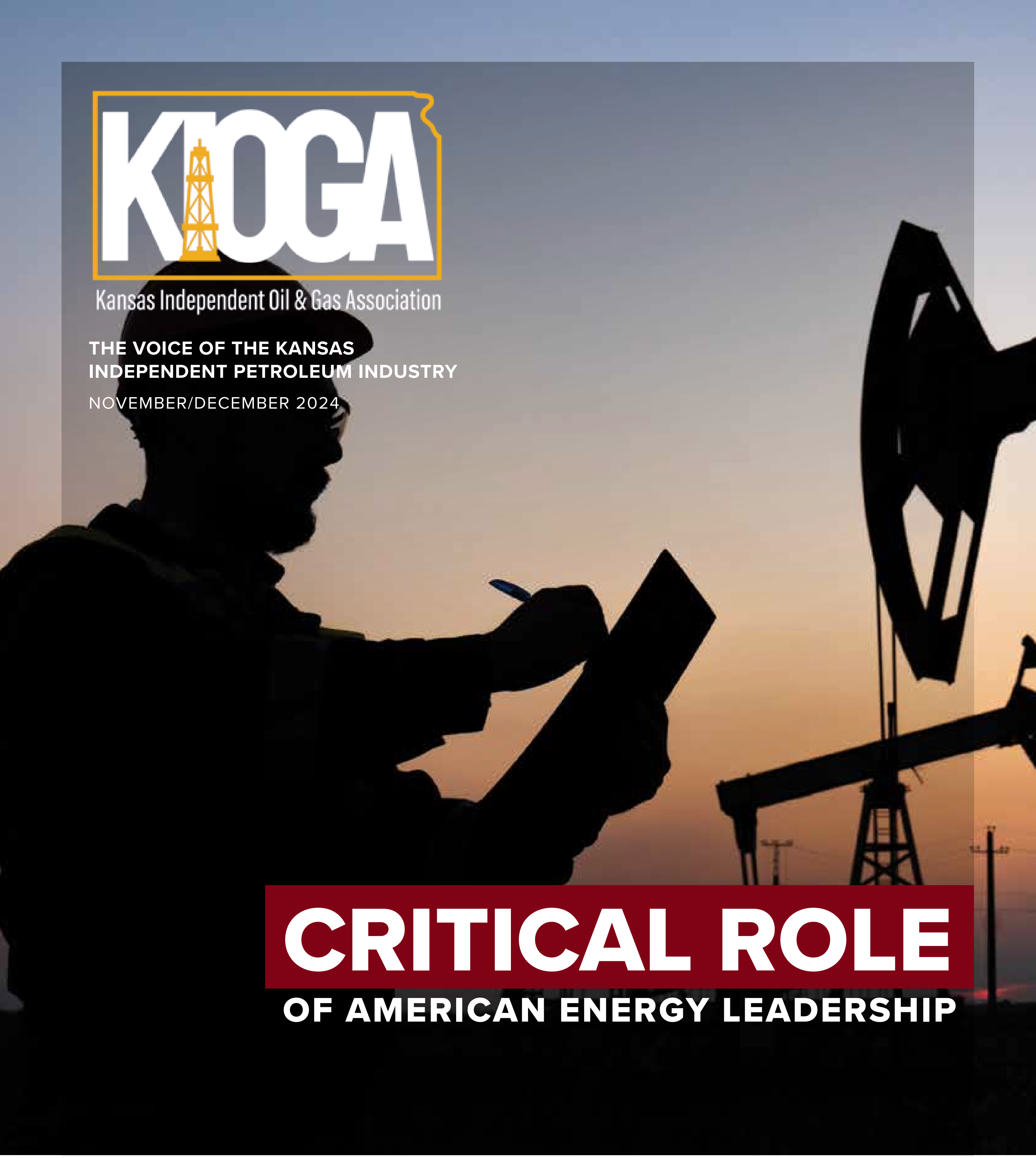

# KIOGA

Kansas Independent Oil & Gas Association

**THE VOICE OF THE KANSAS INDEPENDENT PETROLEUM INDUSTRY**

NOVEMBER/DECEMBER 2024

# CRITICAL ROLE

## OF AMERICAN ENERGY LEADERSHIP


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# CONTENTS




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FROM THE CHAIR

DANA WREATH
KIOGA CHAIR

# HOPE for a More Prosperous 2025

The election results are in, and we can now start to look forward, in a hopeful manner, to a more prosperous 2025. This past year has brought significant uncertainty around regulatory policies and oil and gas pricing. Although predicting regulatory outcomes is always challenging, there are encouraging signs that some federal programs, such as methane regulations and the methane tax, may be delayed, reduced, or even eliminated. Other matters, such as the lesser prairie chicken regulations, will continue to be litigated and could remain unsettled for some time. Additionally, there is hope that proposed regulations aimed at phasing out gasoline and diesel-powered vehicles may be reconsidered.

Electricity demand in the U.S. is rising steadily, even with a relatively small number of electric vehicles currently on the road. The availability of affordable, reliable electricity remains essential, not only for daily life but also for the oil and gas industry. Electricity costs play a significant role in the profitability of oil and gas wells, and we remain hopeful that rate increases may be moderated in the coming years under the new administration.

