than 10 days following inspection unless extended by the regulatory authority. The person in charge of the facility, if required by the regulatory authority, shall notify the regulatory authority within the specified time period, stating compliance or noncompliance with cited regulations.

(B) All one or two point weighted items shall be corrected as soon as possible, but no later than the time of the next routine inspection. Repeated identical violations of one or two point weighted items shall be corrected within 30 days following inspection.

(C) When the rating score of the establishment is less than 70, the establishment shall immediately cease food service operations.

(c) Plan review. Whenever a food service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for the construction, remodeling, or conversion shall be submitted to the regulatory authority for functional review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials or work areas, and the type and model of proposed fixed equipment and facilities. The regulatory authority shall approve the plans and specifications if they meet the requirements of K.A.R. 28-36-20 through 28-36-29, and any amendments to those rules and regulations. No food service establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the regulatory authority. Approval of plans by the regulatory authority shall not negate the liability of the applicant to comply with the requirements of these rules and regulations.

(d) Procedure when infection is suspected.

(1) If the regulatory authority has reasonable causes to suspect possible disease transmission by an employee of a food service establishment, it may secure a morbidity history of the suspected employee or make any other investigation as indicated and shall take

appropriate action. The regulatory authority may require any or all of the following measures:

(A) The immediate exclusion of the employee from employment in the field service establishment;

(B) The immediate closing of the food service establishment concerned until, in the opinion of the regulatory authority, no further danger of disease transmission exists;

(C) restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease; or

(D) adequate medical and laboratory examination of the employee and of other employees and of their body discharges.

(e) Waiver. The regulatory authority shall waive individual requirements of K.A.R. 28-36-20 through 28-36-29, if the regulatory authority determines that the objectives of these regulations can be maintained. Such waiver shall be specified on the inspection report. (Authorized by K.S.A. 36-507 and implementing K.S.A. 36-508 and L. 1982, ch. 181, sec. 4; effective, E-79-29, Oct. 24, 1978; amended T-83-47, Dec. 8, 1982.)

JOSEPH F. HARKINS  
Secretary

Doc. No. 000837

State of Kansas

**KANSAS HIGHWAY PATROL**

**TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board December 8, 1982. Will expire May 1, 1983.)

**Article 1.—MOTOR VEHICLE INSPECTIONS**

**37-1-1. Definitions.** As used in these rules and regulations, unless the context clearly requires otherwise, the following words and phrases shall have the meanings ascribed to them in this section:

(a) "Approval certificate" means a written document which is given to the vehicle owner and which shows that the vehicle meets the inspection requirements.

(b) "Rejection notice" means a written document which is given to the vehicle owner and which shows that the vehicle does not meet the inspection requirements.

(c) "Qualified inspector or mechanic" means any person who:

- (1) Is at least 18 years of age;
- (2) Has at least one year mechanical experience or a certificate from a mechanics trade school;
- (3) Has a valid operator's license.

(d) "Revocation of a station permit" means the rescinding of an inspection permit for a specified period of time as ordered by the superintendent or the superintendent's duly authorized agent.

(e) "Spot inspection" means any location where signs are displayed requiring drivers to stop and submit their vehicles and equipment to an inspection of

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the mechanical condition thereof by members of the Kansas highway patrol.

(f) "Random inspection" means any routine stopping and inspection of a vehicle, believed to have defective equipment, by a member of the Kansas highway patrol.

(g) Class "A" Permit means an inspection station capable of inspecting all motor vehicles.

(h) Class "B" permit means an inspection station capable of inspecting all passenger cars and small trucks with a single rear axle and single wheels.

(i) Class "C" permit means an inspection station capable of inspecting trucks only.

(j) Class "D" permit means an inspection station capable of inspecting all types of motorcycles.

(k) As used in these rules and regulations, the words and phrases defined in K.S.A. 8-1401 *et. seq.* and K.S.A. 8-1750 and amendments thereto shall have the meanings respectively ascribed to them therein. (Authorized by and implementing K.S.A. 8-1752; effective, E-74-65, Jan. 1, 1975; effective, E-76-48, Oct. 1, 1975; amended, E-77-22, May 1, 1976; effective Feb. 15, 1977; amended T-83-46, Dec. 8, 1982.)

**37-1-2. Inspection responsibilities.** (a) The owner or operator of every automotive service agency who is issued an inspection permit shall be obligated to conduct the business of the inspection station honestly, efficiently and to act in the best interest of traffic safety. It shall be the responsibility of the permittee to insure that each vehicle is inspected properly and thoroughly by a qualified inspector or mechanic and that the operation of the inspection station is in accordance with these rules and regulations. It shall be the duty of the permittee to place vehicular safety foremost as this is the primary intent of the vehicle safety inspection law and the regulations issued pursuant to the inspection law.

(b) It shall also be the responsibility of each owner or operator of a public inspection station to inspect every vehicle submitted for inspection within a reasonable period of time. Reasonable time shall be defined as:

(1) Immediate inspection, if no inspection is being conducted at that time;

(2) The next free appointment time, if prior appointments have been made causing the inspection area to be busy for a set period of time. (Refer to Rule 37-1-3(b)(4) and 37-1-3(d); or

(3) Upon the return of the qualified inspector or mechanic, if the delay for inspection is due to meal break, illness or annual vacation of the inspector or mechanic. The owner or operator shall state this and advise the driver as to when the inspection could be made, by giving date and time.

(c) The Kansas highway patrol shall be responsible for inspections and investigations of the official inspection stations and inspecting mechanics to determine if the provisions of the inspection law and regulations are being complied with and to take appropriate action against those who do not. Members of the Kansas highway patrol may conduct unscheduled, periodic inspections or investigations of inspection stations and inspectors or mechanics.

(d) Inspection station owners and inspecting personnel who fail to adhere to the inspection law and its provisions shall be subject to prosecution and revocation of their inspection permits.

The following violations may result in prosecution or revocation of an inspection permit:

(1) refusing to inspect a vehicle;

(2) inspection of unauthorized vehicles by a private station;

(3) improper and incomplete inspection;

(4) inspection by unauthorized personnel;

(5) the loan, sale or giving of a certificate without inspection;

(6) failure to comply with hours of operation;

(7) the lack of or absence of a qualified inspector or mechanic;

(8) inspection of vehicles at an unapproved location;

(9) charging inspection fee in excess of the amount allowed for each class;

(10) improper display of signs, poster and permits;

(11) improper usage or filing of forms;

(12) failure to keep inspection station records for period of one year;

(13) failure to properly safeguard inspection supplies. Properly safeguarded means storage of supplies in a locked compartment;

(14) an inadequate supply of required equipment;

(15) charging repair fees without making repairs;

(16) performing mechanical work in the inspection area in a manner that interferes with or prohibits an inspection;

(17) failure to maintain a sufficient number of inspection certificates;

(18) creating or maintaining fraudulent records;

(19) failure to complete reverse side of rejection certificate;

(20) making mechanical repairs without the owner's authorization;

(21) issuing an approval certificate for a previously rejected vehicle before repairs are made;

(22) failure to accurately copy the vehicle identification number from V.I.N. plate on vehicle;

(23) failure to maintain and have in good working order all required equipment;

(24) failure to maintain good character, financial or moral conduct;

(25) failure to comply with motor vehicle inspection rules and regulations.

(e) Before any inspection station permit is revoked by the superintendent of the Kansas highway patrol, the permittee will be given the opportunity for a hearing as provided in K.S.A. 8-1751(c).

(f) All inspections pursuant to this act shall be made in substantial compliance with the procedures and standards set forth in the "Kansas Motor Vehicle Inspection Manual" which has been prepared by the Kansas highway patrol. A copy and revisions of that manual shall be furnished to all official inspection station applicants. (Authorized by and implementing K.S.A. 8-1752; effective, E-74-65, Jan. 1, 1975; effective, E-76-48, Oct. 1, 1975; amended, E-77-22, May 1,

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1976; effective Feb. 15, 1977; amended T-83-46, Dec. 8, 1982.)

**37-1-3. Inspection station requirements.** (a) Inspection facilities. Every inspection station shall have an approved designated inside or outside inspection area.

(b) Inside inspection area. All inspections shall be conducted in the approved, designated inside inspection area.

(1) An inside inspection area shall be of sufficient length and width to accommodate the type of vehicle which the inspection station is classified to inspect pursuant to paragraph (g) of this regulation.

(2) The inspection area shall be sufficiently lighted, adequately heated and properly ventilated.

(3) The floor shall be substantially level and constructed of a hard material. Dirt, gravel or sagging wood floors shall not be accepted.

(4) If a station has only one inspection area, no major mechanical repair work that would prohibit vacation of the space shall be permitted in the inspection area during normal business hours. Minor mechanical repair work may be made if the vehicle undergoing the repair can be readily removed from the inspection area.

(c) Outside inspection area. Large vehicles may be inspected in an outside inspection area, during clement weather only.

(1) The inspection area shall be substantially level and constructed of hard material, such as asphalt or concrete.

(2) The inspection area shall be a part of, and adjacent to, the official vehicle inspection station.

(d) Hours of operation. The normal business hours of every public inspection station shall be at least eight continuous hours per day, five days per week.

(e) Inspecting personnel. Every public inspection station shall have on duty at least one qualified inspector or mechanic to perform inspections during the station's normal business hours; except for a reasonable period of time due to meal break, illness or annual vacation.

(f) During normal business hours, inspection station operators shall be obligated to inspect a motor vehicle within a reasonable length of time, as defined in 37-1-2

(b). An inspection station operator shall reinspect a vehicle within a reasonable length of time whenever a motor vehicle is returned for a reinspection within the 30 day period.

(g) Station classification. Inspection stations shall be approved in the following classifications:

(1) A Class "A" permit shall be issued to stations capable of inspecting all motor vehicles.

(A) The minimum space requirements shall be 12 feet by 45 feet, if equipped with an approved headlight tester, or testing stations of sufficient size for the vehicle and an additional 25 feet from lamps to screen, if equipped with approved screen and intensity meter.

(B) Height of the door and ceiling shall be adequate to allow for entrance into the inspection area and raising of the vehicle for all classes of permits.

(2) A Class "B" permit shall be issued to stations

capable of inspecting all passenger cars and small trucks with a single rear axle and single wheels.

(A) The minimum space requirement shall be 10 feet by 25 feet, if equipped with an approved headlight tester, or a testing station of sufficient size for the vehicle and an additional 25 feet from lamps to screen, if equipped with approved screen and intensity meter.

(3) A Class "C" permit shall be issued to stations capable of inspecting trucks only.

(A) The minimum space requirement shall be 12 feet by 45 feet, if equipped with an approved headlight tester, or testing station of sufficient size for the vehicle and an additional 25 feet from lamps to screen, if equipped with approved screen and intensity meter.

(4) A Class "D" permit shall be issued to stations capable of inspecting all types of motorcycles.

(A) The minimum space requirement shall be 5 feet by 20 feet, if equipped with an approved headlight tester, or a testing station of sufficient size for the vehicle and an additional 25 feet from lamps to screen, if equipped with approved screen and intensity meter.

(h) Equipment requirements.

(1) Class A, Class B and Class C inspection stations shall have the following equipment.

(A) Brake performance. One of the following methods of testing the service brake performance shall be required: A portable decelerometer, a drive-on-and-stop or a roller type brake testing machine, or the prescribed road test;

(B) Brake lining gauge. A gauge shall be used to determine the remaining thickness in fractions of an inch for bonded or riveted linings;

(C) Disc brake pad gauge. Some type of gauging device shall be required to accurately measure the thickness of the metal shoe and the remaining thickness of the brake pad while the pad is within the caliper assembly;

(D) Ball joint gauge or dial indicator. A ball joint gauge or dial indicator shall be required to accurately measure any looseness in the load carrying ball joint. The gauge or indicator shall be adapted to measure vertical (up and down) and horizontal (side) movement;

(E) Lift or jack. A lift or jack (bumper jacks not accepted), capable of properly hoisting a vehicle to check ball joints, exhaust systems, suspension linkage, and wheel play shall be required. If a lift is used, it shall be of the type which allows the front wheels to be suspended by lifting under the outer extremity of a motor vehicle's lower control arm, cross member or frame;

(F) Device to determine side-slip or toe. A device to determine the amount of toe or side-slip shall be required. A drive-on type alignment tester; a side-slip indicator, capable of determining the amount of side-slip per mile of forward travel; or a separate toe gauge or a toe device, which is a part of a front end alignment machine, may be used;

(G) A light testing or aiming device, screen or mechanical aimers; and

(H) Additional equipment. All Class A, B, C, in-

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spection stations shall have the following equipment, which shall be arranged and located at or near the inside inspection area:

- (i) A scraper to remove old rejection certificates;
  - (ii) A measuring device to accurately determine the amount of steering wheel play, the length of cracks or area of discoloration in the glass of a motor vehicle and the height of light mountings on any vehicle;
  - (iii) An open face paper punch having a one and one-fourth inch reach with one-eighth inch round die to validate rejection certificates;
  - (iv) Tread depth gauge; and
  - (v) Hand tools necessary for work on motor vehicles.
- (2) Class "D" inspection stations shall have the following equipment:

(A) Brake performance. One of the following methods of testing the service brake performance shall be required: A portable decelerometer, a drive-on-and-stop or a roller type brake testing machine, or the prescribed road test;

(B) Disc brake pad gauge. Some type of gauging device shall be required to accurately measure the thickness of the metal shoe and the remaining thickness of the brake pad while the pad is within the caliper assembly;

(C) Lift or jack. A lift or jack capable of properly hoisting a vehicle to check suspension linkage shall be required.

(D) Device to determine side-slip. A device to determine the amount of side-slip shall be required.

(E) Light testing or aiming device, screen or mechanical aimers.

(F) Additional equipment. All Class "D" inspection stations shall have the following equipment which shall be arranged and located at or near the inside inspection area.

(i) Punch. An open face paper punch having a one and one-fourth inch reach with one-eighth inch round die to validate rejection certificates.

(ii) Tread depth gauge.

(iii) Hand tools necessary for work on motor vehicles. (Authorized by and implementing K.S.A. 8-1752; effective, E-74-65, Jan. 1, 1975; effective, E-76-48, Oct. 1, 1975; amended, E-77-22, May 1, 1976; effective Feb. 15, 1977; amended T-83-46, Dec. 8, 1982.)

**37-1-4. Public inspection station.** (a) A public official motor vehicle inspection station permit shall be issued to any person if their facilities, equipment and personnel fulfill the requirements for an official inspection station.

(b) A new permit shall not be issued if the motor vehicle inspection station's present permit is under revocation for any offense as set forth in K.S.A. 8-1751.

(c) A public inspection station shall inspect all vehicles for the public according to its station classification A, B, C or D. (Authorized by and implementing K.S.A. 8-1752; effective, E-74-65, Jan. 1, 1975; effective, E-76-48, Oct. 1, 1975; amended, E-77-22, May 1, 1976; effective Feb. 15, 1977; amended T-83-46, Dec. 8, 1982.)

**37-1-5. Private inspection stations.** (a) A private official vehicle inspection station permit shall be is-

sued to any association, person, partnership, corporation and subsidiary corporation or governmental entity, providing their facilities, equipment and personnel meet the requirements prescribed for a public inspection station.

(b) A private inspection station shall inspect only vehicles registered or to be registered, titled or to be titled, in the name of the person or organization described on the application for a permit or vehicles which are maintained under a written maintenance agreement of one year duration.

(c) Before any vehicles which are maintained under a written maintenance agreement can be inspected, a copy of the maintenance agreement shall accompany the application for a private station permit or shall be on file with the superintendent.

(d) The requirements of subsection (b) above shall not apply to a "dealer" licensed as a private inspection station. The "dealer" may inspect vehicles which are offered for sale or trade by that dealership.

(e) From and after January 1, 1983 any inspection station licensed as a private inspection station that renews a permit which originally was issued prior to January 1, 1983 may be issued a permit of the same class as the original permit.

(f) From and after January 1, 1983 all new or reinstatement applications for a motor vehicle inspection station shall be issued a permit as a public or contract station only. (Authorized by and implementing K.S.A. 8-1752; effective, E-74-65, Jan. 1, 1975; effective, E-76-48, Oct. 1, 1975; amended, E-77-22, May 1, 1976; effective Feb. 15, 1977; amended T-83-46, Dec. 8, 1982.)

**37-1-5a. Contract station.** (a) A contract official vehicle inspection station permit shall be issued to any person who provides their facilities, equipment and personnel for the sole purpose of inspecting vehicles owned by any person, as defined, that has entered into a written contract for the purpose of having their vehicles inspected. The contract shall be for at least six months duration. (Authorized by and implementing K.S.A. 8-1752; effective, E-74-65, Jan. 1, 1975; effective, E-76-48, Oct. 1, 1975; amended, E-77-22, May 1, 1976; effective Feb. 15, 1977; amended T-83-46, Dec. 8, 1982.)

**37-1-6. Inspection regulations.** Inspection certificates: (a) The "A" series certificates will be issued for passenger cars, small trucks and trucks. Inspection certificates shall be sold only in complete books of 20 certificates at a cost of \$10.00 per book.

(b) The "M" series certificates shall be issued for motorcycles. The "M" certificates shall be sold only in complete books of 20 certificates at a cost of \$10.00 per book.

(c) An inspection certificate shall be issued immediately following an inspection if the qualified inspector or mechanic determines that the vehicle meets the inspection requirements.

(d) Stations shall issue inspection certificates from only one book at a time, starting with their lowest

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numbered book and lowest numbered certificate in each book.

(e) All covers from used books of certificates shall be retained by the inspection station, with yellow copies intact, for one year.

(f) When reordering inspection certificates, the requisition form provided shall be accompanied by a check or money order made payable to the "Kansas Highway Patrol" in the correct amount for the number of books ordered. The requisition and check or money order shall be mailed to the Kansas Highway Patrol state headquarters. If a personal check is returned for reason of non-payment, personal checks shall no longer be accepted from that station. Cash shall not be accepted for the inspection certificate fee under any circumstances.

(g) Inspection certificates issued to an inspection station shall be used only by that station. Inspection certificates shall be kept under lock to prevent them from being lost, damaged or stolen. All stations shall keep a sufficient number of inspection certificates on hand to meet their needs. (Authorized by and implementing K.S.A. 8-1752; effective, E-74-65, Jan. 1, 1975; effective, E-76-48, Oct. 1, 1975; amended, E-77-22, May 1, 1976; effective Feb. 15, 1977; amended T-83-46, Dec. 8, 1982.)

**37-1-7. Approval.** (a) If each item of equipment to be inspected meets the inspection requirements, an inspection certificate shall be issued.

(b) The vehicle inspection certificates shall be completely and accurately filled out and shall be distributed as follows:

(1) Pink copy—highway patrol copy. Mail to Kansas highway patrol by the 15th day of the following month;

(2) White copy—owner or operator;

(3) Gold copy—owner to give to county treasurer; and

(4) Yellow copy—station copy to be kept on file in sequential order for one year, attached in the cover.

(c) If the approval is issued, after a rejection from a member of the Kansas highway patrol or an inspection station, the rejection number shall be placed in the space provided on the vehicle inspection certificate and on the rejection stub of the rejection certificate, if available. The rejection stub shall be attached to the approval pink copy. (Authorized by and implementing K.S.A. 8-1752; effective, E-74-65, Jan. 1, 1975; effective, E-76-48, Oct. 1, 1975; amended, E-77-22, May 1, 1976; effective Feb. 15, 1977; amended T-83-46, Dec. 8, 1982.)

**37-1-8. Rejection.** (a) If an item or items of equipment or any of its components do not meet the minimum inspection standards, the vehicle shall be rejected and the item or items or component or components shall be checked in the appropriate portion of the rejection certificate.

(1) The vehicle owner shall be informed that the owner may repair the defects personally or have them repaired at any place of the owner's choice. The owner shall have the right to remove the vehicle to such a place for needed repair.

(2) If any repairs are to be made by the inspection station, the vehicle owner shall be provided with a written estimate of the total cost of the repairs, and the vehicle owner shall authorize the station to make the repairs by signing the estimate.

(3) When a vehicle is returned for reinspection after repairs are made, the owner shall present the rejection notice (white copy and rejection certificate stub if available.)

(4) A reinspection shall consist of only those items of equipment or components that were originally rejected, if reinspected within 30 days.

(5) If the rejected vehicle is returned to the inspection station which made the original inspection for a reinspection within 30 days, no additional inspection fee shall be charged.

(6) If upon presenting the rejected vehicle for reinspection as described in paragraph (3), (4) and (5) it is found that the original inspection station is closed by reason of permit revocation, or that it is no longer in business, that vehicle may be presented to the area motor vehicle inspection trooper of the Kansas highway patrol for reinspection. If approved, and upon payment of the 50¢ approval certificate fee, the vehicle shall be issued an approval certificate as defined in Rule 37-1-7.

(b) The rejection certificates shall be completely and accurately filled out and shall be distributed as follows:

(1) Pink copy—highway patrol copy. Mail to the Kansas highway patrol by the 15th day of the following month.

(2) White copy—owner or operator of vehicle.

(3) Yellow copy—station copy to be kept on file in sequential order for one year, attached in the cover.

(c) The qualified inspector or mechanic shall: (1) remove the stub portion and present it to the owner or operator of the inspected vehicle, (2) punch the month, day and year from rejection certificate; and

(3) affix the certificate to the inside lower left hand corner of the vehicle's windshield. In the case of a motorcycle, the rejection certificate shall be carried on the person of the operator and exhibited on the demand of any police officer.

(d) If an inspection station inspects a motor vehicle for which a certificate of rejection has been issued by another inspection station and does not discover all or some of the defects alleged by the certificate, it shall be the duty of the inspection station performing the second inspection to notify the superintendent of the discrepancy. The superintendent shall cause an inspection to be made of the motor vehicle in question and resolve the controversy. (Authorized by and implementing K.S.A. 8-1752; effective, E-74-65, Jan. 1, 1975; effective, E-76-48, Oct. 1, 1975; amended, E-77-22, May 1, 1976; effective Feb. 15, 1977; amended T-83-46, Dec. 8, 1982.)

**37-1-9. Spot or random inspection.** (a) If any motor vehicle is found to be in an unsafe condition as a result of any spot or random inspection pursuant to this act or if the equipment required by law to be on the vehicle is

(continued)

not present or is not in good condition and properly adjusted, the member of the highway patrol conducting the inspection shall issue a rejection certificate.

(b) The highway patrol member shall block out the month, day and year of the inspection on the rejection certificate and affix the certificate to the inside lower left hand corner of the vehicle's windshield. In the case of a motorcycle, the rejection certificate shall be carried on the person of the operator and exhibited on the demand of any police officer.

(c) The operator or owner of a motor vehicle rejected by any member of the highway patrol shall within 30 days make or have repairs made on equipment rejected and have the motor vehicle inspected by an official inspection station, paying the fee required for the inspection.

(d) When a vehicle is presented for inspection after rejection resulting from a spot or random inspection, the owner or operator shall present the rejection notice (white copy and rejection certificate stub, if available) at an official inspection station.

(e) All motor vehicles rejected in a spot or random inspection conducted by the Kansas highway patrol, shall be reinspected by a qualified inspector or mechanic at an official inspection station. The inspector or mechanic shall give a complete inspection before issuing an approval certificate. If the inspector or mechanic observes any equipment required by state statute or rules and regulations to be out of proper adjustment or not present that was not detected in the spot or random inspection, the inspector or mechanic shall scrape off the rejection certificate issued by the Kansas highway patrol and issue a rejection certificate listing total rejections found in the complete inspection. (Authorized by and implementing K.S.A. 8-1752; effective E-74-65, Jan. 1, 1975; effective E-76-48, Oct. 1, 1975; amended, E-77-22, May 1, 1976; effective Feb. 15, 1977; T-83-46, Dec. 8, 1982.)

**37-1-10. Fee schedule for motor vehicle inspections.** The following fees shall be authorized for the conduct of motor vehicle inspections as required by this act:

- (a) Passenger vehicles and small trucks with a single rear axle and single rear wheels \$5.00
- (b) Straight trucks with dual rear wheels, tandem axles or both \$5.00
- (c) Truck tractor \$5.00
- (d) Motorcycles \$3.00
- (e) Motorized motor homes \$5.00

If the motor vehicle passes the inspection, \$.50 shall be added to the above charges to cover the cost of the approval certificate issued. (Authorized by and implementing K.S.A. 8-1752; effective E-74-65, Jan. 1, 1975; effective E-76-48, Oct. 1, 1975; amended, E-77-22, May 1, 1976; effective Feb. 15, 1977; amended T-83-46, Dec. 8, 1982.)

**37-1-11. Miscellaneous.** (a) A charge, as established by the fee schedule, shall be made for each inspection. Every inspection for which a fee is charged

shall be a complete and proper inspection before a vehicle may be approved or rejected.

(b) Every item of vehicular equipment that is required to be inspected shall be inspected according to prescribed procedures before an approval certificate or rejection notice is issued.

(c) All inspections shall be conducted at the inspection station and in the station's approved inspection area. Under no circumstances shall an inspection be performed at any other location.

(d) The inspection of a vehicle shall be made only by an individual who is qualified as an inspector or mechanic, except a person not qualified as an inspector or mechanic may assist by operating the lights and signalling devices.

(e) Only a qualified inspector or mechanic shall issue an approval certificate or rejection notice.

(f) An owner, operator or employee of an inspection station shall not furnish, loan, give or sell an approval certificate to any person except to those entitled to receive it.

(g) Inspection certificates which are lost or stolen shall be reported immediately to the Kansas highway patrol.

(h) All current manuals, bulletins or other regulations issued by the superintendent of the Kansas highway patrol, shall be read and initialed by the station owner or operator, and each inspector or mechanic, and shall be available at all times for ready reference.

(i) A permit issued to an inspection station shall not be transferred or used at any other location. Any change in ownership or location shall cancel the appointment of that station and another permit fee shall be required before the station can continue operation as an inspection station under another owner or at a different location. The Kansas highway patrol shall be notified immediately when this occurs or when a station discontinues operation.

(j) If a station owner has more than one place of business, a separate permit shall be obtained for each inspection station.

(k) The fee for a permit to operate a public, private or contract inspection station shall be \$25.00 per year. Each permit issued under this section shall expire one year from the date of its issuance, and application for its renewal shall be submitted prior to that time. Checks or money orders shall be made payable to the Kansas highway patrol. Cash shall not be accepted for the permit fee under any circumstances.

(l) Up-to-date inspection records shall be available during normal business hours for examination by any member of the Kansas highway patrol.

(m) When a person authorized to purchase inspection certificates resigns or is dismissed, the station owner or operator shall report this change when contacted by the area inspector trooper of the Kansas highway patrol.

(n) The station permit shall be framed under clean glass and displayed in a conspicuous location.

(o) The official sign, issued by the highway patrol, designating the station as a public inspection station

(continued)

shall be displayed in a location visible to the travelling public.

(p) If the highway patrol is asked to settle a difference of opinion between the vehicle owner and an inspection station or an inspector or mechanic concerning the inspection standards and procedures, the highway patrol's decision as to whether the vehicle should be approved or rejected shall be final.

(q) When an inspection station permit has been revoked, or when a station discontinues operation, all inspection supplies shall be released to an inspector trooper of the Kansas highway patrol. Unless all supplies are accounted for, a station permit shall not be reinstated at the end of the revocation period and the station owner or operator who discontinued the inspection station shall, on application, be denied another station permit.

(r) A fee of \$7.50 for the station sign and \$3.00 for the inspection manual shall be collected from stations who discontinue operation or who have their permit revoked and fail to surrender these items when the station is closed out. (Authorized by and implementing K.S.A. 8-1752; effective, E-74-65, Jan. 1, 1975; effective, E-76-48, Oct. 1, 1975; amended, E-77-22, May 1, 1976; effective Feb. 15, 1977; amended T-83-46, Dec. 8, 1982.)

### **37-1-12. Standards for motor vehicle inspection.**

(a) The standard entitled "Kansas Motor Vehicle Inspection, Required—Procedures—Standards", sections A, B, C, including all charts, figures and pictures regarding those sections, as developed by the Kansas highway patrol, excluding all introduction and content pages, and footnotes number 1 through 51, dated 1982, is adopted by reference. (Authorized by and implementing K.S.A. 8-1752; T-83-46, Dec. 8, 1982.)

COL. DAVID L. HORNBAKER  
Superintendent

Doc. No. 000836

## **State of Kansas**

### **STATE CORPORATION COMMISSION**

#### **TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board December 8, 1982. Will expire May 1, 1983.)

#### **Article I.—RULES OF PRACTICE AND PROCEDURE**

**82-1-231. Applications in rate cases.** (a) Scope. An electric, gas, telephone or water utility whose rates are under review by this commission at the request of the utility, or as a result of investigation, complaint or any other procedure, shall comply with this rule and shall be prepared to establish by appropriate schedules and competent testimony all relevant facts and data pertaining to its business and operations which will assist the commission in arriving at a determination of rates which will be fair, just and reasonable both to the utility and the public.

(b) Procedures for different classes of utilities. Utilities shall be classified according to the uniform sys-

tem of accounts prescribed by the commission. A class A or class B utility shall, when proposed changes in tariffs will result in a major increase in rates or charges, prepare and submit its application and schedules in conformity with subsection (c) of this rule. All rural electric cooperative distribution systems providing service to less than 15,000 customers and any utility which, for any reason, is classified as other than a class A or class B electric, gas, telephone or water utility may follow the procedures outlined in subsection (d) of this rule. Subject to prior approval by the commission, utilities which propose a change in rates within 12 months after a commission order following a general rate proceeding and investigation, and which are willing to adopt all the regulatory procedures, principles and rate of return established by the commission in that order may submit schedules which eliminate data which is a duplication of information provided in the original schedules. An application by a class A and class B utility shall be construed to propose changes in tariffs which result in a major increase in rates or charges, when:

(1) The proposed changes relate to a general increase in revenues for the purpose of obtaining an alleged fair rate of return;

(2) material changes in operations, facilities or cost of service occur subsequent to the test year employed in any major rate decision (except for proposals which are for the sole purpose of compensating for the increased production or purchase cost of a principal product); or

(3) the proposed changes will, in the opinion of the commission, materially affect the public interest.

(c) Class A and class B utility rate proceedings; application and evidence. An application by a class A and class B utility which proposes a major increase in rates or charges shall be accompanied by schedules which will indicate to the commission the nature and extent of the proposed changes to be effected. Applications shall be based upon data submitted for a test year. A test year is any consecutive 12 month period selected for the purpose of determining or justifying the rates. The commission may disapprove for cause the test year selected by the applicant. The original and nine copies of the application and schedules shall be filed with the commission. Each application and schedules shall be bound together under one looseleaf binder, unless the bulk of the material would make such handling impractical, in which case two or more volumes in looseleaf form shall be filed. The size of print used in the application and schedules shall not be smaller than elite type reduced 25%. Negative numbers shall be shown in parentheses. Amounts included in the application shall be cross-referenced between the appropriate summary schedule and supporting schedules as well as between the various sections. Referencing shall include allocation ratios, when appropriate. All items shall be self-explanatory or additional information, cross references or explanatory footnotes shall be presented on the schedule. The application shall be supported by schedules as required by this section; and shall be assembled under topical sections, with

(continued)



index tabs for each section and page number for each schedule. The form, order and titles of each section shall conform to the following requirements:

(1) Application, letter of transmittal, and authorization. This section shall contain a copy of the application, a copy of the letter of transmittal, and the appropriate document or documents authorizing the filing of the application, if any.

(2) General information and publicity. This section shall describe the means generally employed by the utility to acquaint the general public to be affected by the proposed rate change with the nature and extent of the proposal. This section may include, but is not limited to, statements concerning meetings with public officials, civic organizations and citizen groups, newspaper articles and advertisements, and shall include general information concerning the application which will be of interest to the public and suitable for publication. Such information shall include, when applicable:

(A) The amount of dollars of the aggregate annual increase which the application proposes;

(B) names of communities affected;

(C) the number and classification of customers to be affected;

(D) the average per customer increase sought in dollars and cents;

(E) a summary of the reasons for filing the application;

(F) such other pertinent information which the applicant may desire to submit or which the commission may in its discretion require; and

(G) copies of any press releases issued by the applicant prior to or at the time of filing the application for a rate review, relating to that review.

(3) Summary of rate base, operating income and rate of return. This section shall contain schedules which show the components of the test year rate base, operating revenues, expenses and income as well as the rate of return under the present and proposed tariff or tariffs. The schedules shall be presented as follows:

(A) The first schedule shall summarize, for each utility service for which the rate change is sought, the total Kansas and Kansas jurisdictional components of the rate base, operating revenues, expenses, income and rate of return.

(B) Supporting schedules shall show the unadjusted total Kansas figures and shall further set out each adjustment to arrive at the total adjustments. When added to the unadjusted total, the unadjusted total Kansas figures shall correspond with the total Kansas figures presented on the first schedule of this section.

(C) Additional schedules not applicable to other sections of the application may be set out in this section.

(4) Plant investments. This section shall contain the items of plant investment, presented in the following manner:

(A) The first schedule shall detail, by functional classification, unadjusted amounts, adjustments to these amounts and jurisdictional allocations.

(B) Supplemental schedules, by primary account,

shall set forth year end plant investment for the three calendar years preceding the test year, for the test year and for the 12 month period preceding the test year. Additional schedules setting forth pertinent information related to plant may be submitted under this section. Primary account, as utilized in this rule, shall mean the account classification provided in the uniform system of accounts prescribed by the commission for the utility.

(5) Accumulated provision for depreciation, amortization and depletion. This section shall contain schedules which shall show by functional classification (as of dates corresponding with the dates of plant investment data submitted under Section 4) the balances of the reserve accounts in which the credits representing provisions for depreciation, amortization, depletion, any adjustments thereto and jurisdictional allocations are accumulated. Upon commission request, or when considered relevant by the utility, schedules may be submitted showing analysis of the activities of the reserve accounts relating to the plant in service, segregated by primary accounts, or other segregation as is required by the uniform system of accounts prescribed by the commission for that utility.

(6) Working capital. This section shall set forth in detail each component of the working capital items the applicant proposes to submit as elements in the composition of the rate base. This section shall be presented as follows:

(A) The first schedule shall contain the components included in working capital, adjustments thereto and jurisdictional allocations.

(B) The method of calculation for each component of working capital and a complete explanation of any pro forma adjustments shall be included in supporting schedules.

(7) Capital and cost of money. This section shall contain:

(A) A schedule indicating the amounts of the major components of the capital structures of the utility (e.g. long term debt, preferred stock, common equity) outstanding as of the beginning and at the end of the test year. This schedule shall contain the ratios of each component to the total capital including the percentage cost and the requested overall rate of return. When only a portion of the capital serves the utility operations involved in the proceeding (such as would be the case in a multiutility or multistate operation) the schedule shall show an appropriate allocation of the capital items.

(B) a schedule disclosing the cost of each issue of debt and preferred stock outstanding, with due allowance for premiums, discounts and issuance expense. Data relating to the other components of capital as may be appropriate shall also be included.

(C) a schedule displaying historical interest coverage for at least the three calendar years preceding the test year, the test year and the 12 month period preceding the test year. The method used in the calculation shall be indicated and shall be consistent with the applicant's bond indenture requirements.

(continued)

(D) If the applicant is a part of a consolidated group or a division of another company the consolidated capital structure shall be included in this section.

(8) Financial and operating data. This section shall contain, for each of the three calendar years immediately preceding the test year, the test year, and the 12 month period preceding the test year:

(A) A balance sheet by primary account;

(B) comparative income and retained earnings statements (with primary account numbers shown) indicating dividends paid by class of stock;

(C) operating revenues and expenses by primary accounts;

(D) operating statistics appropriate to the type of utility, e.g. kwh or mcf sales by rate schedules and customer consumption, power cost per kwh, and maintenance cost per subscriber, shall be presented in at least the same detail as is required in the annual reports to the commission;

(E) annual payrolls by primary account.

(9) Test year and pro forma income statements. The first schedule shall present an operating income statement depicting the unadjusted test year operations, pro forma test year operations and allocations to jurisdictions. Supporting schedules shall set forth a full and complete explanation of the purpose and rationale for the pro forma adjustments. Such pro forma adjustments may include, but are not limited to:

(A) Adjustments to reflect the elimination or normalization of nonrecurring and unusual items; and

(B) adjustments for known or determinable changes in revenue and expenses.

(10) Depreciation and amortization. This section shall include the schedules indicating depreciation rates by primary account, depreciation expense for the test year, and amounts charged to operations, clearing accounts and construction. When items of amortization appear in the income statements, schedules showing the basis for those items shall also be included in this section or made available. If new depreciation rates are proposed, a copy of the depreciation study shall be provided or made available.

(11) Taxes. This section shall contain the following information:

(A) The first schedule shall detail the various taxes chargeable to operations and allocated jurisdictionally. Appropriate supporting schedules for taxes other than income taxes shall be provided if pro forma adjustments are presented;

(B) A schedule disclosing the calculation of taxable income shall be included.

(C) A description of adjustments to arrive at taxable income, including method of computation, shall be provided.

(D) A schedule shall be provided depicting the calculation of income taxes, the jurisdictional allocation of those taxes and the additional detail as the division of those taxes as to current or deferred.

(E) A schedule shall also be included for deferred investment tax credits showing the annual charges, credits and balance to that account for a period of not less than ten years. Furthermore, those schedules shall

show the accumulated investment tax credits by the pertinent effective rate or rates for the test year and the year preceding the test year.

(F) A schedule shall be included for deferred income taxes showing the annual charges, credits and balance to that account for a period of not less than 10 years and for the test year and the year preceding the test year. For both the investment tax credits and deferred income tax schedules, the test year and the year preceding the test year balances shall be allocated to the jurisdictions.

(12) Allocation ratios. This section shall contain complete detail for all ratios used in the allocations between jurisdictions, areas of operations, departments, classes of customers and other allocable items; and a narrative description of the rationale of the allocation ratio, the components and their source included in the calculation of the ratio, the allocation percentages applicable to jurisdictions or department and what is being allocated by the ratio.

(13) Annual report to stockholders and the U.S. Securities and Exchange Commission. This section shall contain:

(A) The most recent annual report of the utility to its stockholders and, if the utility is a subsidiary of a parent corporation, the most recent annual report of the parent corporation to its stockholders; and

(B) when applicable, a copy of the most recent form 10-K filed with the U.S. Securities and Exchange Commission.

(14 through 16) Additional evidence. These sections include all other schedules, exhibits and data deemed pertinent to the application which may not be properly included under the preceding sections. Such additional evidence may be submitted at the option of the applicant and shall be submitted upon the direction of the commission.

(17) This section shall be applicable only to applications and schedules filed by or pertaining to the operations of gas or electric utilities. This section shall contain:

(A) A summary schedule which provides, by general customer classification, the test year revenues utilizing the existing and proposed tariffs. (The test year revenues under existing tariffs shall be adjusted when pro forma normalization or annualization adjustments are appropriate)

(B) a schedule detailing for the test year the following data by tariff schedule:

(i) the tariff number;

(ii) a narrative description of that tariff number;

(iii) the average number of customers served during the test year;

(iv) the units sold;

(v) the base revenue;

(vi) the revenue from riders, fuel or purchased power clauses;

(vii) the total revenue (as adjusted if appropriate) utilizing the existing tariff;

(viii) revenue per unit sold;

(ix) the proposed tariff revenue;

(x) the proposed revenue per unit;

(continued)

- (xi) the dollar increase and
- (xii) the percentage increase.

(18) This section shall contain the proposed rate change schedules. All new language or figures shall be designated by underlining or in another appropriate manner. All deleted language or figures shall be designated in a different manner, such as italics. Upon request and within the time limits the commission determines, the commission may permit the filing of the proposed rate schedule or other materials required to be filed under this rule, separate from the filing of the application and schedules.

(d) Rate proceedings by rural distribution electric cooperative systems providing service to less than 15,000 customers and those utilities other than class A and B electric, gas, telephone or water utilities. Such utilities may prepare a rate application and submit schedules in accordance with the above and foregoing provisions of this rule, or they may elect to prepare a less extensive application and schedules, more appropriate to the operations of smaller utilities. Such applications or schedules shall be in the form and substance permitted by the commission in their discretion and shall eliminate foregoing requirements which may be burdensome and unnecessary for those smaller utilities.