The past year's pricing uncertainties, coupled with high drilling and completion costs, have dampened drilling activity in Kansas. As of today, the number of active drilling rigs in western Kansas has dropped to the upper teens—a historical low not seen for many decades. Looking ahead, oil and gas prices remain unpredictable. The incoming administration has signaled support for affordable energy and increased drilling, but any substantial increase in activity will require oil and gas prices that support a fair return on capital. Kansas producers have always adapted to market conditions and will respond to pricing as it evolves. Fortunately, global demand for oil and gas continues to grow, and this increased demand should positively influence prices over time. We have every reason to be hopeful that 2025 will bring stronger economic conditions and renewed momentum for Kansas oil and gas.

This holiday season, we all have a lot to be thankful for, and key among them is the freedom and opportunity that comes with living in the U.S. Amidst the turmoil and tragic events occurring globally, we can be thankful we live in a great and free country that allows us to lead productive lives as we choose.

Finally, I also want to express sincere thanks to our President Ed Cross, who has retired effective October 31, 2024. Cross has been a positive force for Kansas oil and gas for over 21 years. His effectiveness and leadership in support of our industry in Topeka and Washington, D.C., have been remarkable. His retirement announcement is featured in this edition, which I encourage you to check out. Thanks again, Ed Cross, for so many years of service and so many positive contributions on behalf of KIOGA.

Dana Wreath
KIOGA Chair


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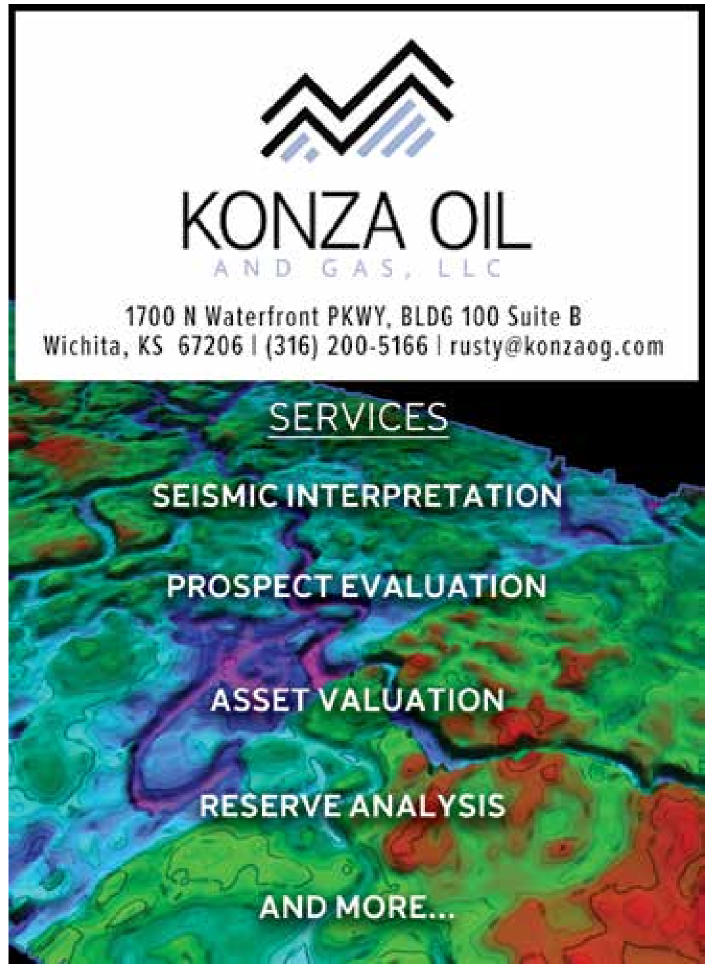
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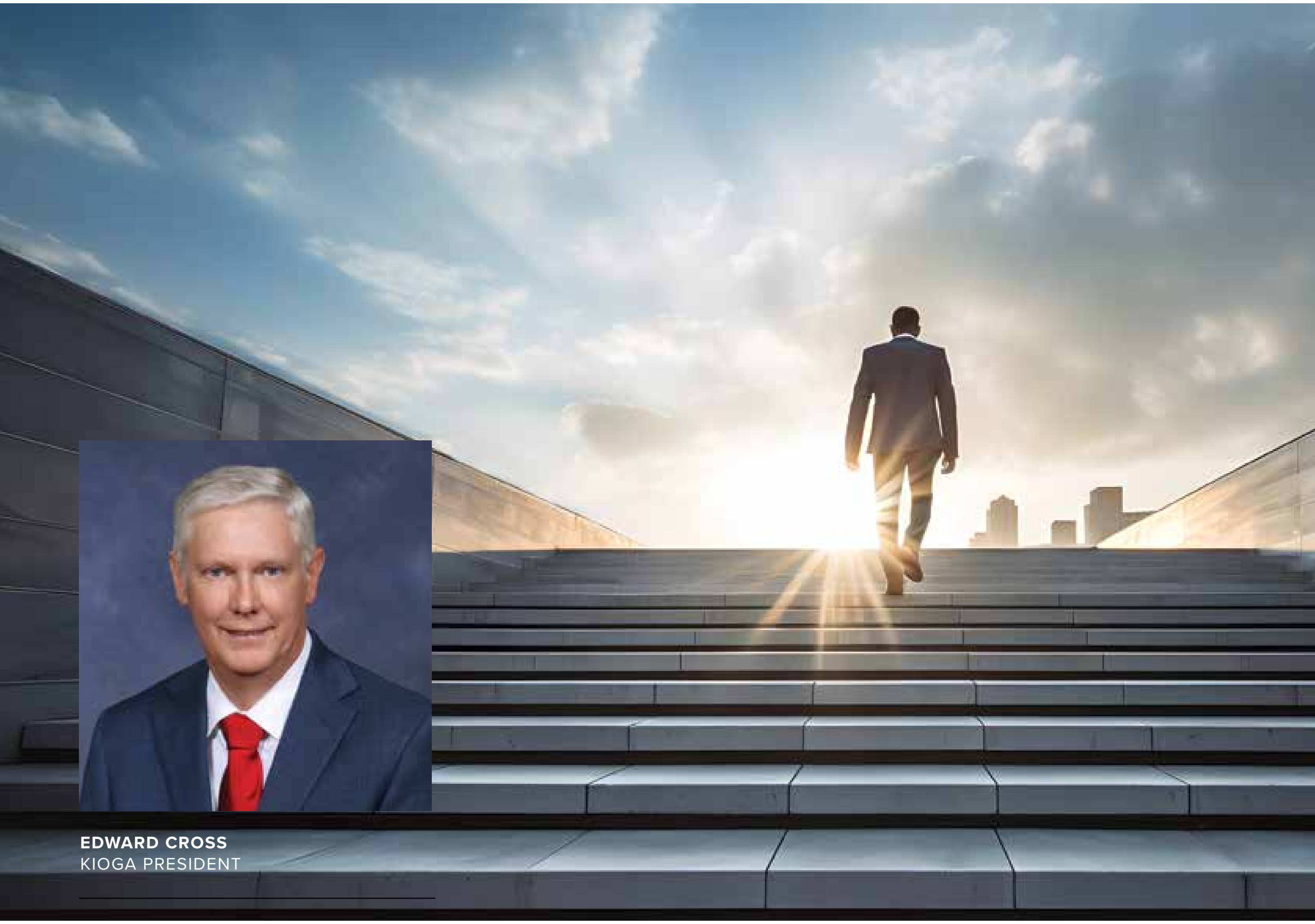