(e) Revisions of applications and schedules. If the applicant desires to make revisions to its application and schedules, other than minor corrections and insertions which can only be made by interlineation without unduly prolonging a hearing with respect to such application or schedules, the applicant shall file with the commission such revised schedules as are necessary to reflect the desired revisions, as follows:

(1) Each page of any such revised section or schedule shall bear the same section letter designation, schedule number, and page number as the original page with the word "Revised" and the date of the revision immediately below the original section, schedule, or page designation.

(2) There shall be filed the same number of copies of any revised sections, schedules or pages as the number of copies originally required to be filed;

(3) A copy of each revised section, schedule or page shall also be served upon each party whose intervention has previously been permitted by the commission pursuant to rule 82-1-125;

(4) All revised sections, schedules and pages shall be filed in accordance with the provisions of rule 82-1-221, unless otherwise ordered by the commission for good cause shown.

(5) Substantial revisions of the schedules, such as changing to a different test year, may constitute grounds for the commission to continue any scheduled hearing to a later date, if necessary for its staff to conduct further investigation or revise its schedules with respect to these revisions.

(f) Prepared testimony is required in all class A and class B utility rate proceedings filed pursuant to subsection (c) of this rule and shall be filed simultaneously with the filing of the application.

(g) For good cause shown the commission may

waive any of the requirements of this rule. (Authorized by and implementing K.S.A. 66-106; effective Jan. 1, 1966; amended Feb. 15, 1977; amended E-7831, November 9, 1977; amended May 1, 1978; amended, E-82-1, Jan. 21, 1981; amended May 1, 1981; amended T-83-43, Dec. 8, 1982.)

STATE CORPORATION COMMISSION

Doc. No. 000833

State of Kansas

STATE CORPORATION COMMISSION

TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board December 8, 1982. Will expire May 1, 1983.)

#### Article 4.—MOTOR CARRIERS OF PERSONS AND PROPERTY

**82-4-1. Definitions.** The following terms used in connection with the regulations of the state corporation commission governing motor carriers shall be considered and defined as follows:

(a) The term "motor carrier" refers to any corporation, partnership or individual subject to the provisions of the motor carrier law of Kansas and under the jurisdiction of the state corporation commission of the state of Kansas.

(b) The term "certificate" refers to a document evidencing a certificate of convenience and necessity issued to intrastate common carriers to operate motor vehicles as common carriers.

(c) The term "permit" refers to the document evidencing authority of a motor carrier to operate motor vehicles as a contract or private carrier.

(d) The term "license" refers to the document evidencing the registration of an interstate or interstate exempt motor carrier to operate motor vehicles in the state of Kansas as an interstate common or contract motor carrier.

(e) The term "on-duty time" means all time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. The term "on-duty" shall include:

(1) All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the motor carrier;

(2) all time spent in inspecting equipment, emergency equipment, and servicing or conditioning any motor vehicle at any time;

(3) all driving time as defined in paragraph (f) of this section;

(4) all time, other than driving time, in or upon any motor vehicle except time spent resting in a sleeper berth as defined in paragraph (l) of this section;

(5) all time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;

(continued)

(b) all time spent performing the driver requirements relating to accidents;

(f) all time repairing, obtaining assistance with or for or attending a disabled vehicle; and

(g) performing any other work in the capacity of, or in the employ or service of, a common, contract or private motor carrier.

In the case of specially trained drivers of specially constructed oil well servicing vehicles, on-duty time shall not include waiting time at natural gas or oil well sites. However, all such time shall be fully and accurately accounted for in records to be maintained by the motor carrier. Such records shall be made available upon request of any inspector designated by this commission or any other law enforcement officer authorized by this commission to enforce its regulations.

(f) The terms "drive", "driving" and "driving time" shall include all time spent at the driving controls of a motor vehicle in operation. All stops made in a village, town, or city, may be computed as one stop.

(g) The term "seven consecutive days" means the period of seven consecutive days beginning at 12:01 a.m. on any day.

(h) The term "eight consecutive days" means the period of eight consecutive days beginning at 12:01 a.m. on any one day.

(i) The term "24 consecutive hours" means a period starting at the time the driver reports for duty as defined in paragraph (e) of this section.

(j) For drivers preparing logs on a noon-to-noon basis, the term "seven or eight consecutive days" means the period of time beginning at 12:01 p.m., on any day.

(k) The term "regularly employed driver" means a driver who in any period of seven consecutive days is employed or used as a driver by a single motor carrier.

(l) The term "sleeper berth" means a berth conforming to the motor carrier safety regulations issued by the United States department of transportation, federal highway administration.

(m) The term "driver-salesperson" means an employee who:

(1) is employed solely by a private motor carrier of property;

(2) is engaged both in selling goods, services, or the use of goods, and in delivering by motor vehicle the goods sold or provided, or with which the services are performed;

(3) operates entirely within a radius of 100 miles of the point at which the driver-salesperson reports for duty; and

(4) devotes not more than 50 percent of his or her hours on duty to driving time.

(n) The term "selling goods" means solicitation or obtaining of reorders or new accounts. "Selling goods" may also include other selling or merchandising activities designed to retain the customer or to increase the sale of goods or services, in addition to solicitation or obtaining of reorders or new accounts.

(o) The term "tariff publication" means the rates, charges, classification, ratings, or rules and regulations published by, for or on behalf of common or contract motor carriers of property or passengers.

(p) The term "distance" means air line distances. Distances shall be computed from the corporate limits of incorporated municipalities and from the post office of unincorporated communities. If there is no post office in the unincorporated community, the distance shall be computed from the center of the business district.

(q) The term "population" means the population as reported by the last decennial census.

(r) The term "express carrier" means a public motor carrier of property who carries shipments the maximum weight of which does not exceed 350 pounds for one package or parcel.

(s) The term "KCC" means the state corporation commission of Kansas.

(t) The term "driveaway operation" or "towaway operation" means an operation in which any vehicle or vehicles, operated singly or in lawful combinations, new or used, not owned by the transporting motor carrier, constitute the commodity being transported.

(u) The term "driver" means a motor vehicle operator.

(v) The term "organization" means a legal entity which administers an agreement approved under K.A.R. 82-4-69.

(w) The term "single line rate" means a rate, charge, or allowance established by a single common or contract motor carrier of property or passengers that is applicable only over its line and for which the transportation can be provided by that carrier.

(x) The term "joint line rate" means a rate, charge, or allowance established by two or more common motor carriers of property or passengers that is applicable over their lines and for which the transportation can be provided by these carriers.

(y) The term "docketing" means entering the proposal in the organization files and then giving notice of the proposal to other carrier members of the organization and shipper subscribers.

(z) The terms "general increase or decrease" means a common or contract motor carrier rate increase or decrease proposed as a general adjustment of substantially all the rates published in a tariff.

(aa) The term "notice" means advance notification to shipper subscribers through the organization's docket service.

(bb) The term "affiliate" means a person or company controlling, controlled by, or under common control or ownership with, another person or company.

(cc) The term "ownership" means an equity holding in a business entity of at least 5%.

(dd) The term "industry average carrier cost information" means the average intrastate cost of the carriers who participate in an organization tariff and who have authority from the commission to transport the commodities indicated in the organization tariff. (Authorized by and implementing K.S.A. 66-1,112, as amended by section 1 of chapter 274 of the 1982 session laws of Kansas, 66-1,112a and 66-1,112g; effective Jan. 1, 1971; modified, 1981 HCR No. 5020, May 1, 1981; amended T-83-45, Dec. 8, 1982.)

(continued)

**82-4-48. Bills of lading, way and freight bills.** (a) Common and contract motor carriers of property shall issue a bill of lading for all property transported. The bill of lading shall indicate the name of the carrier, the date and place of shipment, the name of the consignor, the name of the consignee, the destination of the shipment, a description of the shipment and the weight or volume. Carriers having a released value clause as prescribed in K.S.A. 84-7-309 and published in their approved tariff shall indicate so on the bill of lading.

(b) Common and contract motor carriers of property shall issue a way bill or a freight bill, showing the required bill of lading information, as indicated in (a) of this regulation. The way bill or freight bill shall be furnished to the party obligated to pay the freight charge and shall state the rate and charges.

(c) Bills of lading, way bills and freight bills may be included on one form.

(d) All transporters of crude petroleum oil, sediment oil, water or brine shall require their drivers to possess a run ticket or equivalent documents as specified in K.A.R. 82-3-127.

(e) The documents required in subsection (c) shall be produced by the driver for examination and inspection by any representative of the commission, state highway patrol, or any other law enforcement officer upon identification and request.

(f) The bill of lading, way bill, freight bill, run ticket or equivalent documents as specified in K.A.R. 82-3-127 shall be retained by the transporter for at least three years from the date of shipment. (Authorized by K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas, 66-1,112a and section 4 of chapter 227 of the 1982 session laws of Kansas; effective Jan. 1, 1971; amended May 1, 1981; amended T-83-45, Dec. 8, 1982.)

**82-4-68. Collective rate making agreements.** (a) Motor carriers of property and passengers may enter into an agreement with one or more such carriers concerning rates, allowances, classifications, divisions or rules related to them or procedures for joint consideration, initiation or establishment of them. The agreement and all amendments shall be submitted to the commission for approval by the carriers which are parties to the agreement and shall be approved by the commission upon a finding that the agreement fulfills the requirements of K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas and the rules and regulations of the commission. The agreement shall be administered by an organization designated by the carriers who are parties to the agreement.

(b) The agreement shall contain, as a minimum, provisions for:

- (1) Election of rate committees and procedures for appointments to fill vacancies;
- (2) initiation of rate proposals;
- (3) record keeping;
- (4) tariff participation fees for services;
- (5) open meetings;

- (6) quorum standards;
- (7) proxy voting by members;
- (8) role of employees in docketing proposals;
- (9) notice of docket proposals and rate committee hearings;

- (10) voting on rate proposals by member carriers;
- (11) right of independent action;
- (12) docketing of independent action;
- (13) the names, addresses and telephone numbers of carriers who are parties to the agreement;

- (14) the names and addresses of each of its affiliates, of officers and directors of the carriers who are parties to the agreement;

- (15) the carriers motor carrier identification number (route number) assigned by the commission;

- (16) the name, address and telephone number of the organization which will administer the agreement;

- (17) final disposition of cases docketed;

- (18) prohibitions of the administering organization from protesting carrier proposals;

- (19) amendments to the agreement; and

- (20) provision for power of attorney.

(Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-69. Applications for approval of collective rate making agreements.** (a) The carriers' party to the agreement shall submit an application to the commission, and attach a copy of the administering organization's articles of incorporation, bylaws or other documents, specifying the powers, duties and procedures of the organization. The administering organization for the carriers shall provide the commission with an organization chart, a complete description of the organization, including any sub-units, and their functions and methods of operations, together with the territorial scope of its operation.

(b) The application and supporting documents shall specify:

- (1) The full and correct name and business address of the carriers who seek approval of the agreement, whether carrier applicants are corporations, individuals or partnerships. If a corporation, the laws under which it was organized shall be included. If a partnership, the names and addresses of all partners and the date of formation of partnerships shall be included;

- (2) the motor carrier identification number (route number) assigned by the commission to each participating applicant;

- (3) the name and business address of the organization which will administer the agreement;

- (4) the facts and circumstances relied upon to establish the agreement is in the public interest;

- (5) the name, title and business address of counsel, officers, or other person to whom correspondence and notice is to be addressed;

- (6) a true copy of the agreement, and an opinion of a counsel for the applicant that the application made meets the requirements of K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas and commission regulations; and

(continued)

(7) a prepared public notice to be published in the Kansas Register stating the fact that an application has been filed under these rules, and the date of the hearing, if required by the commission. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-70. Record keeping responsibilities.** The organization shall maintain records and minutes of all acts pertaining to joint consideration, initiation and establishment of tariff publications and shall submit written reports to the commission on these activities as the commission from time to time may require. Minutes and voting records shall be made available to the commission upon written request. Minutes, voting records and a complete file of all tariffs issued under the agreement shall be maintained by the organization for at least three years. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-71. Charges for services.** The organization shall, in the agreement, provide the commission with a basic schedule of its tariff participation fees applicable to parties to the agreement. If expenses are divided among parties to the agreement, the organization shall provide a statement showing how the expenses are divided. The organization shall also provide the commission with any amendments to the basic charges. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-72. Open meetings.** (a) An organization shall admit any person to any meeting at which rates or rules will be discussed or voted upon.

(b) Upon written request, the organization shall divulge to any person the name of the proponent of a rule or rate docketed with it, and shall divulge to any person the vote by any member carrier on any proposal before the organization. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-73. Quorum standard.** (a) At any meeting of carriers party to the agreement or carrier committees at which rates, rules or classifications are discussed or considered, 30 percent of the carriers party to the agreement or 50 percent of the committee shall constitute a quorum. The quorum requirement shall apply to any meeting when discussion includes general rate increases and decreases, tariff restructuring, commodity classification, or rules and classifications changes proposed for tariff publication. Carrier members present by means of a proxy shall count towards the satisfaction of the quorum requirement. There shall be no voting unless at least one member carrier is present and possesses the authority for a lawful vote.

(b) Exceptions to the quorum standard may be granted upon a showing to the commission of genuine hardship. (Authorized by and implementing K.S.A.

66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-74. Voting on rate proposals.** The organization shall allow any participating member carrier to discuss any rate proposal docketed. Only those carriers with authority to participate in the transportation to which the rate proposal applies shall vote upon the rate proposal. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-75. Proxy voting.** (a) The organization shall not allow a carrier to vote for one or more other carriers without specific written authority from the carrier being represented.

(b) While any member carrier may discuss any collectively established rate proposals docketed, only carriers with authority to participate in the transportation to which the proposed rates apply shall vote on the rates.

(c) To vote for an absentee, a carrier shall possess a written proxy containing the grantor or grantors signature, the specific items or items for which the vote is released, directions on voting, and certification of authority. A written affirmation shall be made by each carrier for itself and by each grantor of a proxy.

(d) The organization shall provide standard proxy forms to members, and a copy of all proxies exercised and the written certification of authority executed by the proxy holder for the grantor shall be made part of the voting record. There is no limit to the number of proxies a carrier may hold. A proxy may be revoked at any time by a subsequent written revocation or by the carrier appearing at the meeting and voting on its own behalf. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-76. Notification and consideration of rate proposals.** General rate increases or decreases, joint rates, changes in commodity classification, changes in tariff structures and publishing of tariffs may be discussed and voted on at any meeting only if: (a) Shippers receive detailed notice of meetings and agenda through docket service, at least 15 days prior to the time a proposal is to be discussed or voted upon;

(b) shippers are accorded the opportunity to present either oral or written comments for consideration at the meeting;

(c) shippers' comments are given appropriate weight and consideration in discussion and voting upon the proposals;

(d) discussion of general rate increase or decrease is limited to industry average carrier cost information;

(e) any person attending those meetings is permitted to take notes and make sound recordings; and

(f) the organization maintains detailed minutes of all meetings. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the

(continued)

1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-77. Right of independent action.** (a) The organization shall not interfere with each carrier's right to independent action. The organization shall not change or cancel any rate established by independent action other than a general increase or broad rate restructuring. However, changes in the rates may be effected, with the written consent of the carrier or carriers that initiated the independent action, for the purpose of tariff simplification, removal of discrimination, or elimination of obsolete items.

(b) Collective adjustments as authorized in K.S.A. 66-1,112, as amended by section 1 of chapter 274 of the 1982 session laws of Kansas, shall not cancel rate or rule differentials or differences in rates or rules existing as a result of any independent action taken previously, unless the proponent and any other participant in that independent action desires to eliminate the rate differential or application and notifies the organization in writing of its consent.

(c) Independent action means any action taken by a common or contract carrier member of an organization to:

(1) Establish a rate to be published in the appropriate rate tariff, or to cancel a rate for that carrier's account;

(2) instruct the organization publishing the rate tariff that an existing rate (whether established by independent action or collective action), that is proposed to be changed or cancelled be retained for that carrier's account and published in the appropriate tariff; or

(3) have published for its account, in the appropriate tariff, a rate established by the independent action of another carrier. This definition shall apply regardless of the manner in which the carrier joins in the rate, as long as the rate published for the joining carrier's account is the same as the rate established by the other carrier under independent action. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-78. Docketing of independent action.** (a) Proponents of independent actions shall have the absolute right to decide whether or when organizations will docket these actions.

(b) The organization shall comply with the instructions of the proponent of an independent action with regard to whether or not the action should be docketed, and in the absence of explicit instructions shall refrain from docketing until the proposal has been filed with the commission.

(c) There shall be no collective discussion of independent actions as defined in K.A.R. 82-4-77 until they have been filed with the commission. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-79. Organization employee limitations.** (a) Employees and employee committees of the organization shall not initiate a proposal nor determine whether

to adopt, reject, or otherwise dispose of a proposal effecting a change in any tariff item published by or for the account of any member carrier.

(b) Employees and employee committees may provide expert analysis and technical assistance to any member carriers or shippers in developing or evaluating a carrier or shipper initiated rate or rule proposal.

(c) Any advice concerning an independent action as defined in K.A.R. 82-4-77 proposal shall remain confidential. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-80. Final disposition of dockets.** The organization shall make a final disposition of a rule or rate docketed with it by the 120th day after the proposal is docketed. However, if unusual circumstances require, the organization may extend that period, subject to review by the commission. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-81. Organization protest.** The organization shall not file a protest or complaint with the commission against any tariff item published by or for the account of any motor carrier of property or passengers. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-82. Burden of proof of violations and effects of violations.** In any proceeding in which a party alleges that a carrier voted, discussed, or agreed on a rate or allowance in violation of collective ratemaking regulations of the commission, that party shall have the burden of showing that the vote, discussion, or agreement occurred. A showing of parallel behavior shall not satisfy that burden by itself. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-83. Commission review of collective rate making agreements.** The commission shall review each collective rate making agreement approved under these rules at least once every three years to determine whether the agreement or an organization established or continued under an approved agreement still complies with the requirements of the statutes and applicable rules. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-84. Revoking collective rate making agreements.** Upon proper notice and hearing, and a finding that the collective rate making procedures are not being followed, the commission may revoke its approval or order corrections to the activities and procedures of persons, groups, agencies, bureaus and other entities engaging in collective rate making before the commission. (Authorized by and implementing

(continued)

K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

**82-4-85. Rate applications filed by members carriers party to a collective rate making agreement.** (a) Carriers party to a collective rate making agreement who file an application which proposes a general increase or decrease in rates shall accompany the application with schedules which will indicate to the commission the nature and extent of the proposed changes to be effected.

(b) Applications shall be based upon data submitted for a test year. The commission may disapprove, for good cause, the test year selected by the applicant.

The original and nine copies of the application and schedules shall be filed with the commission. Each application and schedule shall be bound together under one looseleaf binder. If the bulk of such material would make such handling impractical, two or more volumes in looseleaf form shall be filed. The size of print used in the application and schedules shall be clearly legible. Negative numbers shall be shown in parentheses. Amounts included in the application shall be cross-referenced between the appropriate summary schedule and supporting schedules as well as between the various sections. Referencing shall include allocation ratios, when appropriate. All items shall be self-explanatory. Additional information, cross references or explanatory footnotes shall be presented on the schedule. The application shall be supported by schedules as set out below, and shall be assembled under topical sections, with index tabs for each section and a page number for each schedule. The form, order and titles of each section shall be prescribed as follows:

(1) Application, letter of transmittal, and authorization. This section shall contain a copy of the application, a copy of the letter of transmittal, and an appropriate document or documents authorizing the filing of the application, if any.

(2) General information and publicity. This section shall list the means employed by the carriers to acquaint the general public affected by the proposed rate change with the nature and extent of the proposal. These methods may include, but are not limited to, meetings with public officials, shippers, and citizen groups, newspaper articles and advertisements. This section shall include general information concerning the application which will be of interest to the public and suitable for publication. That information shall include, when applicable:

(A) The percent and dollar amount of the aggregate annual increase or decrease which the application proposes; and

(B) any other pertinent information which the applicant may desire to submit.

(3) List of carriers participating in the application. This list shall show the intrastate common carrier certificate route number, the name and address of each carrier that is a participant in the application.

(4) List of carriers in the study group. The list shall state the carriers used in the study group. A detailed

explanation of how the study group of carriers was selected shall also accompany this section.

(5) Study group carriers operating ratios. This section shall contain the Kansas intrastate operating ratios for the actual test year for the study group carriers.