**EDWARD CROSS**
KIOGA PRESIDENT

# EDWARD CROSS RETIRING

## as President of the Kansas Independent Oil & Gas Association

A Message from your KIOGA President, Edward Cross


## "THE EXPERIENCES I'VE HAD, THE PEOPLE I'VE MET, AND THE CHALLENGES THAT WE'VE OVERCOME TOGETHER FORM A BODY OF MEMORY THAT IS BEYOND MEANING FOR ME."

Edward Cross, President of the Kansas Independent Oil & Gas Association (KIOGA), is retiring after a 21-year tenure at KIOGA effective October 31, 2024. KIOGA wishes to thank Cross for his many years of service. Cross has been a key leader in advancing the mission and work of our association. His commitment and contributions have had a lasting positive impact on our industry, both in the state of Kansas and nationally. Cross said he is looking forward to some time to refresh and reenergize.

Cross issued the following statement:

*Way back in 2003, I was lucky enough to learn of an opportunity to lead KIOGA and even more fortunate when several good people pushed me forward into the job as President of KIOGA. I have been blessed to lead this association for over 21 years. I want to thank all KIOGA members, the Board of Directors, and the 11 Chairman I have served, for the privilege of leading KIOGA for the past 21-plus years.*

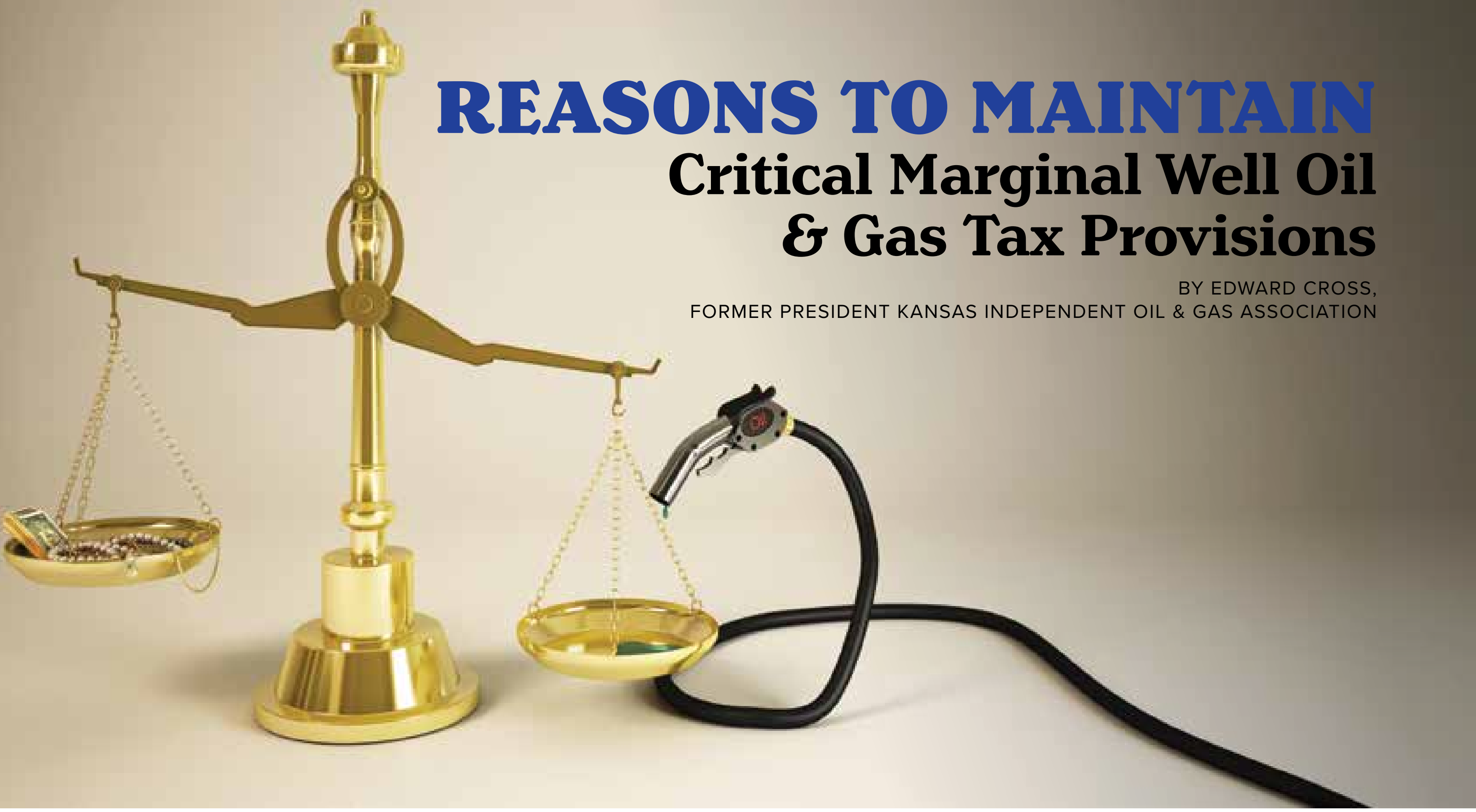
*During my tenure as KIOGA President, we have shared many achievements. Early in my tenure at KIOGA, I was the primary author of the Kansas Petroleum Education & Marketing Act (the enabling legislation that created what is known today as Kansas Strong). Together, we held back numerous attempts at tax increases on the oil and gas industry, stopped onerous surface damage legislation, stemmed burdensome check stub bills, halted misguided hydraulic fracturing regulations, and more. Just over the past three years, KIOGA has spearheaded legislative actions that saved the Kansas oil and gas industry over $233 million. I was honored to be named one of "50 Kansans You Should Know" in 2013 by Ingram's (a Kansas City Business Magazine), "Distinguished Leadership Award" in 2015 by the National Stripper Well Association, "Energy Executive of the Year" finalist in 2018 by Petroleum Economist magazine, and "2023 Top Lobbyist" by the National Institute for Lobbying & Ethics.*