(6) Study group carriers—Test year and pro forma income statements. This section shall present:

(A) An operating income statement for each of the study group carriers and a composite statement of all the study group carriers depicting the unadjusted test year operations for the total system; and

(B) A second schedule that expands the actual system composite income statement to a Kansas intrastate operations income statement. This statement shall be adjusted to show proforma test year operations. Supporting schedules shall set forth a full and complete explanation of the purpose and rationale for the proforma adjustments. The proforma adjustments may include, but are not limited to, adjustments to reflect the elimination or normalization of nonrecurring and unusual items, and adjustments for known or determinable changes in revenue and expenses.

(7) Capital and cost of money. This section shall be prepared for each participating carrier having total Kansas intrastate system revenue of one million dollars or more. It shall contain:

(A) A schedule indicating the amounts of the major components of the capital structures of the carrier that are outstanding as of the beginning and at the end of the test year. This schedule shall contain the ratios of each component to the total capital;

(B) a schedule disclosing the cost of each issue of debt and preferred stock outstanding, with due allowance for premiums, discounts and issuance expense. Data relating to the other components of capital shall be shown, if appropriate; and

(C) if the applicant is a part of a consolidated group or a division of another company, the consolidated capital structure shall be included in this section.

(8) The proposed tariffs. The application shall contain the proposed tariffs requested for approval.

(9) Prefiled testimony shall be required in all transportation rate cases filed by a tariff publishing organization and all prefiled testimony shall be filed simultaneously with the filing of the application.

(10) All of the above sections shall be completed and in proper form. The commission shall reject applications if found to be incomplete or not in the form prescribed above. (Authorized by and implementing K.S.A. 66-1,112 as amended by section 1 of chapter 274 of the 1982 session laws of Kansas; effective T-83-45, Dec. 8, 1982.)

STATE CORPORATION COMMISSION

Doc. No. 000835



## State of Kansas

## STATE CORPORATION COMMISSION

## TEMPORARY ADMINISTRATIVE REGULATIONS

(Approved by the State Rules and Regulations Board December 8, 1982. Will expire May 1, 1983.)

Article 2.—OIL AND GAS  
CONSERVATION

**82-2-100.** (Authorized by K.S.A. 55-604; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)

**82-2-101.** (Authorized by and implementing K.S.A. 1981 Supp. 55-128, 55-130, 55-134, 55-136, 55-137, 55-602, 55-604, 55-704, 55-901, effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-103.** (Authorized by K.S.A. 55-603; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; T-83-44, Dec. 8, 1982.)

**82-2-104.** (Authorized by K.S.A. 55-604; implementing K.S.A. 55-603; effective, E-72-4, Jan. 1, 1972; effective Jan. 1, 1973; amended May 1, 1982; T-83-44, Dec. 8, 1982.)

**82-2-105, 82-2-106.** (Authorized by and implementing K.S.A. 55-604; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1979; amended, May 1, 1982; T-83-44, Dec. 8, 1982.)

**82-2-108.** (Authorized by K.S.A. 55-603; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; T-83-44, Dec. 8, 1982.)

**82-2-109.** (Authorized by and implementing K.S.A. 55-604; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended May 1, 1979; amended, May 1, 1982; T-83-44, Dec. 8, 1982.)

**82-2-110.** (Authorized by and implementing K.S.A. 55-604; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1981; T-83-44, Dec. 8, 1982.)

**82-2-111.** (Authorized by K.S.A. 55-604; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; T-83-44, Dec. 8, 1982.)

**82-2-112, 82-2-113.** (Authorized by K.S.A. 55-603; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; T-83-44, Dec. 8, 1982.)

**82-2-114.** (Authorized by K.S.A. 55-512, 55-604; implementing K.S.A. 55-512; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-115.** (Authorized by and implementing K.S.A. 55-604; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-116.** (Authorized by K.S.A. 55-604; implementing K.S.A. 55-609 and 55-131; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1975; amended, May 1, 1978; amended May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-117.** (Authorized by K.S.A. 55-604; implementing K.S.A. 55-609 and 55-131; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-118.** (Authorized by K.S.A. 55-602; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)

**82-2-119.** (Authorized by K.S.A. 55-602; implementing K.S.A. 55-118; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-120, 82-2-121.** (Authorized by K.S.A. 55-602; implementing K.S.A. 55-115; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-122.** (Authorized by K.S.A. 55-602; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)

**82-2-123.** (Authorized by K.S.A. 55-136, 55-137; implementing K.S.A. 55-138; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-124.** (Authorized by K.S.A. 55-609a, 55-609b; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)

**82-2-125.** (Authorized by and implementing K.S.A. 55-604, 55-704 and K.S.A. 1981 Supp. 55-128; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-126.** (Authorized by and implementing K.S.A. 55-604; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-127 to 82-2-130.** (Authorized by K.S.A. 55-604; implementing K.S.A. 55-603; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-204.** (Authorized by and implementing K.S.A. 55-704; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-207.** (Authorized by K.S.A. 55-705b; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)

**82-2-210.** (Authorized by and implementing K.S.A. 1981 Supp. 55-703; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-211.** (Authorized by and implementing K.S.A. 55-704; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-212.** (Authorized by K.S.A. 55-703; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)

**82-2-213.** (Authorized by K.S.A. 55-704; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)

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- 82-2-214.** (Authorized by K.S.A. 55-703; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)
- 82-2-215.** (Authorized by K.S.A. 55-702; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)
- 82-2-216.** (Authorized by K.S.A. 55-711; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, E-76-38, Sept. 1, 1975; amended, May 1, 1976; revoked T-83-44, Dec. 8, 1982.)
- 82-2-217.** (Authorized by K.S.A. 55-704; implementing K.S.A. 55-703; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)
- 82-2-218.** (Authorized by K.S.A. 55-704; implementing K.S.A. 55-711; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)
- 82-2-219.** (Authorized by K.S.A. 55-704; implementing K.S.A. 55-703; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-220.** (Authorized by K.S.A. 55-1203; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)
- 82-2-221 through 82-2-224.** (Authorized by K.S.A. 55-704; implementing, K.S.A. 55-703a and 55-704; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-225.** (Authorized by K.S.A. 55-704; implementing K.S.A. 1981 Supp. 55-703; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-302, 82-2-303.** (Authorized by and implementing K.S.A. 1981 Supp. 55-128; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-304.** (Authorized by K.S.A. 55-128; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, Feb. 15, 1977; revoked T-83-44, Dec. 8, 1982.)
- 82-2-305 to 82-2-308.** (Authorized by and implementing K.S.A. 1981 Supp. 55-128; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-309.** (Authorized by K.S.A. 55-128; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, E-78-3, Nov. 10, 1976; amended, May 1, 1978; revoked T-83-44, Dec. 8, 1982.)
- 82-2-311.** (Authorized by K.S.A. 55-128a; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1979; revoked T-83-44, Dec. 8, 1982.)
- 82-2-312.** (Authorized by K.S.A. 55-128b; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; revoked T-83-44, Dec. 8, 1982.)
- 82-2-400.** (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; implementing, K.S.A. 1981 Supp. 55-901, K.S.A. 65-171d, and K.S.A. 55-1003; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, E-77-3, Jan. 13, 1976; amended, Feb. 15, 1977; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-401.** (Authorized by K.S.A. 1980 Supp. 55-901; implementing K.S.A. 1981 Supp. 55-901, K.S.A. 55-1003; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-403.** (Authorized by K.S.A. 1981 Supp. 55-901; and implementing, K.S.A. 55-1003; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-404.** (Authorized by K.S.A. 1981 Supp. 55-901; implementing K.S.A. 1981 Supp. 55-901, K.S.A. 55-1003; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-405.** (Authorized by and implementing K.S.A. 1981 Supp. 55-901; effective E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-406.** (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; implementing K.S.A. 55-1003, K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-407.** (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; implementing K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d, K.S.A. 55-1003; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-408.** (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; implementing K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d, K.S.A. 55-1003; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-409.** (Authorized by K.S.A. 1981 Supp. 55-901; implementing K.S.A. 1981 Supp. 55-901, K.S.A. 55-1003; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-410.** (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; implementing K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d, K.S.A. 55-1003; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-411.** (Authorized by K.S.A. 1981 Supp. 55-901; implementing K.S.A. 1981 Supp. 55-901, K.S.A. 55-1003; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-500.** (Authorized by K.S.A. 55-134 and K.S.A. 65-171d; implementing K.S.A. 55-133 and K.S.A. 65-171d; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-501.** (Authorized by K.S.A. 55-134; implementing K.S.A. 55-133; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)
- 82-2-502.** (Authorized by K.S.A. 55-134 and K.S.A. 65-171d; implementing K.S.A. 55-133 and K.S.A. 65-171d; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

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1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-503.** (Authorized by K.S.A. 55-134; implementing K.S.A. 55-133; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-504.** (Authorized by K.S.A. 55-134; implementing K.S.A. 55-133; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-505.** (Authorized by and implementing K.S.A. 1981 Supp. 55-135; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-508.** (Authorized by K.S.A. 55-134 and K.S.A. 65-171d; implementing, K.S.A. 55-133 and K.S.A. 65-171d; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-509.** (Authorized by K.S.A. 55-134 and K.S.A. 65-171d; implementing K.S.A. 55-133 and K.S.A. 65-171d; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-510.** (Authorized by K.S.A. 55-134 and K.S.A. 65-171d; implementing K.S.A. 55-133 and 65-171d; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-511.** (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; implementing K.S.A. 55-1003, K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-512.** (Authorized by K.S.A. 55-134; implementing K.S.A. 55-133; effective, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-600.** (Authorized by K.S.A. 55-602; implementing K.S.A. 55-603; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-700.** (Authorized by K.S.A. 55-141; effective, E-72-4, Jan. 1, 1972; effective, Jan. 1, 1973; amended, May 1, 1978; revoked T-83-44, Dec. 8, 1982.)

**82-2-800.** (Authorized by K.S.A. 66-1,185; effective, E-80-3, March 8, 1979; effective, E-81-9, April 9, 1980; effective, May 1, 1981; revoked T-83-44, Dec. 8, 1982.)

**82-2-801.** (Authorized by and implementing K.S.A. 66-1,185; effective, E-80-3, March 8, 1979; effective, E-81-9, April 9, 1980; effective, May 1, 1981; amended, May 1, 1982; revoked T-83-44, Dec. 8, 1982.)

**82-2-802 through 82-2-804.** (Authorized by K.S.A. 66-1,185; effective, E-80-3, March 8, 1979; effective, E-81-9, April 9, 1980; effective, May 1, 1981; revoked T-83-44, Dec. 8, 1982.)

### Article 3.—RULES FOR THE PRODUCTION AND CONSERVATION OF OIL AND GAS

**82-3-100.** General and special rules and regulations. General rules, regulations and orders shall be

statewide in application unless otherwise specifically stated.

Special rules, regulations and orders shall be issued when required, and shall prevail over general rules, regulations and orders if a conflict occurs. The commission may waive the requirements of any regulation upon a showing of good cause. Waivers shall only be granted after notice and hearing. (Authorized by and implementing K.S.A. 55-604; effective T-83-44, Dec. 8, 1982.)

**82-3-101. Definitions.** (a) As used in these regulations: (1) "Acreage factor" means the quotient obtained by dividing the acreage attributable to a well by the basic acreage unit. The basic acreage unit shall be defined by the commission and promulgated in the basic proration order for the common source of supply in which the well is located.

(2) "Allowable" means the amount of oil or gas authorized to be produced by order of the commission.

(3) "Allowable period" means the time in which the allowable may be produced.

(4) "Assessment" means any charge against the parties involved in any hearing, application, investigation, or the enforcement of an order, and the assessment on natural gas and oil produced to pay the costs associated with the administration of the oil or gas conservation act.

(5) "Attributable acreage" means the acreage assigned to a well in accordance with the well spacing program adopted for each of the prorated fields.

(6) "Casing" means tubular goods used to line a well bore.

(7) "Casing-head gas" means gas produced that was in solution with oil in its original state in the reservoir.

(8) "Cement" means Portland cement or a blend of Portland cement used in the oil and gas industry to support and protect casing and to prevent the migration of subsurface fluids by the formation of an impermeable barrier.

(9) "Combination well" means a well productive of both oil and gas, excluding casing-head gas, from the same common source of supply.

(10) "Commingling" means the mixing of production from more than one common source of supply.

(11) "Commission" means the state corporation commission.

(12) "Common source of supply" means each geographic area or horizon definitely separated from any other area or horizon which contains, or appears to contain, a common accumulation of oil or gas or both.

(13) "Conservation division" means the division of the commission in charge of the administration of the oil and gas conservation acts, well plugging, salt water disposal, and enhanced recovery.

(14) "Correlative rights" means that each owner or producer in a common source of supply is privileged to produce from that supply only in a manner or amount that will not injure the reservoir to the detriment of others, take an undue proportion of the obtainable oil or gas, or cause undue drainage between developed leases.

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(15) "Day" means a period of 24 consecutive hours.

(16) "Deliverability" means the amount of natural gas, expressed in M.c.f. per day, which a well is capable of producing into a pipeline, while maintaining a back-pressure against the well head. The amount of back-pressure to be maintained and the test procedure shall be specified by the commission in the basic proration order for the common source of supply in which the well is located.

(17) "Discovery well" means the first well completed in a common source of supply which is not in communication with any other common source of supply.

(18) "Disposal well" means a well which injects, for purposes other than enhanced recovery, those fluids brought to the surface in connection with oil and natural gas production.

(19) "Division order" means a dated written statement, duly signed by the owners and delivered to the purchasers, certifying and guaranteeing the interests of ownership of production, and directing payment according to those interests.

(20) "Enhanced recovery" means any process involving the injection of fluids into a pool to increase the recovery of oil or gas.

(21) "Enhanced recovery injection well" means a well which injects fluids to increase the recovery of hydrocarbons.

(22) "Field" means a geographic area containing one or more pools.

(23) "First purchaser" means the person holding the division order and issuing checks to pay any working or royalty interest.

(24) "Fluid" means a material or substance which flows or moves in a semi-solid, liquid, sludge, or gas state.

(25) "Gas" means the gas obtained from gas or combination wells regardless of its chemical analysis.

(26) "Gas" (cubic foot) means the volume of gas contained in one cubic foot of space at a standard pressure base and at a standard temperature base. The standard pressure base shall be 14.65 pounds per square inch absolute, and the standard temperature base shall be 60 degrees Fahrenheit. Whenever the conditions of pressure and temperature differ from the above standard, conversion of the volume from these conditions to the standard conditions shall be made in accordance with the ideal gas laws as corrected for deviation.

(27) "Gas-oil ratio" means the ratio of gas produced in cubic feet to one barrel of oil produced during the concurrent period.

(28) "Gas" (sour) means any natural gas containing more than 1½ grains of hydrogen sulphide per 100 cubic feet or more than 30 grains of total sulphur per 100 cubic feet, or gas which in its natural state is found by the commission to be unfit for use in generating electricity or fuel for domestic purposes.

(29) "Illegal production" means any production in violation of the statutes, rules, regulations or orders of the commission.

(30) "Minimum well" means any oil well which has a productivity of 25 barrels or less per day.

(31) "Mousehole" means a service hole drilled at a slight angle and normally about 30 feet deep on those wells drilled by rotary tools.

(32) "Mud-laden fluid" means any commission approved mixture of water and clay or other material, as the term is commonly used in the industry which will effectively seal a formation to which it is applied.

(33) "Oil" means crude oil or petroleum and shall include all waste oil which is removed from the lease.

(34) "Oil, (pipeline)" means oil free from water and basic sediment to the degree that it is acceptable for pipeline transportation and refinery use.

(35) "Oil well" means any well producing oil.

(36) "Open flow" means the volume of gas which a gas well is capable of producing at the wellhead during a period of 24 hours against atmospheric pressure, computed according to the standard procedure approved by the commission.

(37) "Operator" means any person who is in charge of the development of a lease, or the operation of a producing well.

(38) "Overage" or "overproduction" means the oil or gas produced in excess of the allowable.

(39) "Person" means any natural person, corporation, association, partnership, governmental or political subdivision, receiver, trustee, guardian, executor, administrator, fiduciary, or any other legal entity.

(40) "Pipeline" means any pipes above or below the ground used or to be used for the transportation of oil, gas liquids, or gases.

(41) "Pool" means a common source of supply as officially named.

(42) "Producer" means any person who owns, in whole or in part, a well capable of producing oil or gas or both.

(43) "Production" means produced oil, gas, condensate, or casing-head gas.

(44) "Productivity of a well" means the daily capacity of a well to produce oil or gas.

(45) "Productivity of a pool" means the sum of the productivities of the wells completed in the pool.

(46) "Proration" means the regulation of the amount of allowed production to prevent waste, undue drainage between developed leases, unratable taking, or unreasonable discrimination between operators, producers and royalty owners who are within a common source of supply, that would favor any one pool as compared to any other pool in this state.

(47) "Purchaser" means any person who purchases production from a well, lease or common source of supply.

(48) "Rathole" means the service hole drilled at a slight angle and normally about 40 feet deep on those wells drilled by rotary tools.

(49) "Reasonable market demand" means the amount of crude petroleum or natural gas which must be produced to satisfy current rates of consumption.

(50) "Service well" means a well drilled for:

(A) The injection of fluids in enhanced recovery projects;

(B) The supply of fluids for enhanced recovery projects; or

(continued)

(C) The disposal of salt water.

(51) "Shortage" means the amount by which the oil or gas legally produced and sold or removed from the premises is less than the allowable.

(52) "Storage oil" means produced oil confined in tanks, reservoirs, or containers.

(53) "Storage oil-lease" means produced oil in tanks, reservoirs, or containers on the lease where it was produced.

(54) "Storage well" means a well used to inject or extract hydrocarbons for storage purposes.

(55) "Stratigraphic hole" means a hole, normally of small diameter, drilled through subsurface strata for exploratory purposes, with no intent to produce hydrocarbons through the hole being drilled.

(56) "Undue drainage" means the uncompensated migration of either oil or gas between developed leases within the same common source of supply caused by the unratable production of some well or wells located there.

(57) "Waste oil" means any tank bottom, basic sediment, cut oil, reclaimed oil from pits, ponds or streams, dead oil, emulsions, or other types of oil not defined as pipeline oil.

(58) "Well completion, (oil)" occurs when the first new oil is produced through permanent wellhead equipment into lease tanks from the producing interval after the production casing has been run.

(59) "Well completion, (gas)" occurs when the well is capable of producing gas through permanent wellhead equipment from the producing zone after the production casing has been run.

(60) "Well completion, (dry hole)" occurs when all provisions of plugging are complied with as set out in these regulations.

(61) "Wellhead working pressure" means the static pressure in the annulus while flowing through the tubing or static pressure in the tubing while flowing through the annulus, except in cases where the casing-head is not in open communication with the producing formation because of the presence of a packer or other obstruction in the annular space between casing and tubing. In these cases, the wellhead working pressure shall be determined by adjusting the observed tubing pressure for the effect of friction caused by flow through the tubing, or by using a bottom-hole pressure bomb and correcting back to wellhead conditions.

(62) "Well log" means the written record progressively describing the well's down-hole development.

(63) "Well history" means the chronological record of the development and completion of a well.

(b) All terms not defined in this definitional section shall be interpreted to be consistent with their common use in the industry. (Authorized by and implementing L. 1982 Ch. 228 § 3, K.S.A. 55-602, 55-604, 55-704, K.S.A. 1981 Supp. 55-901; effective T-83-44, Dec. 8, 1982).

**82-3-102. Classification of wells, determining and naming common sources of supply; nomenclature committee.** Wells shall be classified by the common sources of supply from which they produce. Common sources of supply shall be determined and named by

the commission after considering the recommendations of the conservation division and the nomenclature committee of the Kansas geological society. In naming common sources of supply, preference shall be given to common usage and geographic names. Separate common sources of supply within the same field shall, if possible, be named according to the producing formation. The commission may redetermine a common source of supply whenever necessary. (Authorized by K.S.A. 55-604; implementing K.S.A. 55-603; effective T-83-44, Dec. 8, 1982.)

**82-3-103. Notice of intention to drill.** (a) Every person, firm, association or corporation drilling or responsible for drilling seismic, core, or stratigraphic holes penetrating salt water formations for the exploratory purposes shall give written notice to the conservation division of the intent to drill. This notice of intent shall be in the office of the conservation division at least five days before any drilling is commenced. The notice of intention to drill shall be verified by the operator and shall be upon forms prescribed and prepared by the commission. The notice shall contain:

- (1) the name and address of the operator;
- (2) name and address of the drilling contractor;
- (3) the date of commencement of the drilling;
- (4) a general description of the area in which the hole or holes are to be drilled, specifying township, range, and county;
- (5) the depth of the deepest fresh and usable water well within the limits of the area which is shown in the notice of intent to drill;
- (6) the contemplated depth of the deepest exploratory hole to be drilled;
- (7) the operator's and contractor's license number; and
- (8) the operator's designated agent.

(b) Before the commencement of drilling operations for the discovery or production of oil, gas or other minerals, including re-entry of a previously plugged and abandoned well or drilling of a service well, the owner or operator shall give written notice to the conservation division of the intention to drill any well for the discovery of oil or gas. The notice shall contain:

- (1) the name and address of the operator;
- (2) the name, number and exact location of the well;
- (3) the approximate date on which drilling will begin;
- (4) the estimated total depth;
- (5) the type of drilling equipment to be used;
- (6) the depth of the deepest fresh and usable water well within a one mile radius of the proposed drilling location;
- (7) the operator's and contractor's license number;
- (8) the operator's designated agent; and
- (9) any other information requested by the commission.

The notice shall be signed by the operator or the operator's agent and shall be upon forms prescribed by the commission. The form shall contain all the information requested.

(c) Upon receipt of the notice of intent to drill, along

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with the appropriate fee, the commission shall notify the owner or operator of the amount of surface pipe necessary to protect all fresh and usable water. The owner or operator shall not commence the drilling operation until after commission approval has been received. A copy of the approved notice of intent to drill shall be posted on each drilling rig.

(d) Preliminary plugging instructions shall be given to the operator with the approved notice of intention to drill.

(e) The approval of the notice of intent to drill shall expire six months from the date of approval. The commission may grant a six-month extension on the approval, provided a written request for that extension is filed with the conservation division prior to the expiration date of the intent. (Authorized by 1982 L., Ch. 228, Sec. 3; implementing 1982 L., Ch. 228, §§ 2 and 3; effective T-83-44, Dec. 8, 1982.)

**82-3-104. Pollution; prevention.** Every person who drills a well or test hole, for any purpose, that penetrates formations containing oil, gas, fresh water, mineralized water, or valuable minerals shall case or seal off these formations to effectively prevent migration of oil, gas, or water from or into strata that would be damaged by this migration. The effectiveness of the casing or sealing off shall be tested in a manner prescribed or approved by an agent of the commission. (Authorized by K.S.A. 55-602; implementing 1982 L., Ch. 228 § 12; effective T-83-44, Dec. 8, 1982.)

**82-3-105. Well cementing.** The use of cement in setting casing or sealing off producing formations or fresh and usable water formations shall be required. If a service company is utilized for cementing, the completion report shall contain invoice numbers referencing the work performed. If a service company is not used, a report of cementing methods, including the quantity of cement used, shall be supplied to the commission along with the completion report. (Authorized by 1982 L., Ch. 228, § 3; implementing 1982 L., Ch. 228, § 9; effective T-83-44, Dec. 8, 1982.)

**82-3-106. Cementing-in surface pipe.** (a) Surface pipe or casing. The depth of the required surface pipe or casing shall be determined in the following manner:

(1) The surface pipe or casing shall be set to a depth not less than 20 feet below the bottom of all fresh water strata.

(2) At all drill sites where tertiary and younger deposits (includes so-called unconsolidated deposits) are present, surface pipe shall be set to a depth of not less than 20 feet below the base of these deposits.

(3) The operator shall set not less than 50 feet of surface pipe in any well unless the operator is otherwise excluded from this requirement or the commission grants an exception after a hearing and after receiving a favorable recommendation from the advisory committee. Drilling shall not commence until the operator has received from the conservation division notice of the amount of surface pipe or casing necessary to be set. Required depths shall be those designated in table I, which is maintained in the commission's office.

(b) Protection of usable water.

(1) Alternate 1. Surface pipe may be set and cemented according to the requirements shown by table I.

(2) Alternate 2. If the depths of usable water referred to in table I are greater than the amount of surface pipe set, alternate 2 shall be used. When a well is drilled which becomes a producer of oil or gas, additional pipe or the production string shall be cemented in from the base of the usable water at a depth specified in table I to the surface of the ground. The cement shall be maintained at surface level. Cementing shall be completed within 90 days of the spud date of the well.

(3) When fresh and usable water can mix because of an existing artesian head, additional pipe of the production string shall be cemented-in from a point 50 feet below the usable water formation to the surface of the ground.

(4) When a well is drilled which becomes a producer of oil or gas, additional pipe or the production string may be cemented-in with cement to effectively prevent migration of oil, gas, or water from or into strata that would be damaged by this migration. However, compliance with alternate 2 may also be accomplished during the producing life of a well by placing an alternative cementing material that is acceptable to the commission behind that pipe or production string in a manner prescribed by the commission or its authorized representatives.

At the time a producing well is abandoned, it shall be plugged in a manner prescribed by the commission so as to effectively prevent subsequent migration of oil, gas, or water from or into strata that would be damaged by this migration.

(c) Allowing cement to set around surface pipe. Unless otherwise provided by specific order of the commission, the cemented casing string shall stand under pressure until the cement has reached a compressive strength of 300 pounds per square inch. Further operations shall not be commenced until the cement has been in place for at least eight hours.

(d) Affidavit. Operators shall file an affidavit with the conservation division setting out the method of cementing used on a well on the provided form. Depths which have usable and fresh water shall be protected by recommended methods, which are on file with the state corporation commission. (Authorized by 1982 L., Ch. 228, § 3; implementing 1982 L., Ch. 228, §§ 2, 3, 9; 10, and 12; effective T-83-44, Dec. 8, 1982.)

**82-3-107. Preservation of well samples and logs.**

(a) Every person, firm, association, or corporation drilling or responsible for drilling holes for the purpose of discovery or production of oil or gas, excluding seismic "shotholes" and "coreholes", shall preserve samples and all other information. These samples shall be delivered, at the prepaid expense of that person, to the Kansas geological survey, sample library, Wichita, Kansas, and, all other information to the conservation division.

(b) Formation samples (drill cuttings) normally saved in drilling operations shall be retained by the

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operator. Upon request of the Kansas geological survey, these samples shall be washed, and cut into splits (sets). One set shall be placed in sample envelopes and delivered to the sample library. Notification that samples are required shall be made either by notice appended to or on a copy of the notice of intention to drill returned to the operator by the conservation division or the Kansas geological survey. Delivery of the processed samples shall be made within 90 days of the completion of drilling operations. The survey may request shallow samples from portions of the hole that may not normally be saved in drilling operations. The sample library shall accept all washed and cut samples whether or not they were requested.

(c) A copy of well histories, electric logs, radioactivity logs, and similar wireline logs or surveys run by operators on all boreholes, excluding seismic "shot-holes" and "coreholes," and logs run to obtain geophysical data, shall be delivered to the conservation division, within 90 days following the completion of the well. The conservation division shall deposit the information with the Kansas geological survey.

(d) Information or samples filed as required in Section (a), (b) and (c) shall be held in confidential custody by the survey for an initial period of one year from the required filing date if a written request for confidentiality is made to the conservation division at the time of filing. Samples or information may be released prior to the expiration of the one year period only upon written approval of the operator. The period of confidentiality may be extended for one additional year if a request for an extension is made at least 30 days before the expiration of the initial one year period.

(e) Exceptions to the provisions of this rule may be granted whenever the commission finds that the granting of an exception is justified because of one of the following:

- (1) Compliance with this order will create an economic hardship; or
- (2) The length of the period of confidential custody is not sufficient to satisfy the needs of the developing operator.

Exceptions shall be requested by an affidavit setting forth supporting facts. If the requested exception is not fully supported, the commission shall set the matter for hearing after giving notice.

(f) It shall be the duty of companies performing all wire line services within the state of Kansas to furnish each month a list of all holes serviced to the conservation division. (Authorized by and implementing 1982 L., Ch. 228, § 3, K.S.A. 55-604, 55-704; effective T-83-44, Dec. 8, 1982.)

**82-3-108. Well location.** (a) A well shall not be drilled nearer than 330 feet to any lease or unit boundary line. However, the commission may, after notice and hearing, grant exceptions to permit drilling within shorter distances when it determines that these exceptions are necessary either to prevent waste or to protect correlative rights.

(b) When an exception to this rule is desired, application shall be made to the conservation division. The application shall be accompanied by a plat drawn to

the scale of one inch equalling 1,320 feet, and accurately showing the property on which the well is sought to be drilled, all other completed, drilling, or permitted wells on the property and all adjoining surrounding properties and wells.

(c) A well location exception for drilling, deepening, or additional completion, recompletion, or re-entry may be issued by an administrative order under the following conditions:

(1) After 30 days notice has been given by the applicant to all offset operators and unleased mineral owners and if a protest has not been made to the applicant; or

(2) When an application is accompanied by waivers of objection signed by all offsetting operators and unleased mineral owners.

(d) All well location exceptions issued by the commission shall expire six months from the granting of the exception, unless drilling operations are begun or an application for a six-month extension of the permit is approved by the commission. Application for a six-month extension shall be accompanied by a statement setting out the reasons the extension is necessary. Only one six-month extension shall be granted by the commission. If a well location exception permit expires, a renewal shall not be granted unless a new application is filed, notice given, a hearing held and proof made as in an original well location exception application.

(e) Wells drilled nearer than 330 feet to any lease or unit boundary line without obtaining an exception from the commission shall be prohibited from producing either oil or gas until an exception is obtained.

(f) Whenever permission is granted to drill a well at a location other than specified by this rule, the allowable or production amount, or both, may be adjusted by the commission for the protection of the correlative rights of all persons entitled to share in the common source of supply.

(g) This rule shall not apply to any counties or specific areas that are exempted by the commission after notice and hearing. (Authorized by 1982 L., Ch. 228, § 3; K.S.A. 55-604, 55-704; implementing 1982 L., Ch. 228, § 3; K.S.A. 55-603, 55-703a; effective T-83-44, Dec. 8, 1982.)

**82-3-109. Application for well spacing; contents.**

(a) Any interested party shall be permitted to file an application for well spacing and orderly development. The application shall include the following:

(1) The location, depth, and producing formation of the existing productive well or wells in the area sought to be spaced;

(2) a description of the area sought to be spaced, with an affirmation that all of the area is reasonably expected to be productive from the subject formation;

(3) the proposed well location restrictions;

(4) the proposed configuration of producing units for acreage attribution purposes;

(5) the names and addresses of all lessees of record in the area sought to be spaced;

(6) the names and addresses of all owners of record of the minerals in unleased acreage within the area sought to be spaced.

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(7) the names and addresses, as shown by the applicant's books and records, of all persons owning the royalty or leasehold interest in acreage sought to be spaced and operated by the applicant, or on which the applicant has a lease or an interest in the lease;

(8) if a proration formula is sought, the specific factors proposed to be utilized in the allocation of production; and

(9) the applicant's license number.

(b) An original and five copies of the application shall be filed with the secretary of the commission in Topeka, Kansas. An additional copy of the application shall be sent to the conservation division. (Authorized by K.S.A. 55-704, 55-604; implementing K.S.A. 55-703a, 55-704, 55-603; effective T-83-44, Dec. 8, 1982.)

**82-3-110. Penalties for violations of spacing orders.** (a) Any well drilled or being drilled in violation of an order or rule of the commission in effect at the time drilling commences shall be considered to be an unlawful location. Such a well shall be presumed to be in violation of correlative rights and to constitute waste. The commission may, upon receipt of a complaint or on its own action, issue a show cause order to determine whether the drilling of the well was necessary to protect correlative rights or prevent waste. A hearing shall be held after notice to all interested parties.

(b) If the commission determines that good cause has not been shown or that an exception should be denied, the commission may order the well to be permanently capped or plugged and abandoned in accordance with the rules of the commission, or it may permit production at a reduced rate to ensure protection of correlative rights and the prevention of waste. (Authorized by K.S.A. 55-704; implementing K.S.A. 55-703a and 55-704; effective T-83-44, Dec. 8, 1982.)

**82-3-111. Temporarily abandoned wells.** Whenever operations cease for a period of 90 days on any well that has been drilled, is being drilled or may hereafter be drilled in the future for the purpose of exploration, discovery or production of oil, gas or other minerals, the owner or operator of that well shall give notice of the temporary abandonment to the conservation division, on forms prescribed by the commission. If it is deemed necessary to prevent the pollution of any fresh water strata or supply, the conservation division shall cause the well to be temporarily abandoned according to its direction and in accordance with the rules and regulations of the commission. If the operations on any such temporarily abandoned well or other inactive well are not resumed within a period of one year after the notice has been given, the well shall be deemed a permanently abandoned well, and the owner or operator of the well shall comply with rules and regulations of the commission relating to the abandonment of wells. However, upon application to the conservation division prior to the expiration of the one year period, and for good cause shown, the conservation division may extend the period for one year. An additional one year extension may be granted by the conservation division in the same manner. (Authorized by and implementing 1982 L., Ch. 228, § 3; effective T-83-44, Dec. 8, 1982.)

**82-3-112. Shut-off test; when required.** Whenever it appears to the conservation division that any water from any well is migrating or infiltrating into oil-bearing or gas-bearing strata or that any detrimental substances are infiltrating any fresh and usable water, it may direct a shut-off test, to be made at the expense of the operator or owner of that well. The conservation division shall fix the time for the taking of the test. Reasonable notice of the test shall be given to the owner or operator.

The person legally responsible for the proper care and control of any abandoned oil or gas well from which water is migrating or infiltrating into any oil-bearing or gas-bearing strata, or from which any detrimental substances are infiltrating any fresh and usable water shall immediately plug or repair the well in accordance with the regulations of this commission and shall prevent the infiltration of oil, gas, salt water or other detrimental substances into underground fresh water strata. (Authorized by K.S.A. 55-602, implementing L. 1982 Ch. 228, § 10; effective T-83-44, Dec. 8, 1982.)

**82-3-113. Notice of intention to abandon well; supervision.** At least seven days before any work is commenced to abandon any well drilled for the discovery of oil or gas, or disposal of salt water, or to abandon injection wells for enhanced recovery, including any well drilled below the fresh water level, the owner or operator of the well shall notify the commission or the appropriate commission and department of health and environment district office of the intention to abandon any old producing or injection well. Exceptions from the seven day notice requirement may be granted, but the operator shall still receive plugging orders from the appropriate commission and department of health and environment district office. Verbal or written plugging instructions shall be given to the owner or operator by a representative of the commission or the department of health and environment prior to plugging. The owner or operator shall file the written plugging reports as required by the commission. Upon granting of verbal approval, a duly authorized representative may be sent to the location specified, to be present to conduct an on site inspection. (Authorized by 1982 L., Ch. 228, § 3; implementing 1982 L., Ch. 228; §§ 3 and 12; effective T-83-44, Dec. 8, 1982.)

**82-3-114. Plugging methods and procedure.** The methods and procedure for plugging a well drilled for discovery of oil or gas, disposal of salt water, or to plug injection wells for enhanced recovery shall be as follows.

(a) For productive or past productive oil or gas formations:

(1) The bottom of the well shall be filled with drilling mud to the top of each such formation. The drilling mud shall not be of less than 36 viscosity (A.P.I. full funnel method) and a weight of not less than nine pounds per gallon; or

(2) a bridge shall be placed at the top of each such formation; or

(3) a cement plug not less than 50 feet in length shall be placed above each such formation.

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(b) Cement plugs of not less than 50 feet in length shall be placed both above and below any fresh or usable water horizons. The lower plug shall extend at least 50 feet below the base of the water zones and the upper plug shall extend at least 50 feet above the top of the water zones. Ratholes and mouseholes shall be plugged by displacing any mud or water with cement from the bottom of the hole near to the surface in a manner not to interfere with soil cultivation.

(c) A cement plug shall be placed near the surface of the ground in each well plugged in a manner so as not to interfere with soil cultivation.

(d) When the wellbore has penetrated both the Arbuckle formation and the Wellington salt formation, a plug shall be set above the Arbuckle formation. Additionally, 50 foot plugs shall be set immediately below the base of the salt and immediately above the top of the salt.

(e) The interval between all plugs shall be filled with an approved heavy mud-laden fluid of not less than 36 viscosity (A.P.I. full funnel method) and a weight of not less than nine pounds per gallon.

(f) The operator, with the approval of the representative of the commission, shall have the option as to the method of placing cement in the well by dump bailer, pumping through tubing, pump and plugs, or other method approved by the commission. (Authorized by K.S.A. 1982 L., Ch. 228, § 3; implementing 1982 L., Ch., 228, §§ 3, 9, 10 and 12; effective T-83-44, Dec. 8, 1982.)

**82-3-115. Plugging methods and procedure for seismic, core, and other stratigraphic holes.** The methods and procedure for plugging seismic, core, or other exploratory holes shall be as follows: (a) The owner or operator shall notify the commission prior to the plugging of any hole. A representative of the commission may conduct an on-site inspection of the plugging operation.

(b) Any hole that penetrates a salt water formation shall be plugged so as to prevent the migration of salt waters into fresh or usable waters.

(c) The hole shall be filled with cement from a point 20 feet below the base of the Dakota or 20 feet below the base of the Cheyenne, to a point 100 feet above the Dakota formation.

(d) In all cases there shall be a bridge and cement plug of not less than 50 feet in length placed at the depth set forth as the base of the deepest usable water and of the deepest fresh water.

(e) Any hole that penetrates artesian pressure in the usable water zone shall have a cement plug of not less than 25 feet in length placed immediately above the top of the artesian water strata.

(f) The interval or intervals between the bottom of any hole and the plug or plugs set in any hole shall be filled with an approved heavy mud-laden fluid of not less than 36 viscosity (A.P.I. full funnel method).

(g) Plugging shall include a cement plug near the surface starting at greater than 15 feet in depth and stopping at least five feet below the ground surface with the remainder of the hole to ground surface being filled with formation cuttings.

(h) Should circulation be lost in the drilling of any exploratory hole, an approved cement plug shall be placed immediately above the cavernous condition.

(i) All seismic holes shall be plugged within 10 days after completion of the hole.

(j) Costs assessed by the commission in connection with the plugging of these holes shall be in accordance with K.A.R. 82-3-118. (Authorized by 1982 L., Ch. 228, § 3; implementing 1982 L., Ch. 228; §§ 3, 9 and 10; effective T-83-44, Dec. 8, 1982.)

**82-3-116. Seismic, core, and other stratigraphic holes to be plugged; affidavit.** Before any hole drilled for seismic, core, or other exploratory purposes is abandoned, it shall be plugged to properly protect all fresh and usable water formations. Within 60 days after the seismic or core holes in a specifically platted area have been plugged, an affidavit, on a form prescribed by the commission, shall be filed with the conservation division setting forth the date of drilling and location of the hole or holes, the method used in the plugging of these hole or holes, and all other information requested by the prescribed form. The plugging of the holes and filing of the affidavit shall be the duty and responsibility of the person, firm, association, or corporation actually conducting the seismic, core, or exploratory field operations requiring use of the hole or holes, regardless of whether these operations are conducted for their own account or are conducted under contract or agreement for the account of others. (Authorized by 1982 L., Ch. 228, § 3; implementing 1982 L., Ch. 228, §§ 3, 9, and 10; effective T-83-44, Dec. 8, 1982.)

**82-3-117. Plugging report.** Within 30 days after the plugging of any well drilled for discovery of oil or gas, or disposal of salt water, or of injection wells for enhanced recovery, the owner or operator of the well shall file a well plugging report with the conservation division setting forth the date of drilling, the location of the well, the method used in plugging the well, and all other information required by the commission. The report shall be made on a form prescribed by the commission and shall be verified by the operator. The operator shall be assessed the cost of the plugging by the conservation division. Copies of well plugging records shall be furnished to any person requesting that information upon the payment of two dollars per copy. (Authorized by 1982 L., Ch. 228, § 3; implementing 1982 L., Ch. 228, § 3, 11 and 12; effective T-83-44, Dec. 8, 1982.)

**82-3-118. Costs.** The owner or operator of a plugged well shall pay a fee to the commission, as assessed, at a cost of \$.0325 cents per foot of well depth plugged. The minimum amount of any fee paid under this regulation shall be \$35.00. (Authorized by 1982 L., Ch. 228, § 3; implementing 1982 L., Ch. 228, §§ 3 and 6; effective T-83-44, Dec. 8, 1982.)