*My time at KIOGA has been amazing! I could not have asked for a better opportunity. The experiences I've had, the people I've met, and the challenges that we've overcome together form a body of memory that is beyond meaning for me. I am privileged to have worked for you and to represent your interests. Thank you, KIOGA members, for your support and encouragement over the years. Carry on!*

Edward P. Cross

KIOGA President

On behalf of the KIOGA Board, we extend our deepest gratitude to Ed Cross for his many years of dedicated service and significant contributions to our organization. We wish him all the best in his future endeavors.



# REASONS TO MAINTAIN
## Critical Marginal Well Oil & Gas Tax Provisions

BY EDWARD CROSS,
FORMER PRESIDENT KANSAS INDEPENDENT OIL & GAS ASSOCIATION

**Description of Current Tax Code:** Federal law provides special rules for the treatment of intangible drilling and development costs (IDCs). Under these rules, an operator or working interest owner who pays or incurs IDCs in the development of an oil or gas property in the U.S. may elect either to expense or capitalize those costs. If an election to expense IDCs is made, the taxpayer deducts the amount of the IDCs as an expense in the taxable year the cost is paid or incurred. IDCs include all expenditures made by an operator for wages, fuel, repairs, hauling supplies, etc., incident to and necessary for the drilling of wells and the preparation of wells for the production of oil and gas. The election to deduct IDCs applies only to those IDCs associated with domestic properties.

**Description of Current Law:** Depletion is available to any person having an economic interest in a producing oil and gas property. There are generally two types of depletion—cost and percentage depletion. Cost depletion is limited to the taxpayer's basis in the property, whereas percentage depletion is not limited by the basis but is subject to limitations on net income derived from the property and taxable income.

Percentage depletion for producing oil and gas property (15% rate) is available only to independent producers and royalty owners. Special rules apply to oil and gas production from marginal wells (generally, wells for which the average daily production is less than 15 barrels of oil or barrel-of-oil equivalents or that produce only heavy oil). In no event may the rate of percentage depletion exceed 25% for any taxable year.

Also, perhaps most notably, percentage depletion is limited to the first 1,000 barrels of oil (or equivalent) of daily production; many larger independents receive this tax treatment for only a small percentage of their production.

**Reason to Keep Percentage Depletion and IDCs in the Tax Code:** Continued domestic exploration requires significant amounts of capital. In today's exploration/production industry, most capital for drilling is generated by independent producers internally. However, even in instances when outside investors are involved, these two tax provisions (percentage depletion and IDCs) are essential in attracting capital sufficient to maintain the pace and volume of drilling activity necessary to sustain current or increasing demand. Without these two tax provisions, neither large nor small domestic independents would generate the capital necessary for continuing to grow drilling

and production activity. Estimates are that the repeal of IDCs and percentage depletion would decrease domestic drilling by at least 30%.

### How Does this Tax Expenditure Grow the Economy?

Domestic oil and natural gas drilling and production activities are major positive economic drivers in a struggling economy. U.S. independent oil and natural gas producers are primarily responsible for current domestic energy production, with its attendant economic, employment, and national security benefits. More than 18,000 independent producers drill about 95% of U.S. oil and natural gas wells and account for 67% of U.S. oil and gas production.