**82-3-119. Wells used for fresh water.** When a well or hole to be plugged may safely be used as a fresh water well, and this utilization is desired by the land-

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owner, filling the well above any required sealing plug set below fresh water shall not be required. Written authority such for a use shall be secured from the landowner, and filed with the department of health and environment. (Authorized by 1982 L., Ch. 228, § 3; implementing 1982 L., Ch. 228, §§ 3, 9 and 10; effective T-83-44, Dec. 8, 1982.)

**82-3-120. Operator or contractor licenses; application, contents and approval.** (a) On application to the commission upon a form prescribed and furnished by the commission, and accompanied by a fee of \$100.00 plus \$25.00 per rig and approval by the commission, a license shall be issued to applicant.

(b) The application for a license shall be verified and filed with the commission showing:

(1) the name under which the applicant transacts or intends to transact business and the correct mailing address of that business. If the applicant is a partnership or association the application shall set forth the name and address of each partner or member of the partnership or association. If the applicant is a corporation, the application shall contain the names and addresses of the principal officers;

(2) the number of rigs sought to be licensed;

(3) copies of property tax receipts on all rigs; and

(4) and any other information as the forms provided may require.

(c) The application for license shall be signed and verified by the applicant if a natural person, by a partner or a member if a partnership or association and by an executive officer, if a corporation.

(d) Upon approval of the application, the commission shall issue a license to the applicant. The license which shall be in full force and effect for one year unless suspended or revoked by the commission.

(e) Application shall be made to renew the license yearly. A \$100 fee plus \$25 per rig is required with each renewal.

(f) Upon revocation of a license, no new license shall be issued to an applicant until after the expiration of one year from the date of that revocation. (Authorized by 1982 L., Ch. 228, § 3; 1982 L., Ch. 228, § 8; effective T-83-44, Dec. 8, 1982.)

**82-3-121. Designation of an agent.** Every person, firm or corporation operating within the state shall designate an agent who will be responsible for certification of compliance with the commission's regulations concerning the drilling, completion or plugging of wells. The designation of an agent shall be set forth on the commission's forms used for licensing of operators and contractors. (Authorized by and implementing 1982 L., Ch. 228, § 5, effective T-83-44, Dec. 8, 1982.)

**82-3-122. Licensees; complaints; hearing.** The commission shall conduct a hearing if it finds that there is reasonable cause to believe, or upon a written complaint charging, that any licensee has: (a) failed to plug any seismic, core or exploratory hole drilled by the licensee in the manner required by the commission rules;

(b) failed to plug any abandoned oil or gas well by

using the means, methods and procedure set out by the commission;

(c) failed to file with the conservation division the notice prescribed by rule 82-3-115;

(d) failed to file with the conservation division the application provided for in rule 82-3-120;

(e) willfully and intentionally made a false statement in the application affidavit or report prescribed by rules 82-3-120, 82-3-116 and 82-3-117; or

(f) willfully violated any of the rules and regulations adopted by the commission pursuant to K.S.A. chapter 55. (Authorized by 1982 L., Ch. 228, § 3; implementing 1982 L., Ch. 228, §§ 3 and 15; effective T-83-44, Dec. 8, 1982.)

**82-3-123. Well bore; commingling.** (a) Commingling of production from more than one source of supply shall be permitted if the expected total production is less than the allowable for a single common source of supply for the immediate area and after application and approval by the commission. The allowable for the deeper zone shall apply in this case. The commission may prohibit commingling if deemed advisable.

(b) The application, including the original and three copies, for commingling shall be filed with the conservation division office and shall include the following information:

(1) a description of the well with a plat showing the location of the subject well, location of other wells on the lease, and the location of offset wells and their operator's names;

(2) the names of the upper and lower limits of the sources of supply involved, with proposed perforations or open holes noted;

(3) a wireline log of the subject well; and

(4) the expected production of oil, water, gas or a combination, for each source of supply, and the estimated total production for the formations sought to be commingled; and

(5) the applicant's license number.

The application shall be supported by an affidavit and shall contain a certificate showing service of a copy of the application upon the operators of all offset leases. The application may be accompanied by waivers of right to protest executed by operators of offset leases. If waivers are obtained from the operators of all offset leases, the application may be passed upon immediately; otherwise, it shall be held in abeyance for a period of 10 days from the date of filing. If a protest is not filed with the commission within this 10-day period, the application may be passed upon without a hearing; otherwise, a hearing shall be held after due notice.

(c) A new commingling application shall be required if the operator desires to open an additional source of supply that was not included in the initial application. (Authorized by K.S.A. 55-602, implementing K.S.A. 55-603; effective T-83-44, Dec. 8, 1982.)

**82-3-124. Dual or multiply completed wells.** (a)

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Production from more than one common source of supply through the same well bore shall be permitted if separation of each source of supply is maintained and if commission approval has been obtained.

(b) Whenever an operator or producer desires to complete a well in more than one source of supply, an original and one copy of an application requesting approval of dual or multiple completion shall be filed with the conservation division. The application shall contain the following information:

(1) A description of the well and lease for which application is made, and a plat showing the location of the well and lease, the location of all other wells on the lease, and of all offset wells. Well depths and producing sources or supply shall be properly designated on the plat and lease ownership shall be indicated;

(2) the names and upper and lower limits of the sources of supply involved in the dual or multiple completion;

(3) a well log of the subject well;

(4) a complete description of the proposed installation including the size, weight, depth, and condition of all casing and tubing, the size of all drilled holes, the amount of cement used and the tops of cement behind each casing string, the location or intended location of casing perforations, the type of packer to be used and the depth at which it is to be set. A diagram of the proposed installation shall be attached to the application.

(5) a description of the proposed plan for separately measuring and accounting for the production for each source of supply; and

(6) a description of storage facilities and a description and diagram of the proposed wellhead to pipeline installation; and

(7) the applicant's license number.

(c) The application shall be supported by an affidavit and shall contain a certificate showing service of a copy of the application upon the operators of all offset leases. The application may be accompanied by waivers of right to protest executed by operators of offset leases. If waivers are obtained from the operators of all offset leases, the application may be passed upon immediately; otherwise, it shall be held in abeyance for a period of 10 days from the date of filing. If a protest is not filed with the commission within the 10 day period, the application may be passed upon without hearing; otherwise, a hearing, shall be held after due notice.

(d) All dual and multiple completions shall be made and operated under the direction of the commission. Packer installations made in connection with a dual or multiple completion, and removal, reinstallation, or replacement of the packer in such a well, shall not be made except upon notice to and with the approval of a representative of the commission. If one of the producing sources of supply is abandoned, the plugging of the abandoned source of supply shall be in accordance with the requirements of the commission.

(e) If any source of supply in an intended dual or multiple completion is found upon testing to be non-productive, it shall immediately be plugged under the direction of a commission representative.

(f) Dually and multiply-completed wells shall at all times be produced and maintained so as to insure the complete segregation of all fluids from the producing sources of supply. In monitoring the installation of packers, and in inspecting dually and multiply-completed wells in the course of their operation, representatives of the commission shall make, or cause to be made, tests that may be necessary to determine whether packer leakage exists. These tests may include bottom hole pressure measurements, chemical analysis of oil, water, and gas, and any other tests which are found to be indicative of the effectiveness of the packer.

(g) Whenever evidence of leakage of the packer in any dually or multiply-completed well is discovered, this packer shall be immediately repaired, a new packer shall be installed, or the affected producing source of supply shall be plugged.

(h) A dually or multiply-completed well shall not be allowed to produce during one day, more than twice its average daily allowable for the current proration period for that source of supply.

(i) Operators shall notify the commission and the operators of offset producing leases at least 24 hours before the installation of a packer.

(j) An installation charge for each dually or multiply-completed well, and a charge for any inspection of such well, shall be made to defray necessary expenses of supervision by the commission.

(k) Failure of the operator of any dually or multiply-completed well to comply with any of the provisions of this rule shall constitute grounds for the revocation of the order granting the dual or multiple completion, or the suspension or cancellation of current or future allowables of that well. If the order granting the dual or multiple completion of any well is revoked, all but one of the producing sources of supply shall immediately be sealed off under the direction of the commission.

(l) The commission may grant tentative approval for dual or multiply-completed wells based on extenuating circumstances. Final approval may be granted after proper application. (Authorized by K.S.A. 55-602; implementing K.S.A. 55-603; effective T-83-44, Dec. 8, 1982.)

**82-3-125. Surface commingling of production.** The production from one common source of supply may be commingled on the surface with that from another common source of supply before delivery to a purchaser. However, the commission may prohibit surface commingling whenever this action is deemed advisable. (Authorized by and implementing K.S.A. 55-604; effective T-83-44, Dec. 8, 1982.)

**82-3-126. Tank and truck identification.** (a) Tanks. All oil tanks, tank batteries, tanks used for salt water collection or disposal, and tanks used for sediment oil treatment or storage shall be identified by a sign posted on, or not more than 50 feet from, the tank or tank battery. The sign shall be of durable construction and shall be large enough to be legible under normal conditions at a distance of 50 feet. The sign shall identify:

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- (1) the name and license number of the operator;
- (2) the name of the lease being served by the tank; and
- (3) the location of the tank by unit name, section, township, range, and county.

(b) Trucks. Every truck, tank wagon or other vehicle transporting crude petroleum oil, sediment oil, water or brine produced in association with the production of oil or gas shall have the name and address of the owner or lessee painted or otherwise durably marked on both sides of the vehicle. (Authorized by and implementing 1982 L., Ch. 227, § 4 and 1982 L., Ch. 228, § 4; effective T-83-44, Dec. 8, 1982.)

**82-3-127. Documentation required for transportation and storage.** (a) Transportation.

(1) Every person that uses a motor vehicle to transport crude petroleum oil, sediment oil, water or brine produced in association with the production of oil or gas shall possess a run ticket or equivalent documents containing the following:

- (A) the name and address of the transporter;
- (B) the name and license number of the operator of the lease;
- (C) the name of the lease or facility from which the oil was taken and the location of the tank by unit letter, section, township, range and county;
- (D) the date and time that fluids were loaded for transportation and unloaded at the destination;
- (E) the estimated volume of fluids, or the opening and closing tank gauges or meter readings;
- (F) the signature of the driver;
- (G) the name and location of the disposal, storage, processing or refining facility to which the fluid is being transported; and
- (H) the name and address of the party receiving shipment.

(2) The following information shall be left at the facility from which the crude oil or sediment oil was removed:

- (A) the name and address of the transporter;
- (B) the date and time that fluids were loaded for transportation;
- (C) the signature of the driver;
- (D) the estimated volume of fluids, or the opening and closing tank gauges or meter readings.

(3) One copy of the documentation shall be carried in the vehicle during transportation and shall be produced for examination and inspection by any representative of the commission or any federal, state, county or city law enforcement officer upon identification and request.

(4) All persons who transport fluids produced in association with the production of oil or gas shall retain a record reflecting the transportation of the fluids for at least three years.

(b) All persons that store, possess or dispose of fluids produced in association with the production of oil or gas shall retain a record reflecting a complete inventory, including detail of the acceptance and disposition of the fluids, for at least three years. (Authorized by and implementing 1982 L., Ch. 227, § 4; effective T-83-44, Dec. 8, 1982.)

**82-3-128. Reports and permits.** The conservation division may require verification of any information necessary to administer these rules and regulations or any commission order. (Authorized by and implementing K.S.A. 55-604; effective T-83-44, Dec. 8, 1982.)

**82-3-129. Proration orders; costs.** A charge as established by the commission shall be made for the monthly proration reports. (Authorized by K.S.A. 55-604; implementing 1982 L., Ch. 228, § 6 and K.S.A. 1981 Supp. 55-609; effective T-83-44, Dec. 8, 1982.)

**82-3-130. Completion report.** Within 90 days of a well completion, regardless of how completed, an affidavit of completion shall be filed with the conservation division on forms furnished by the commission. The affidavit shall be accompanied by wireline logs of the well, if run. (Authorized by and implementing, K.S.A. 55-604; effective T-83-44, Dec. 8, 1982.)

**82-3-131. Vacuum pumps prohibited.** The use of vacuum pumps or other devices for the purpose of putting a vacuum on any gas or oil-bearing stratum shall be prohibited. The commission may, upon application, permit the use of vacuum pumps in fields which are nearly depleted. (Authorized by and implementing K.S.A. 55-604; effective T-83-44, Dec. 8, 1982.)

**82-3-132. Re-entry notification.** Every operator shall notify the conservation division or a district office at least 48 hours prior to re-entering a well which is abandoned or plugged, or which will have new zones developed.

An agent of the commission may conduct on-site inspection of the drilling operations. A report shall be filed by the agent of the commission or, in the absence of an observing agent, by the operator, stating where cement was encountered when drilling out plugs or where perforations are placed when operating new zones. (Authorized by 1982 L., Ch. 228, § 3; implementing 1982 L., Ch. 228, § 13; effective T-83-44, Dec. 8, 1982.)

**82-3-133. Penalties for violating proration orders.** (a) The production of oil or gas in violation of the provisions of a basic proration order, or otherwise in violation of the statutes or the rules and regulations of the commission, shall be deemed unlawful and shall be presumed to violate correlative rights and to constitute waste.

(a) The commission, upon receipt of a complaint or on its own motion, may order a well to be shut in. The well shall remain shut in until the unlawful production is made up. The violating operator may make application for an exception to the order by showing that the unlawful production was necessary to protect correlative rights or to prevent waste. The commission may grant the exception after proper notice and hearing.

(b) If the commission determines that it is necessary and required, it may order a well to be sealed or padlocked for any period of time it may determine, or it may permit production at a reduced rate to ensure the

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protection of correlative rights and the prevention of waste. (Authorized by K.S.A. 55-604; implementing K.S.A. 55-603; effective T-83-44, Dec. 8, 1982.)

**82-3-200. Prevention of waste, protection of correlative rights, and prevention of discrimination between pools.** Any person having the right to drill, complete and operate wells producing oil from any common source of supply called a "pool" may take no more than that proportion of crude oil which may be produced currently from any pool without causing waste or injury to correlative rights, and without discriminating between pools. The allowable of crude oil which any prorated well or lease may produce without violating any of the prohibitions contained in this paragraph shall be specified by the commission. In determining allowables, the commission shall take into consideration the statistical status of each well or lease as of the first day of the preceding proration period. The status of each well or lease shall be determined using any applicable overages and shortages for each well or lease. The provisions of this paragraph shall be construed in conjunction with rules 82-3-202 *et seq.* (Authorized by K.S.A. 55-602 and 55-604; implementing K.S.A. 55-603; effective T-83-44, Dec. 8, 1982.)

**82-3-201. Underage.** Shortages or underages credited to wells which fail to make their allowables shall be carried forward upon the records of the commission and these wells shall be permitted to produce the underage in addition to their normal future allowables. However, if it should appear to the satisfaction of the commission that a proration unit is incapable of producing its allowable, the shortages accruing shall be canceled. Whenever shortages are attributable to the lack of transportation facilities, these shortages shall not be accrued for more than 60 days from the date of the initial productivity test unless the commission shall otherwise order. (Authorized by and implementing K.S.A. 55-604; effective T-83-44, Dec. 8, 1982.)

**82-3-202. Productivities, methods of determining, when to be taken.** The productivity of all wells in prorated pools in this state shall be determined in accordance with the following rules.

(a) Type of test. Productivities shall be determined by a physical test. This physical test shall be taken of the well in the manner in which it is normally produced.

(b) Supervision. All tests shall be conducted under the supervision of the commission.

(c) Notice and witnesses. The operator of a well on which a test is to be conducted shall notify the commission's agent at least 12 hours before the beginning of a test. Offset operators may witness the test.

(d) Temporary productivity of a well. Upon filing of an affidavit of completion, a temporary allowable for the well shall be established. This temporary productivity shall be effective for 30 days during which time an initial physical test shall be taken. In non-prorated areas, the maximum allowable shall be established according to the pool depth range (K.A.R. 82-3-203) and shall be effective upon the filing of the affidavit of completion.

(e) Production considered. Only pipeline oil produced during the test shall be considered in determining productivities.

(f) Pool tests. Pool tests shall be taken at 12 month intervals. Whenever, due to some act or omission of the operator, more than 15 months have lapsed since the last productivity test for a well in that pool, the well shall not be entitled to an allowable until tested. A well tested less than three months before the date of a scheduled pool test shall not be required to take the pool test. Operators shall be notified 10 days before the start of a pool test.

(g) Good cause shown. The commission may, on its own motion and for good cause shown, direct the taking of a productivity test of any well or any pool. (Authorized by and implementing K.S.A. 55-604; effective T-83-44, Dec. 8, 1982.)

**82-3-203. State and pool allowable and proration.**

(a) Oil market demand. The commission may hold a monthly hearing to determine the amount of crude petroleum that can be produced daily throughout the state during the next succeeding proration period without causing waste. The commission shall then fix the total state allowed production and shall allocate it among the prorated pools, leases, and wells. Any crude oil which is removed from a lease shall be charged against the allowable established for that lease, except in cases where permission is granted to use waste oil for oiling roads leading to the lease.

(b) Statewide allowable. The allowables for non-prorated pools shall be set by the following range depth schedule:

Pool Depth Range	Maximum allowable bbls/well/day
0-4,000	25
4,000-4,500	31
4,500-5,000	37
5,000-5,500	43
5,500-6,000	48
6,000-6,500	52
6,500-7,000	56
7,000-plus	60

(c) Discovery oil allowable. An oil discovery allowable equal to 1½ times the current daily allowable assigned to a similar well, using the statewide allowable set out by these rules or the regular allowable as established by a special pool basic proration order, may be granted. These discovery allowables shall continue for wells in the pool for a period of 18 months from the date the first discovery allowable was assigned to a well in that pool, or until development has connected the pool with another known common source of supply producing from the same geological formation (reservoir), whichever first occurs. However, the following additional provisions shall apply to discovery oil allowable amounts.

(1) Recognition of a newly discovered pool shall require the filing of an application and notice, a hearing before the commission, and approval by the com-

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mission. Information in support of the application shall include that required by the affidavit for discovery allowable. Before additional wells in the newly discovered pool may be granted a discovery allowable, an affidavit shall be filed with the conservation division. If the affidavit for subsequently developed wells entitled to the discovery oil allowable does not clearly show to the satisfaction of the conservation division that the subject well is producing from the same common source of supply (reservoir) as the discovery well, the matter shall be set for hearing before the commission and proper notice shall be given. If a protest is filed with the commission by an interested party within 10 days from the date the affidavit is mailed, the matter shall be set for hearing before the commission and proper notice shall be given.

(2) Over and under production of the discovery oil allowable shall be subject to the same restrictions and procedures as followed for standard oil allowables.

(3) Discovery allowable shall be subject to adjustment for the gas-oil ratio provisions in any combination pool.

(4) Discovery allowables shall be subject to temporary reduction consistent with the market demand determination. If reduction is required, the commission may extend the time for production of the discovery allowable.

(5) Discovery allowables may be obtained for each newly discovered pool in the same well bore, if the well is completed, as authorized by the commission, so that production from a newly discovered pool is not commingled with production from any other pool in the well bore.

For the purpose of this rule, the discovery date for the pool shall be the date that the initial test is taken on the discovery well.

(d) Affidavit for discovery allowable. An operator seeking to obtain a discovery allowable shall file an affidavit and supporting information with the conservation division after the completion of the well. The affidavit shall show:

- (1) the exact location of the well (legal description);
- (2) the lease name;
- (3) the geological name of the producing formation;
- (4) the top and bottom depths of the producing formation;
- (5) the results of a state supervised production test, showing volumes of oil, gas, and water;
- (6) any other pertinent data such as bottom hole pressures and core data, which may help determine the validity of the request;
- (7) the date of the first production;
- (8) the date of first oil sales and the purchaser to whom delivered;
- (9) the names and addresses of each operator or lessee of record within one-half mile of the lease upon which the subject well is located, and a statement indicating the date a copy of the affidavit was mailed to each.
- (10) an electric log or logs of the well in question, if taken;
- (11) a geological log or report of the well in question giving full details of the formations penetrated, drill

stem tests, casing and cementing, perforations if any, and well stimulation procedures;

(12) a map of the area surrounding the subject well. The map shall show the location of all wells whether producing or dry holes, the total depth of these wells, the name of the producing formation, and the top and bottom of the formation. The map shall cover an area sufficient to show that the producing formation in the subject well is not in communication with any other known common source of supply. The map shall cover an area with a radius of no less than 1½ miles with the subject well as the center of that area; and

(13) a geological contour map on a geological marker that will reflect the expected altitude of the formation from which the well is producing.