Independents point to two primary factors that drive the domestic oil and natural gas industry:

1) Advancements in the science and technology of drilling and completing oil and gas wells and,
2) Availability of capital sufficient to finance the enterprise.

As mentioned earlier, without these two tax provisions (percentage depletion and IDCs), neither large nor small domestic independents would generate the capital necessary for continuing to grow drilling and production activity.

A recent study conducted by the Wood Mackenzie consulting firm found that if intangible drilling costs could no longer be expensed, an average of 225,000 jobs per year would be lost, of which an estimated 65,000 would be jobs in the oil and gas industry. The same study concluded that investment through the drilling and development of oil and gas resources would decline by $407 billion over the period 2017 to 2026.

### How Does this Tax Expenditure Make the Tax Code Fairer?

***Percentage Depletion***

Percentage depletion provides capital to keep current marginal wells producing and capital to be reinvested in new oil and gas ventures in the U.S. In addition, percentage depletion acts as a hedge that cushions small royalty owners against the time of ultimate recovery of all commercial oil and gas production. According to the National Association of Royalty Owners, the typical royalty owner in the U.S. is over 60 years of age, widowed, and receives less than $500 in monthly royalties.

***Intangible Drilling Costs***

It takes several years and millions of dollars to drill the exploration and production wells that eventually extract oil/natural gas and generate revenue. Even in shale plays, there is no guarantee that a company will produce oil/gas when it drills exploration wells. Today's domestic E&P industry deals with both exploration risk (dry holes) and especially economic risk (completed, producing wells may never produce sufficient hydrocarbon value to return the initial investment costs). Allowing a current tax deduction for IDCs helps to alleviate the tremendous costs and risks involved in exploration, completion, and production.

### How do these Tax Provisions Help Other Important Federal Policy Objectives?

The idea of North American energy independence—a pipe dream as recently as the turn of the 21st century—is no longer just a concept but a tangible, achievable reality. America is no longer as reliant on unstable and/or unfriendly regimes for oil supply. The reality of decreasing reliance on certain OPEC nations for a majority of our crude oil supplies provides new options for the U.S. in foreign affairs, and military planning and decision-making.

> **"MORE THAN 18,000 INDEPENDENT PRODUCERS DRILL ABOUT 95% OF US OIL AND NATURAL GAS WELLS AND ACCOUNT FOR 67% OF U.S. OIL AND GAS PRODUCTION."**

In addition, the availability and long-term reliability of reasonably priced energy (particularly domestically produced natural gas) will continue to play a critical role in the resurrection of the U.S. manufacturing sector.

Finally, and most importantly, oil and natural gas drilling activity by domestic independents and the oilfield service/support sector creates and sustains millions of U.S. jobs (estimated at 9.2 million by recent industry surveys). This job creation extends to manufacturers (steel mills in Ohio, pump makers in New Jersey, sand miners in Wisconsin) that provide technology, equipment, and materials to this burgeoning industry.

### Should this Tax Expenditure be Repealed or Reformed, and if so, How?

No. Current law provisions for percentage depletion and expensing of intangible drilling costs should be retained so that domestic, independent oil and gas producers, and royalty owners are allowed to continue to deduct their ordinary business expenses, just as other U.S. businesses and industries.

### How Does this Tax Expenditure Benefit Rural Areas?

After many decades of productive stewardship, oil and natural gas resources continue to play an important part in the livelihoods of many Americans who live in rural areas. The small independent oil and natural gas industry puts hundreds of thousands of people across the U.S. to work each day and pumps hundreds of millions of dollars into individual state economies each year, money that helps support families, fund schools, and build roads.

- Small independent oil and gas producers support nearly 4 million jobs and contribute $579 billion to the U.S. GDP.
- Independents' employees pay $30.7 billion in income taxes (federal & state), sales tax, and excise taxes.
- The entire direct/indirect/induced economics of small independent producers generated nearly $190 billion of federal and state taxes in 2019.
- Every $1 million of capital expenditures (capex) for independents results in $1.1 million of total taxes generated by independents.
- Every $1 million of capex invested by independents results in six direct and 33 total jobs.
- Every $1 million of capex for independents results in $2.4 million of direct and $5.1 million of overall contribution to GDP.


## COMPARISON OF TAX PROVISION FOR

# MAJORS AND INDEPENDENTS

BY EDWARD CROSS, FORMER PRESIDENT KANSAS INDEPENDENT OIL & GAS ASSOCIATION

Key points to remember: Independents raise capital from U.S. sources—most of it personal—while the majority of majors' income comes from foreign sources.

Independents drill 95% of the wells in the U.S. Unfavorable tax changes repealing these provisions would drive many small independents out of business because they would not be able to raise capital for new ventures. Dry hole costs must be deductible. If not, no one will risk drilling dry holes looking for new production.