The affidavit shall include the following statement: "It is the opinion of the operator that this well will not cause waste if it is granted a discovery allowable". (Authorized by and implementing K.S.A. 55-604; effective T-83-44, Dec. 8, 1982.)

#### **82-3-204. Reports by purchasers and producers.**

(a) Each purchaser or taker of any oil, including waste oil, shall, on or before the 15th day of each month succeeding the month in which the purchasing or taking occurs, file with the conservation division, on a form furnished by the commission, a verified statement of all oil purchased or taken from any well, lease or pool in this state during the preceding month.

(b) The producer or operator of each well in prorated pools including minimum wells, shall, on or before the 15th day of each month succeeding the month in which the production occurred, file with the conservation division a verified statement showing the amount of crude petroleum actually produced by each well and lease. The filing of production reports by producers shall be deemed to be necessary for the purpose of obtaining allowables. (Authorized by K.S.A. 55-604; implementing K.S.A. 55-603; effective T-83-44, Dec. 8, 1982.)

**82-3-205. Overage.** No producer shall produce more than 15 percent in excess of the net allowable established for any well or lease operated by that producer within any given proration period.

All overproduction from wells or leases which have produced in excess of their allowable for any allowable period shall be equalized by deductions from future allowables established for the wells or the leases. Whenever the commission finds that the overages charged against any well cannot be fully absorbed by that well, the overages shall be charged against the lease and shall be absorbed by deductions from the future allowables established for all the wells located on the lease, irrespective of whether any or all of the other wells are in existence at the time overage is accrued. (Authorized by and implementing K.S.A. 55-604; effective T-83-44, Dec. 8, 1982.)

**82-3-206. Assessment.** An oil conservation assessment to pay the conservation division expenses, and oil and gas conservation administration costs not otherwise provided for, shall be made as follows: (a) A charge, as established by the commission, on each

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barrel of crude oil or petroleum marketed or used each month shall be assessed to each producer. The charge and assessment shall only apply to the first purchase of oil from the producer.

(b) The first purchaser of the production shall deduct the assessment per barrel of oil marketed or used from the lease each month before paying for production, and shall remit the assessment to the conservation division when the purchasers make their regular oil payments.

(c) The remittances shall be made each month in a single check. The purchaser shall account for the deductions under this order on the regular payment statements to producers and royalty owners or other interested persons. (Authorized by K.S.A. 55-604; implementing K.S.A. 1981 Supp. 55-609 and 1982 L. Ch. 228, Sec. 6; effective T-83-44, Dec. 8, 1982.)

**82-3-207. Oil drilling and production unit.** In the absence of special orders issued by the commission, the following provisions shall apply to all oil wells. (a) Standard drilling unit. The minimum distance for standard development on a pattern of one oil well to each 10 acres shall be 330 feet.

(b) Acreage-attribution unit. Any oil well drilled nearer than 330 feet to any lease or unit boundary line, shall have its attributable acreage determined by the establishment of an acreage-attribution unit. This unit's width shall be defined as being twice the distance from the well to the nearest lease or unit boundary line, whichever is closer to the well. The length of the unit shall be the same as the width.

(c) Acreage attributable. When the acreage attributable to any well is less than 10 acres, the statewide allowable shall be reduced in the same proportion that the acreage attributable to the well bears to 10 acres. A bonus allowable shall not be granted except on order of the commission. (Authorized by and implementing K.S.A. 55-604; effective T-83-44, Dec. 8, 1982.)

**82-3-300. Application for allowables in prorated pools; notice.** (a) No allowable shall be granted by the commission for any gas well in a prorated pool, unless an application has been filed and duly verified.

The application shall show:

(1) the exact location of the well and the acreage attributed to the well;

(2) the common source of supply in which the well is located;

(3) the name of the purchaser and, if known, the initial price to be paid for the gas at the standard pressure base of 14.65 pounds per square inch absolute;

(4) the names and address of all persons owning royalty interests in the acreage to be attributed as shown by the applicant's books and records;

(5) a plat showing the location and approximate depths of all wells and dry holes which have been drilled within one mile from the acreage to be attributed;

(6) the applicant's license number; and

(7) any other information the commission may require.

(b) The original and five copies of the application shall be filed with the secretary of the commission in Topeka, Kansas. An additional copy of the application shall be sent to the conservation division.

(c) All applications for the granting of allowables for any gas well in a prorated pool which involves exceptions to a basic proration order shall, in addition to the above requirements, include the following:

(1) the names and addresses of all operators of producing acreage abutting or adjoining the acreage to be attributed;

(2) the names and addresses of all lessees of record of non-producing acreage abutting or adjoining the acreage to be attributed;

(3) the names and addresses of all owners of record of the minerals in, or royalty of unleased acreage abutting or adjoining, the acreage to be attributed; and

(4) the names and addresses, insofar as shown by the applicant's books and records, of all persons owning the royalty or leasehold interests in acreage abutting or adjoining the acreage to be attributed which is operated by the applicant or on which the applicant has a lease or an interest in the lease. (Authorized by K.S.A. 55-704; implementing K.S.A. 55-705b; effective T-83-44, Dec. 8, 1982.)

**82-3-301. Ratable production of gas from common source of supply.** In each common source of supply under the jurisdiction of the commission, each purchaser shall take gas in proportion to the allowables from all the wells to which it is connected. Each purchaser shall maintain all such wells in substantially the same proportionate status as to overproduction or underproduction. This rule shall not apply when a difference in proportionate status results from the inability of a well to produce proportionately with other wells connected to the purchaser. (Authorized by K.S.A. 55-704; implementing K.S.A. 1981 Supp. 55-703; effective T-83-44, Dec. 8, 1982.)

**82-3-302. Deliverability tests.** (a) Deliverability tests on all gas wells in prorated fields shall be conducted in accordance with the basic proration order applying to each of the several prorated gas pools, after notice to the conservation division. Tests shall be under the supervision of the conservation division whether a representative is present or not.

(b) Deliverability tests may be witnessed by a representative of any producer in the field. The producers may request notification, and shall be notified, by the owner of the well on which a test is to be taken, of the time the tests will commence. (Authorized by and implementing, K.S.A. 55-704; effective T-83-44, Dec. 8, 1982.)

**82-3-303. Rules of procedure for determination of open flow of a gas well.** In the absence of field rules to the contrary, the open flow capacity of a gas well shall be determined by flowing the well into a pipeline for a period of 24 to 72 hours, as required to attain stabilization through approved metering equipment. This procedure shall be known as a one point stabilized flow test. The rate of flow shall be recorded on standardized flow test report forms. (continued)

standard orifice meter chart, either graphically or mathematically. The rate of flow at the end of the period shall be extrapolated to atmospheric pressure by using the characteristic well slope as determined from a multi-point back-pressure test.

(a) Multi-point back-pressure test. A multi-point back-pressure test shall be taken for determination of characteristic well slope, "n", as determined from the equation

$$Q = C(P_c^2 - P_w^2)^n$$

where:

Q = the rate of flow, using MCF per day at 14.65 pounds per square inch absolute and 60°F;

C = the performance coefficient of the well;

P<sub>c</sub> = wellhead shut-in pressure, expressed in pounds per square inch absolute and using the casing or tubing pressure, whichever is higher;

P<sub>w</sub> = static wellhead working pressure, expressed in pounds per square inch absolute, at the termination of each flow period. The casing pressure shall be used if flowing through tubing, the tubing pressure if flowing through casing, or the wellhead flowing pressure corrected for friction if the pressure cannot be measured on a static column. All squared pressures shall be expressed in thousands; and

n = a numerical exponent characteristic of the particular well, referred to as "slope".

Only one acceptable test shall be taken during the life of the well unless permission to retest is granted by the commission for good cause shown. The procedures for taking a multi-point back pressure test are as follows.

(1) The well shall be shut-in for 72 hours plus or minus six hours, and the shut-in pressure taken. This shut-in pressure shall be considered stabilized unless readings taken with commission approved equipment at a shorter period are higher, in which event the highest recorded pressure shall be as the shut-in pressure. In the event liquid accumulation in the wellbore during the shut-in period appreciably affects the surface pressure, appropriate correction of the surface pressure that accounts for the pressure due to the liquid column shall be made.

(2) If the well being tested has a pipeline connection, it shall be flowed for at least 24 hours before the shut-in period at a rate high enough to clear the well of liquids.

(3) A series of at least four flow tests shall be taken. The tests shall be run in an increasing flow rate sequence except in the case of high liquid ratio wells where a decreasing flow rate sequence may be used if the increasing sequence method will not give point alignment. When the decreasing sequence method is used, a statement giving the reasons why the use of this method is necessary, with a copy of the data taken on increasing sequence, shall be furnished to the commission.

(4) Each flow test shall extend for a maximum period of two hours. If the wellhead working pressure does not decline more than 0.1 percent of the wellhead

shut-in pressure during any 15 minute period before the end of the two-hour flow period, the pressure may be recorded and the next flow test started. All subsequent flow periods shall be of the same duration.

(5) When the back pressure curve cannot be drawn through at least three of the plotted points, the well shall be retested. If upon retest a curve cannot be drawn through at least three of the plotted points, an average curve shall be drawn through the points of the test if the slope of the curve will not be more than 1.0 nor less than 0.5.

(6) If the curve drawn through at least three points of the back pressure test has a slope greater than 1.0 or less than 0.5, the well shall be retested. If upon retest the slope of the curve is greater than 1.0, a curve with a slope of 1.0 shall be drawn through the data point corresponding to the highest rate of flow. If upon retest the slope of the curve is less than 0.5, a curve with a slope of 0.5 shall be drawn through the datapoint corresponding to the lowest rate of flow.

(7) All tests shall be subject to review and approval by a representative of the state corporation commission.

(8) The lowest rate of flow on the test shall be at a rate high enough to keep the well clear of liquids.

(9) If possible, the working wellhead pressure at the lowest rate of flow shall be drawn down at least five percent of the well's shut-in pressure and, if possible, 25 percent of the well's shut-in pressure at the highest rate of flow. If data cannot be obtained in accordance with the foregoing provisions an explanation shall be furnished to the commission.

(10) An orifice meter or a critical flow prover in good operating condition shall be the only acceptable metering devices.

(11) Gas shall not be vented except when absolutely necessary.

(12) Correction for the compressibility of flowing gas shall be made in accordance with approved commission methods.

(13) When the static wellhead working pressure reading cannot be obtained due to packer or dual completion, the pressure shall be calculated by using approved tables.

(14) If a satisfactory test cannot be obtained on small wells, the commission may grant an exception to the foregoing procedure and assign a slope of 0.85.

(15) Upon completion of the test, all the calculations shall be shown on an approved form and shall be accompanied by a back pressure curve neatly plotted on equal scale log paper of at least three-inch cycles.

(b) One-point stabilized flow test.

(1) An initial one-point stabilized flow test shall be made within 30 days from the date of first production of gas into a pipeline and additional tests shall be taken yearly or as ordered by the commission. Upon the completion of all flow tests, a copy of the flow calculations shall be submitted to the commission.

(2) Immediately following the taking of the shut-in wellhead pressure, the well shall be opened into the pipeline and gas shall be produced for the subsequent 24 to 72 hours at the test rate as required to reach

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stabilization. During this time the working pressure at the wellhead shall be maintained as nearly as possible at 85 percent of the wellhead shut-in pressure, expressed in pounds per square inch gauge, or as closely to it as operating conditions in the field will permit.

(3) The wellhead working pressure shall never be more than 95 percent or less than 75 percent of the wellhead shut-in pressure of the well being tested unless, in the judgment of the commission's representative, it is impractical to maintain the pressure within these limits, in which case the well shall be produced at maximum capacity through either the tubing or the annulus, whichever will give the greater drawdown.

(4) The open flow shall be calculated by use of the following formula. Flow shall be measured by an approved meter throughout the test period, and the wellhead and meter pressures shall be measured by commission approved gauges at the close of the test period. The rate at which the well is producing at the end of the flow period shall be considered the stabilized producing rate corresponding to the wellhead working pressure existing at that time, provided the rate is not greater than the average producing rate for the entire flow period. The observed stabilized producing rate shall be converted to open flow by use of the following formula:

$$OF = R \text{ times } \frac{P_c^2 - P_a^2}{P_c^2 - p_w^2} \quad n$$

where:

OF = Open flow, expressed in MCF/D.

R = Stabilized producing rate, expressed in MCF per day at 14.65 pounds per square inch absolute and 60°F.

P<sub>a</sub> = Atmospheric pressure, expressed in pounds per square inch absolute.

P<sub>c</sub> = Wellhead shut-in pressure of the well, expressed in pounds per square inch absolute.

p<sub>w</sub> = Stabilized wellhead working pressure at rate R, expressed in pounds per square inch absolute.

n = Characteristic well slope as determined by the multi-point back-pressure test.

(5) Shut-in wellhead pressure shall be measured after the well has been shut in for approximately 72 hours. The well shall never be shut in for less than 66 hours nor more than 78 hours at the time the shut-in pressure is taken. If the representative of the commission believes that the shut-in pressure taken upon a well is incorrect, the representative may require that the well be blown to clean fluids from the well bore, or may take any other reasonable steps that may be necessary to get a true pressure reading upon the well. If more than one shut-in pressure is taken upon a well during the test period, the highest shut-in pressure obtained shall be used in calculating the open flow of the well. (Authorized by K.S.A. 55-704; implementing K.S.A. 1981 Supp. 55-703; effective T-83-44, Dec. 8, 1982.)

**82-3-304. Tests and completion reports.** (a) All

wells shall have a completion report filed with the commission within 30 days of completion on forms prescribed by the commission. Initial certified tests run in conformance with these rules shall be filed with the commission within 60 days of first gas sales. In prorated fields, all gas produced into a pipeline shall be counted against the allowables.

(b) An annual test shall be run in accordance with these rules, and the test shall be effective during the next succeeding year. Additional tests may be required by the commission at any time. The test shall become effective the first day of the month following receipt by the conservation division. (Authorized by K.S.A. 704; implementing K.S.A. 1981 Supp. 55-703; effective T-83-44, Dec. 8, 1982.)

**82-3-305. Gas to be metered.** (a) Well, lease, or unitized property. All gas, when produced or sold, shall be metered with an approved meter of sufficient capacity. Gas may be metered from a lease or unitized property as a whole if it is shown that ratable taking can be maintained. Meters shall not be required for gas produced and used on the lease for development purposes and lease operations or for use in primary dwellings.

(b) Meter charts and records. Purchasers shall keep meter charts or records of gas purchased in a permanent file for a period of two years, and this information shall be made available to the commission.

(c) By-passes. By-passes shall not be connected around meters in a manner that will permit the improper taking of gas. (Authorized by and implementing K.S.A. 1981 Supp. 55-703; effective T-83-44, Dec. 8, 1982.)

**82-3-306. Reports from gas purchasers.** All purchasers of gas shall file a monthly report with the conservation division on or before the 10th day of each month succeeding the month in which the purchasing or taking occurs. The form used for reporting shall be furnished by the commission. (Authorized by and implementing K.S.A. 55-704; effective T-83-44, Dec. 8, 1982.)

**82-3-307. Gas conservation assessment.** An assessment to pay the conservation division expenses, and other costs in connection with the administration of the gas conservation regulations not otherwise provided for, shall be made as follows: (a) A charge established by the commission shall be assessed on each 1,000 cubic feet of gas sold or marketed each month. The assessment shall apply only to the first purchase of gas.

(b) The first purchaser of the production, shall, before paying for the production, deduct an amount equal to the assessment for every 1,000 cubic feet of gas produced and removed from the lease each month. The purchaser shall remit the amounts deducted to the conservation division of the commission at the same time, and for the same period, as the purchaser makes regular gas payments.

(c) The remittances may be made each month in a single check, if the purchaser desires. No accounting by the purchaser shall be required except to show all

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deductions on the regular payment statements to producers and royalty owners or other interested parties.

(d) The assessment established by the commission shall not apply to gas that is being returned to the ground for repressuring purposes within the field, but shall apply to gas that is produced and removed from the lease and returned to the ground for storage purposes. (Authorized by K.S.A. 55-704; implementing K.S.A. 1981 Supp. 55-711; effective T-83-44, Dec. 8, 1982.)

**82-3-308. Production and use of sour gas.** (a) Sour gas shall not be produced in excess of the allowable when there are wells producing merchantable gas from the same common source of supply.

(b) If the commission finds, upon receipt of an application and following a hearing, that it is not commercially feasible or practicable to treat sour gas to make it merchantable, sour gas shall not be required to be used as merchantable gas. (Authorized by and implementing K.S.A. 1981 Supp. 55-703; effective T-83-44, Dec. 8, 1982.)

**82-3-309. Use of gas for other than light or fuel.** Before any person engages in the utilization of gas for purposes other than light and fuel, that person shall file with the commission a verified statement setting forth the names and addresses of the person or persons who are to engage in the proposed operation, the location of the plant or plants where the proposed utilization is to be carried on, the kind and the probable volume of the gas that is to be used, the reservoir from which it is to be taken, the general type of the process, the kind and condition of the equipment that is to be used, the results as far as they can be reasonably anticipated, and any other pertinent facts as the commission may require.

When the statement has been filed, the commission may conduct a public hearing on the proposed utilization if deemed necessary. The hearing shall be held to determine whether the utilization or the use of the proposed processes and equipment will constitute waste prohibited by law. (Authorized by and implementing K.S.A. 1981 Supp. 55-703; effective T-83-44, Dec. 8, 1982.)

**82-3-310. Pipeline maps:** Pipeline maps indicating the location, size, and extensions of the pipeline, and any portions abandoned or not used, shall be filed with the conservation division. (Authorized by K.S.A. 55-704; implementing K.S.A. 1981 Supp. 55-703; effective T-83-44, Dec. 8, 1982.)

**82-3-311. Drilling through gas storage formations.** (a) Every person, firm or corporation who drills or causes to be drilled a well or test hole, for any purpose, that will penetrate into or bore through any underground stratum or formation that a natural gas public utility has appropriated through the exercise of the right of eminent domain for the underground storage of natural gas pursuant to K.S.A. 55-1204 shall seal off the natural gas storage stratum or formation by:

(1) The methods and materials recommended by the public utility and approved by the commission or its duly authorized representative; or

(2) by methods and materials that the commission determines fair, equitable and reasonable.

(b) That person, firm or corporation shall maintain the well or test hole in a manner that will protect the stratum or formation at all times against pollution and the escape of natural gas

(c) Not less than 30 days before commencing any well or test hole, or before plugging a well that has ceased to produce, the person, firm or corporation desiring to commence drilling or plugging operations shall give the public utility and the commission notice in writing, by registered mail, of the date desired for commencement of operations.

(d) Ten days after receipt of notice, the public utility shall forward to the commission its recommendations as to the manner, methods and materials to be used in the sealing off or plugging operation. The public utility shall give notice of the recommendations by mailing or delivering a copy to the person, firm or corporation who seeks to drill or plug a well or test hole. The notice shall be mailed or delivered on or before the date the recommendations are mailed to or filed with the commission.

(e) Any objections or complaints stating why the recommendations, as proposed by the public utility, are not feasible, practical or reasonable shall be filed within five days after the recommendation is filed.

(f) In the event any objections or complaints are filed, or if the commission deems that there should be a hearing on the recommendation of the public utility, a hearing shall be held after proper notice.

(g) The commission shall prescribe the manner, methods and materials to be used in the sealing off or plugging operation. Operations shall not commence until the manner, methods and materials to be used have been prescribed by the commission.

(h) The public utility involved may have a representative present at all times during the drilling, completing or plugging of the well or test hole and shall have access to all records relating to the drilling, equipping, maintenance, operation or plugging of the well.

(i) The public utility, in conjunction with the commission or its representative and the operator of the well, shall have the right to inspect or test the well to discover any leaks or defects that may affect the underground natural gas storage stratum or formation.