| Tax Provision | Major Integrated Company | Independent Producer |
|---|---|---|
| Expensing of intangible drilling costs | Able to expense 70% of U.S. drilling costs and capitalize 30% over five years. Majors raise much of their drilling capital internally. | They are able to expense drilling costs in the year incurred. It is important for smaller companies that have to drill with personal money because the quicker the costs are recouped, the more wells they can drill. |
| Percentage depletion | Has not been available to majors for more than 49 years. | This helps small producers keep marginal wells (15 barrels or less per day) producing. The percentage depletion is limited to 15% of the gross oil and gas income. Also limited to the first 1,000 b/d. It is limited to the net income from marginal properties. The amount deducted for depletion cannot exceed 65% of the taxpayer's income before the deduction. |
| Repeal of passive loss exception for working interests | Does not apply. | Working interest owners are investors who share the costs in drilling and production. The current tax law allows WI owners to be classified as an active, rather than passive, investor if they do not have limited liability. |
| Geological and geophysical costs | Majors must amortize costs over seven years. | Independents currently must amortize G & G costs over a two-year period. The economic life of a property for an independent is considerably less than seven years, which is the new proposal. |
| Marginal well tax credit | Never been in effect because prices have never reached the trigger point since enacted. | It has never been in effect because prices have never reached the trigger point since it was enacted. |
| Enhanced Oil Recovery (EOR) tax credit | Available to majors but has been rarely used. | It is available to independents, but not many have decided to apply for the credit because of bureaucratic red tape and the costs to implement. |
| Manufacturing tax deduction | Designed to encourage creation of jobs in U.S. rather than taking employees overseas. | This is a current benefit to independents, but it is insignificant. |
| Excise tax on Gulf of Mexico production | Majors are still active in the Gulf of Mexico somewhat, but most are pulling out. | Independents are drilling most of the new wells in the Gulf today. They would be hit hardest by a new tax. |

# CRITICAL ROLE

## OF AMERICAN ENERGY LEADERSHIP

BY EDWARD CROSS, FORMER PRESIDENT KANSAS INDEPENDENT OIL & GAS ASSOCIATION

As the people across this great nation prepare to make decisions that will shape our future, let's look at how the next administration faces important decisions to secure America's energy advantage at a time of rising geopolitical volatility around the world.

We look around the world today, and ongoing conflicts remind us that secure, reliable access to energy is at the core of our nation's energy security, as well as the security of America's allies. But our energy security should never be taken for granted, and we need policies that ensure we can meet our energy needs tomorrow, not just today.

With escalating tensions in the Middle East and Putin's war in Ukraine approaching its third year, we cannot emphasize enough the commanding presence of American oil and natural gas in the global market and the energy security benefits it provides.

Despite the noise from doomsday scenarios, the reality is that oil and natural gas will be needed for decades to come—not just years. Because global demand for energy is rising, there's no better place to produce it than here in America.

We produce the most reliable, affordable energy in the world under the strongest environmental standards. American oil and natural gas will continue to be cornerstones of the energy mix for generations to come.

Let's reflect on why U.S. energy leadership is so crucial. We look around the world today, and ongoing conflicts remind us that secure, reliable access to energy is at the core of our nation's security—as well as the security of America's allies. Yet, despite war and ongoing geopolitical tensions in the Middle East and Europe, we are not in an energy crisis.

Why?

Because of the resilience and innovation of nearly 11 million American workers supported by the oil and natural gas industry. These people ramped up production when the world needed it most, even in the face of challenging policies from Washington. Their efforts kept the lights on around the world—something every state and federal policymaker should commend.

With wars in multiple energy-producing regions and threats to shipping in places

## “AMERICAN OIL AND NATURAL GAS WILL CONTINUE TO BE CORNERSTONES OF THE ENERGY MIX FOR GENERATIONS TO COME.”

like the Red Sea, the stakes are high. It’s a stark reminder of the poor energy policy decisions made in the 1960s and ’70s, leading to the 1973 oil crisis, with skyrocketing prices and economic turmoil.

In this moment, let’s learn from those mistakes—not repeat them. We simply must, because as we approach 2050, the global population is projected to reach 10 billion. With energy demand set to increase, we need energy from all sources.

Thus, it has never been more important for America to emerge as the runaway top supplier of both oil and natural gas.

Since 2015, methane emissions from U.S. oil and natural gas production are **down** 37% while production is **up** 40%, according to Environmental Protection Agency data. Production up and emissions down—that is what the oil and natural gas industry strives for. The American oil and natural gas industry is in for the long haul.

Let’s be clear: There is no more critical industry today than American oil and natural gas. However, some argue that the world no longer needs oil and natural gas and that we can move past them entirely. Others in Washington are pushing policies that restrict access to abundant sources of oil and natural gas, make us dependent on China for critical minerals, limit consumer choices, and threaten the very infrastructure that keeps our energy system running.

These policies are misguided. They discourage investment in energy projects and impose unrealistic timelines and mandates. What Americans need are choices, not mandates, and honesty about the consequences of losing our energy advantage or sowing the seeds of a new energy crisis.

Here’s some energy reality for those folks: Even with the most optimistic projections for renewables, nearly half of all global energy will still come from oil and natural gas in 2050—roughly where it is today. The question is whether that energy will come from America, with our commitment to environmental stewardship, or from nations that do not share our values.

The next administration must focus on protecting consumer choice, restoring permits for LNG exports, expanding access to our vast energy resources, and advancing sensible tax policy.

These are not just popular positions—they’re essential. Polling in political “swing” states shows that eight in 10 voters, across party lines and including independents, support increasing U.S. production of oil and natural gas.

Even a national poll by *The New York Times* found that nearly two-thirds of voters support boosting domestic oil and natural gas production.

American energy leadership is our insurance policy against volatility and a pillar of our national security. It’s the result of decades of bipartisan commitment, with every president from Jimmy Carter to Donald Trump calling for greater American energy independence.

You don’t have to read a newspaper or watch cable news to know that, given the state of the world, there has never been a more critical time for strong U.S. energy production and the policies that support it.

Affordable, reliable energy from U.S. oil and natural gas is not just an economic necessity—it’s a matter of national security.

Let’s embrace this moment for U.S. oil and natural gas, take pride in our achievements, and forge ahead with the determination to leave a legacy of strength and security for generations to come. *K*



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# KIOGA AND EKOGA

## Intervene in the KCC Docket on Transmission Line Siting

The Kansas Indepentent Oil & Gas Association (KIOGA) has joined with EKOGA in petitioning to intervene in KCC Docket No. 24-GIME-102-GIE, “Investigation into the Principles and Priorities to be Established for Evaluating the Reasonableness of the Location of a Proposed Transmission Line in Future Line Siting Proceedings.” The Kansas Corporation Commission held a Technical Workshop for Line Siting Principles on November 1, 2024.

Participating in the workshop were Andrea Krauss, representing KIOGA, and David Bleakley, representing EKOGA, along with Keith Brock, with the firm of Anderson & Byrd, LLP, as counsel for both organizations. The purpose of the Technical Workshop was to discuss the KCC staff’s proposed Line Siting Principles and Priorities. The staff’s recommendations did include the requirement for utilities to submit oil and gas industry protocols with all line siting applications. However, while their proposed routing principles included accommodations for residences, businesses, communication towers, wind turbines, cultivated land, and center pivot irrigation systems, they did not include consideration of existing oil and gas leases in utility routing studies. The lack of consideration of oil and gas leases in routing studies would inevitably result in significant damages to operators, royalty owners, and mineral owners due to the inability to recover oil and gas reserves from the affected lands and would result in increased costs to ratepayers.

Following the workshop, KIOGA and EKOGA submitted the following comments:

### Impacts of Electric Transmission Lines Upon Oil and Gas Interests.

In order to drill, maintain, and eventually plug vertical oil, gas, disposal, or injection wells, it is necessary to raise a mast or derrick over the well. The height of these masts or derricks varies across the state, but some of this equipment is up to 140 feet tall. Thus, if an electric transmission line is constructed over an existing well, it is likely that the operator of the well will no longer be able to remove down-hole equipment from said well in order to maintain the well or even plug it. In addition, if an electric transmission line is constructed over an oil and gas reservoir, it is likely that a new vertical well cannot be drilled beneath said transmission line in order to recover the oil and gas reserves located thereunder. In some instances, this would leave the oil and gas reserves beneath the electric transmission line right of way, either technically or economically unrecoverable, thus causing underground waste of such natural resources. In addition, in many instances, siting an electric transmission line over existing wells effectively condemns those wells, which could add millions of dollars to the right-of-way acquisition cost, thus unnecessarily increasing the burden upon ratepayers. The extent to which oil and gas operators are affected in other ways will depend upon the restrictions that are imposed upon other activities within the right of way and beneath the electric transmission line. If the oil and gas operator remains free to erect overhead electric lines, drive equipment beneath, install pipelines under, and set tanks and other surface equipment beneath the electric transmission lines, then the burden upon the oil and gas operator will be mitigated. However, if the oil and gas operator is prohibited from conducting any or all of these operations within the right of way, such restrictions could substantially impair or increase the cost of future oil and gas operations, thus significantly increasing the right of way acquisition costs and consequently the burden upon ratepayers.

Unlike residential, commercial, and agricultural structures, the surface location of oil and gas wells is dictated by underground reservoir geology. Thus, an operator cannot necessarily move a well location several feet to another surface location as such relocation could leave a portion of the reserves in the targeted geological structure unrecoverable. In this unique context, the Kansas Corporation Commission (Commission) must balance its statutory directives, as the Commission is also the agency charged with preventing the waste of natural gas resources and the agency that regulates oil and gas operations and issues necessary permits associated therewith. *See, e.g.*, K.S.A. 55-703 and K.S.A. 74-623. Thus, in this context, the Commission must consider the impact upon oil and gas operations in electric transmission line siting decisions and, in such context, must remain mindful of its statutory directive to prevent waste of the state's precious and finite oil and natural gas resources.

For these reasons, the site for electric transmission lines should be chosen in order to avoid existing oil and gas wells and filed notices of intent to drill and to minimize crossing through active oil and gas fields when possible.

### Additional Siting Criteria, Siting Principles, and Protocols.

Essentially, the intervenors' revisions define two types of oil- and gas-related impacts: 1) impacts to existing wells and filed notices of intent to drill and 2) impacts associated with crossing active oil and gas leases/fields. As it relates to these two categories, the intervenors are requesting that siting over existing wells or filed notices of intent to drill be avoided when possible and that crossing active oil and gas leases/fields be treated similarly to cultivated cropland and thus be minimized. The intervenors are not requesting any consideration be given to inactive or abandoned oil and gas fields/leases.

During the technical conference, the staff requested comments on which protocols should be required and also what should be included in the required protocols. The intervenors agree with the staff's proposal, which requires utilities submitting a line siting application to submit with such application Oil and Gas Industry Protocols or have a previously approved protocol on file with the Commission. The intervenors believe these protocols should be enforceable by oil and gas operators, working interest owners, royalty owners, and unleased mineral interest owners (hereinafter collectively, "Oil and Gas Interest Holder") and should, at a minimum, contain the following:

1) Code of Conduct for applicants' employees and ROW acquisition agents, with the goal of acquiring voluntary transmission line easements from oil and gas stakeholders by respectfully talking to, understanding, and, when practical, accommodating the concerns and priorities of the oil and gas interest holders;

2) Approach to oil and gas interest holder negotiations, which includes:

   a. commitment to communicate the overall need for the project to oil and gas interest holders and operators;

   b. commitment to actively involve oil and gas interest holders in the routing process during the open house and public meetings, as well as during one-on-one meetings between land agents and oil and gas interest holders;

   c. commitment to developing a review and approval process for oil and gas interest holder-requested micro-siting changes on their property;

   d. demonstrate respect for private property rights and existing land uses;

   e. offer a fair and comprehensive compensation package to be paid to oil and gas interest holders for transmission line easements;

   f. commitment to listening to oil and gas interest holder concerns and establishing a process for negotiating easement provisions where possible to address these concerns; and

   g. documenting agreements with oil and gas interest holders to ensure that negotiated provisions and obligations are met during construction, maintenance, and operation.