(j) Any extra cost and expense necessarily incurred in sealing off the stratum or formation or in the plugging, maintaining, inspecting or testing the well, as recommended by the public utility and subsequently approved or independently determined by the commission or its representative, that is over and above the ordinary expense of operations using similar methods, shall be paid upon completion by the public utility involved.

(k) Special rules, regulations and orders shall be issued when required and shall prevail over the general rules and regulations if a conflict occurs. (Authorized by 1982 L., Ch. 228, Sec. 3, K.S.A. 55-604; implementing K.S.A. 55-1203; effective T-83-44, Dec. 8, 1982.)

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**82-3-400. Application, approval, place of injection or disposal, and records.** (a) Only upon application to and approval by the commission and the department of health and environment shall enhanced recovery fluid injection or disposal operations be permitted. Before any formations are approved for use, it shall be ascertained that they are separated from fresh and usable water formations by impervious beds to give adequate protection to the fresh and usable water formations.

(b) The commission, in passing upon applications for injection or disposal wells, shall give consideration to the determinations of the advisory committee in establishing safe depths for injection or disposal for all producing areas in the state and the protection of hydrocarbons and water resources.

(c) All injection and disposal well applications filed on and after the effective date of this rule that require wellhead pressure to inject fluids shall be required to inject the fluids through tubing under a packer set immediately above the uppermost perforation or open hole zone, except as provided in 82-3-405. The packer shall be set opposite an interval of casing protected by cement.

(d) The owner or operator of an injection or disposal well that is injecting fluid into a subsurface formation shall:

(1) keep a current and accurate record of the amount and kind of fluid injected into the well. That record shall be preserved for a period of five years; and;

(2) at the end of each calendar year, submit a report to the commission showing the amount and kind of fluid injected or disposed of into each well and any other information that may be required.

(e) Emergency authority to inject or dispose of fluids at an alternate location in the event a facility is shut-in for maintenance, testing, repairs or by order of the commission may be granted by the commission. (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d and 1982 L., Ch. 228, Sec. 3; implementing K.S.A. 1981 Supp. 55-901, K.S.A. 65-171d, K.S.A. 55-1003, and 1982 L., Ch. 228, Secs. 2 and 4; effective T-83-44, Dec. 8, 1982.)

**82-3-401. Injection or disposal well; application, content, notice, objection, hearing and approval.** (a) Fluid shall not be injected into a well for enhanced recovery or disposal purposes until approved by the commission following the required application and notice. The commission may grant an exception to the above for good cause.

(b) The application shall be verified and filed in triplicate with the commission, showing:

(1) The name, location, surface elevation, total depth, and plug back depth of each injection or disposal well;

(2) the location of all oil and gas wells including abandoned wells, drilling wells and dry holes within ½ mile of the injection or disposal well;

(3) the name and address of each operator of a producing or drilling well within ½ mile of the injection or disposal well;

(4) the name, description, and depth of each injection interval. The application shall indicate whether

the interval is through any perforations or an open-hole or both;

(5) the depths of the tops and bottoms of all casing and cement used or to be used in the injection or disposal well;

(6) a plat with all producing wells within a ½ mile radius indicating producing formation and the subsea top of the producing formations.

(7) the size of the casing and tubing and the depth of the tubing packer;

(8) any information that is available in the log of the injection or disposal well including an elevation reference;

(9) a description of the fluid to be injected, the source of injected fluid, and the estimated maximum and average daily rate of injection, in barrels per day;

(10) the names and addresses of the operators shown in (b)(2) above, who were notified of the application, and evidence that the notice was given;

(11) information showing that injection or disposal into the proposed zone will be contained within the zone and will not initiate fractures through the overlying strata which could enable the fluid or formation fluid to enter fresh and usable water strata. Fracture gradients shall be computed and furnished to the commission by the applicant if requested by the commission;

(12) the applicant's license number; and

(13) any other information that the commission requires.

(c) The commission, when issuing an order approving injection or disposal, shall consider the following:

(1) maximum injection or disposal rate;

(2) maximum surface pressure;

(3) the type of injection or disposal fluid and the lithology and rock characteristics of the injection or disposal zone and the overlying strata; and

(4) the adequacy and thickness of the confining zone or zones between the injection or interval and the base of the lowest fresh or usable water.

(d) Applications may be filed to include the use of more than one injection or disposal well on the same lease or on more than one lease. The information requested of the applicant shall be provided for each well that is included in the application.

(e) Applications shall be executed by the operator of the proposed injection plan or disposal well.

(f) The applicant shall give notice of the application by mailing or delivering a copy of the application to the land owner and each operator of all producing and drilling wells within a ½ mile radius of the proposed injection or disposal well. Notice shall be mailed or delivered on or before the date the application is mailed to or filed with the commission. Notice of the application shall be published in at least one issue of a newspaper with general circulation in the county or counties in which the lands involved are located.

(g) Objections or complaints shall be filed within 15 days after the notice is published. The complaint or objection shall state the reasons why the proposed plan, as contained in the application, may cause damage to oil, gas, or fresh and usable water resources.

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(h) If the application is for disposal into a formation producing within ½ mile of the applicant's well, the disposal zone shall be below the water oil contact or 50 feet below the top of the producing formation.

(i) In the event any objection or complaint is filed, or if the commission on its own motion deems that there should be a hearing on the application, a hearing shall be held after reasonable notice of the time, place and subject matter of the hearing has been given to the interested parties. (Authorized by K.S.A. 1981 Supp. 55-901 and 1982 L., Ch. 228, Sec. 3; implementing, K.S.A. 55-1003 and 1982 L., Ch. 228, Sec. 3; effective T-83-44, Dec. 8, 1982.)

**82-3-402. Casing and cement.** Injection and disposal wells shall be cased and the casing cemented in such a manner that damage will not be caused to hydrocarbon sources or fresh and usable water sources. Surface casing shall be set and cemented as follows: (a) Existing wells to be converted to injection or disposal use that do not have adequate surface pipe shall be cemented between the bore hole and the casing by circulating cement to the surface from a point at least 50 feet below the base of the lowest known fresh and usable water. If cement fails to circulate to the surface, staged squeezes shall be required at upward intervals of 50 feet until circulation occurs.

(b) At the discretion of the commission, an alternate process may be performed between the casing and the bore hole at a point at least 50 feet below the base of the fresh and usable water to insure the protection of fresh and usable water sources. Cement bond logs or temperature surveys demonstrating adequate cement protection may be submitted to the commission in lieu of such additional cementing.

(c) When the injection or disposal zone lies stratigraphically above the wellington salt and when the wellbore has penetrated into or through the salt, a cement plug of at least 50 feet in length shall be placed in the bore hole or casing below the injection or disposal zone and above the salt. However, if the plug is inside the casing, the annular space between the casing and the well bore shall be protected with cement through the same interval. (Authorized by K.S.A. 1981 Supp. 55-901 and 1982 L., Ch. 228, Sec. 3; implementing K.S.A. 1981 Supp. 55-901, K.S.A. 55-1003 and 1982 L., Ch. 228, Sec. 3 and 10; effective T-83-44, Dec. 8, 1982.)

**82-3-403. Notice of commencement and discontinuance of injection or disposal operations.** (a) Immediately upon the commencement of injection or disposal operations, the applicant shall notify the commission of the date of commencement.

(b) Within 10 days after the discontinuance of injection or disposal operations, the operator of the project shall notify the commission of the date of the discontinuance and the reasons for it.

(c) Before any injection or disposal well is abandoned, the commission shall be notified, and the procedure for the plugging of the well shall be followed. (Authorized by K.S.A. 1981 Supp. 55-901 and 1982 L., Ch. 228, Sec. 3; implementing K.S.A. 1981 Supp. 55-

901, K.S.A. 55-1003 and 1982 L., Ch. 228, Sec. 3, 9 and 10; effective T-83-44, Dec. 8, 1982.)

**82-3-404. Injection or disposal well tubing and packer requirements.** (a) After the effective date of this rule, wells shall be equipped to inject through tubing below a packer. A packer run on the tubing shall be set in casing opposite a cemented interval at a point immediately above the uppermost perforation or open hole interval. The annulus between the tubing and the casing shall be filled with a corrosion-inhibiting fluid or hydrocarbon liquid. With the approval of the commission and the department of health and environment, packerless or tubingless completions may be authorized under the provisions of paragraph (b) or (c) of this rule.

(b) The commission may authorize injection or disposal through tubing without a packer if the following requirements are met:

(1) Surface wellhead injection pressure shall not exceed zero psig.

(2) The tubing shall be run to a depth equal to or below the uppermost perforation or open-hole of the injection interval.

(3) The annular space between the tubing and the casing shall be filled with a corrosion inhibiting fluid or hydrocarbon liquid that has a specific gravity less than 1.00, and that is displaced and maintained at a point within 50 feet of the bottom of the tubing.

(5) An annulus fluid level shall be monitored monthly during the life of the well.

(6) Annulus wellhead surface pressure and wellhead surface injection pressure shall be recorded monthly and kept by the operator for five years.

(7) All pressure readings recorded shall be taken during actual injection or disposal operations.

(c) The commission may authorize injection or disposal without tubing if all six of the following criteria are continuously met during the life of the well.

(1) The casing shall be cemented continuously from setting depth to surface.

(2) Surface injection pressure shall not exceed 500 psig.

(3) Surface wellhead injection pressure shall be recorded monthly and kept by the operator for five years.

(4) All pressure readings recorded shall be taken during actual injection or disposal operations.

(5) Mechanical integrity tests shall be performed every five years by running a retrievable plug to a depth no more than 50 feet above the uppermost perforation or open-hole of the injection or disposal zone or another method acceptable to the commission.

(6) It shall be the sole responsibility of the operator of the tubingless completion to maintain the well so that the mechanical integrity tests can be performed as specified, or the well shall be immediately plugged and abandoned by displacing cement from the bottom of the well to the surface. (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d and 1982 L., Ch. 228, Sec. 3; implementing, K.S.A. 55-1003, K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d and 1982 L., Ch. 228, Sec. 3; effective T-83-44, Dec. 8, 1982.)

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**82-3-405. Operating requirements.** (a) Initial requirements. (1) Each injection or disposal well shall be completed, equipped, operated, and maintained in a manner that will prevent pollution of fresh and usable water or damage to sources of oil or gas and that will confine fluids to the interval or intervals approved for injection or disposal.

(2) Before operating a well drilled for injection or disposal, or a well newly converted for injection or disposal, the casing outside the tubing and above the packer shall be tested under the supervision of an existing representative of the applicant. The test results shall be verified by that authorized representative, and witnessed by a representative of the commission or the department of health and environment. Wells equipped with a packer shall be tested with the packer in place. For wells not equipped with a packer, a retrievable plug shall be required to be set in place of a packer. This test shall be conducted by setting the packer or the retrievable plug inside the injection casing immediately above the uppermost perforation or open hole zone, and applying fluid pressure to 100 psi or the maximum allowable injection pressure, whichever is greater. In lieu of the above, the casing may be tested prior to perforating upon approval of the commission. The well shall be shut in for at least 30 minutes. Maintenance of the shut-in pressure during the test shall provide assurance of the integrity of the injection casing.

(b) Mechanical integrity pressure or monitoring test requirements. Pressure tests or monitoring shall be performed periodically on injection and disposal wells to establish the mechanical integrity of the tubing, casing, and packer.

(1) Pressure test. The annulus above the packer, or the injection casing in wells not equipped with a packer, shall be tested at least once every five years under the supervision of a representative of the operator. Test results shall be verified by the same authorized representative. A minimum of 25 percent of the tests shall be witnessed by a representative of the commission or the department of health and environment. The test shall be conducted in accordance with (a)(2) of this rule. Injection or disposal wells without tubing shall be tested in accordance with rule 82-3-404.

(2) Monitoring. In lieu of a casing pressure test required in (1) above, the operator shall once a month monitor and record during actual injection the pressure in the annulus. A report of pressures logged shall be made to the commission annually. (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d and 1982 L., Ch. 228, Sec. 3; implementing K.S.A. 1981 Supp. 55-901, K.S.A. 65-171d K.S.A. 55-1003 and 1982 L., Ch. 228, Sec. 3; effective T-83-44, Dec. 8, 1982.)

**82-3-406. Duration of injection or disposal well orders.** (a) Commission orders authorizing injection or disposal into wells shall remain valid for the life of the well, unless revoked by the commission for just cause.

(b) An order granting injection or disposal may be modified, vacated, amended, or terminated by the commission during its term. Modifications or amend-

ments of the order may be made at the request of any interested person, subject to commission approval, or on the commission's initiative. The party requesting an amendment shall give notice of the application to amend by mailing or delivering a copy of the application to the landowner and each operator of producing and drilling wells within a 1/2 mile radius of the injection or disposal well. All orders shall be approved by the commission and the department of health and environment.

(c) Mechanical failures or other conditions which indicate a well is not, or may not be, directing the injected fluid into the permitted or authorized zone may be cause to shut-in the well. If the condition may endanger any fresh or usable water source or oil or gas resources, the operator shall orally notify the commission within 24 hours. Written notice of a well failure shall be submitted to the commission and to the department of health and environment within five days of the occurrence together with a plan for testing and repairing the well. Results of the testing and well repair shall be reported to the commission and the department of health and environment, and all information shall be included in the annual monitoring report to the commission. Any mechanical downhole well repair performed on the well that was not previously reported shall also be included in the annual report. (Authorized by K.S.A. 1981 Supp. 55-901, and K.S.A. 65-171d and 1982 L., Ch. 228, Sec. 3; implementing, K.S.A. 1981 Supp. 55-901, and K.S.A. 65-171d K.S.A. 55-1003, and 1982 L., Ch. 228, Sec. 3; effective T-83-44, Dec. 8, 1982.)

**82-3-407. Records.** The owner or operator of an injection or disposal well shall: (a) keep current and preserve for a period of five years an accurate record of the amount and kind of fluid injected into the injection or disposal well; and

(b) submit a report to the commission at the end of each calendar year, showing the monthly average wellhead pressure, maximum wellhead pressure, amount and kind of fluid injected into each well, and any other performance information that may be required by the commission. Copies of these annual reports shall be submitted to the department of health and environment. (Authorized by and implementing 1982 L., Ch. 228, Sec. 3; effective T-83-44, Dec. 8, 1982.)

**82-3-408. Transfer of authority to inject.** (a) Authority to operate an injection or disposal well shall not be transferred from one operator to another without the approval of the commission. The commission shall be notified in writing, in triplicate, of the intent to transfer the ownership of an injection or disposal well from one operator to another. The written notice shall contain the:

(1) the name and address of the present operator and the operator's license number;

(2) the name and location of the well being transferred;

(3) the order number and date of the order authorizing injection;

(continued)

- (4) the zone or zones of injection;
- (5) the proposed effective date of transfer;
- (6) the signature of present operator and the date signed;
- (7) the name and address of the new operator and the operator's license number; and
- (8) the signature of the new operator and the date signed.

(b) The commission shall mail a letter to the former operator and to the new operator designating approval or denial of the transfer of authority. A copy of the amended order authorizing the injection or disposal shall be attached to the letter mailed to the new operator. The commission or the department of health and environment may require the former operator to conduct a mechanical integrity test as a condition of the transfer. (Authorized by K.S.A. 1981 Supp. 55-901 and K.S.A. 65-171d and 1982 L., Ch. 228, Sec. 3; implementing, K.S.A. 1981 Supp. 55-901, and K.S.A. 65-171d 1982 L., Ch. 228, Sec. 3, and K.S.A. 55-1003; effective T-83-44, Dec. 8, 1982.)

**82-3-409. Authorization for existing injection or disposal wells.** Each injection or disposal well authorized by order of the commission on the effective date of this rule shall be an existing injection or disposal well. Injection or disposal shall be prohibited in any existing well unless the operator has filed within one year of the effective date of this rule an inventory of existing injection wells on a form prescribed by the commission. This form shall include each well name; location, authorizing commission order number, date of the order (including all orders authorizing exceptions), maximum authorized injection rate, and maximum authorized surface injection pressure. (Authorized by K.S.A. 1981 Supp. 55-901 and 1982 L., Ch. 228, § 3; implementing, K.S.A. 1981 Supp. 55-901, K.S.A. 55-1003 and 1982 L., Ch. 228, § 3; effective T-83-44, Dec. 8, 1982.)

**82-3-410. Assessment of costs.** The applicant shall, within 30 days after notice by the commission, pay a charge as established by the commission for each lease involved in the injection or disposal application. (Authorized by and implementing K.S.A. 1981 Supp. 55-901 and 1982 L., Ch. 228, § 3; implementing K.S.A. 1981 Supp. 55-901 and 1982 L., Ch. 228, § 3 and 6; effective T-83-44, Dec. 8, 1982.)

**82-3-500. Definitions.** Any special words, terms or phrases in this article are used as defined in the natural gas policy act of 1978, Public Law 95-621, applicable federal energy regulatory commission rules and regulations as found in the Federal Register, Vol. 43, No. 232, Part VIII, P. 56448—P. 56636, December 1, 1978, or applicable rules and regulations of the state corporation commission of the state of Kansas as found in K.A.R. 82-3-101. (Authorized by and implementing K.S.A. 66-1,185; effective T-83-44, Dec. 8, 1982.)

**82-3-501. Applications; contents and approval.** (a) Applications for natural gas well classification determinations under the natural gas policy act of 1978, Pub. L. No. 621, shall be made upon forms prepared and furnished by the conservation division. The origi-

nal and two copies of this application shall be filed with the conservation division. Each application shall be completed in conformance with the commission's rules and regulations before the application will be considered. The applicant shall be the operator of the gas well for which a classification determination is requested.

(b) Upon receipt of an application for a natural gas well classification determination, the commission shall assign a docket number to the application. If the application is incomplete in any respect, the commission shall notify the applicant of items required to make the application complete. (Authorized by and implementing K.S.A. 66-1,185; effective T-83-44, Dec. 8, 1982.)

**82-3-502. Notice; protest; hearing; administrative grant.** (a) The commission shall set the time and place for hearings on applications for natural gas well classification determinations under the natural gas policy act of 1978, Public Law 95-621. If commission staff determines that the application is complete, has been filed as provided in K.A.R. 82-3-501 and should be granted administratively, the applicant shall be advised accordingly. The applicant shall give notice, by publication to all interested parties, that the matter is intended to be granted administratively unless a written protest is filed and received within 10 days after the publication notice. In the event no protest is filed, the application shall be granted without further appearance or hearing.

(b) If the staff recommends that an application not be granted administratively a hearing shall be held. The applicant shall give notice by publication no less than 10 days before the hearing to all interested parties.

(c) The notice required in (a) and (b) shall be given by publication in one or more newspapers that have a general circulation in this state, and by mailing a copy of the notice to the purchaser of the applicant's gas. The notice shall state the time and place of hearing and contain any other information needed to briefly and adequately disclose the matter to be considered.

(d) Proof of publication of notice shall be furnished to the commission on or before the hearing date, or if no hearing is required, upon receipt of the notice from the publisher. The notice shall specify that, if a timely protest is filed, the hearing will be held at the next regularly scheduled hearings of NGPA matters that occurs at least 10 days subsequent to the filing of protest. In that event, protestants shall be notified immediately in writing of the time and place of the hearing. Notice provisions contained in this regulation pertain only to notice to be given for hearing dates or of intent to grant administratively, applications for natural gas well classification determinations made under the natural gas policy act of 1978, Public Law 95-621. (Authorized by and implementing K.S.A. 66-1,185; effective T-83-44, Dec. 8, 1982.)

**82-3-503. Assessment.** Every application filed with the state corporation commission for a natural gas well classification determination under the, natural gas policy act of 1978, Public Law 95-621 shall be accom-

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panied by a fee of \$100.00. No classification determination shall be made until the fee is received by the commission. All fees collected under this regulation shall be credited to a special fund for the use of the state corporation commission in administering the duties imposed upon it by the natural gas policy act of 1978, Public Law 95-621. (Authorized by and implementing K.S.A. 66-1,185; effective T-83-44, Dec. 8, 1982.)

**82-3-504. Notice of determination.** Within 15 days after making a determination as to the classification of a natural gas well, the commission shall give written notice of the determination. Notice shall be given to the federal energy regulatory commission in accordance with federal energy regulatory commission rules and regulations as found in the Federal Register, Vol. 43, No. 232, Part VIII, P. 56648—P. 56636, December 1, 1978. (Authorized by and implementing K.S.A. 66-1,185; effective T-83-44, Dec. 8, 1982.)

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