3) Compensation, which includes:

   a. commit to paying the total oil and gas reserve value as determined by licensed petroleum engineers for any portion of oil and gas reserves that are rendered actually or economically unrecoverable during the construction, maintenance, or operation of the project;

   b. commit to pay for any oil and gas lease/field impacts resulting from the construction, maintenance, or operation of the project, regardless of when they occur without any cap. These impacts include but are not limited to the lost production revenue for any period of time, an increase in the cost of operation or development, and the value of time and material associated with making changes to the existing and planned lease infrastructure and development patterns and plugging and remediation expenses, if applicable.

4) Nonexclusive easement, which allows the applicant to use a portion of the property necessary for the placement and operation of a transmission line but which permits oil and gas interest holders to continue to utilize the entire easement area (except for the small footprint of structures) for oil

> **"THE LACK OF CONSIDERATION OF OIL AND GAS LEASES IN ROUTING STUDIES WOULD INEVITABLY RESULT IN SIGNIFICANT DAMAGES TO OPERATORS, ROYALTY OWNERS, AND MINERAL OWNERS DUE TO THE INABILITY TO RECOVER OIL AND GAS RESERVES FROM THE AFFECTED LANDS AND WOULD RESULT IN INCREASED COSTS TO RATEPAYERS."**

> and gas activities that do not unreasonably interfere with the operation of the transmission line.

### Notice of Proceedings.

Finally, the intervenors request a fourth recommendation be added to the staff's proposal, which would require oil and gas interest holders to be included in the parties who receive notice of siting applications pursuant to K.S.A. 66-1,179. Presently, applicants only give notice to surface owners, which is troubling to the intervenors for several reasons. First, a mineral interest is an interest in real property, and thus, mineral owners would clearly be "landowners," as that term is used in K.S.A. 66- 1,179. Moreover, the text of such statute states,

> Written notice by certified mail of such hearing and a copy of the application shall be served not less than 20 days prior to the hearing date upon all **landowners described in subsection (a)(2) of K.S.A. 66-1,178** and amendments thereto, as shown by the application.

(Emphasis added). The referenced subsection of K.S.A. 66-1,178(a)(2) states, (2) the names and addresses of the landowners of record whose land **or interest therein** is proposed to be acquired in connection with the construction of or is located within 660 feet of the center line of the easement where the line is proposed to be located; and

(Emphasis added). Oil and gas interest holders undeniably have "an interest in" the land upon which they operate and thus are entitled to notice under the existing statutory language. However, since applicants have only been notifying surface owners, the Commission should take this opportunity to prevent such notice deficiencies going forward.

Moreover, in order to fulfill the Commission's statutory duty to prevent waste of oil and gas resources in these electric transmission line siting applications, it is critical that the Commission hear from oil and gas interest holders concerning possible waste issues. Logically, this will only occur if such parties receive notice of these applications and have an opportunity to be heard. This will also prevent any substantive and procedural due process deficiencies from occurring in these proceedings.

Finally, as a matter of logic, it would not make sense to adopt principles, criteria, and protocols related to oil and gas impacts but then fail to provide notice to the impacted parties in order that they may ensure such protections are enforced and adhered to. For various other legal reasons, which could arise as collateral attacks upon a later condemnation proceeding or construction operations, all parties who have an interest in the affected property (including oil and gas interest holders) should be given notice and an opportunity to be heard in electric transmission line siting dockets. K

*Thanks to Keith Brock of Anderson & Byrd, LLP, for drafting the Petition to Intervene and the Post-Workshop Comments.*


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# ENERGY TRANSITION VS. ENERGY FUTURE

## MEETING THE WORLD'S GROWING NEEDS REQUIRES AN ENERGY EXPANSION

BY WARREN MARTIN, KANSAS STRONG

Everywhere you look, headlines proclaim the imminent energy transition. Many pundits speak in terms of its "inevitability" and point to statistics emphasizing the increased market share of renewables as proof. However, the energy market is a global market. Behind all the rhetoric for transition stands the idea that transitioning is necessary to address environmental concerns. The environment is a global issue.

A global issue in the global market requires a global perspective to evaluate what is actually happening. When you look at the global market, you see no transition happening, and you see those who are most in need being hurt the most by the effort.

This is not an article against renewable sources of energy. Quite the contrary: We are going to need every source of energy we can find for future energy demands.

I spent two years working in Pakistan. During that time, I would take 20–30 teenagers from the U.S. to Pakistan and group them with 20–30 teenagers from Pakistan. They worked together, building projects throughout the summer.

Pakistan is an energy-deprived nation. There is very little refrigeration. So, I began each day by going down to the butcher shop and picking out 10 chickens and one goat that would be our food for the day. The butcher slaughtered them and started processing them right there.

Next, I walked across town to the icehouse down by the river and purchased the block of ice we would use for the day. We wrapped the ice in burlap and loaded it on a cart pulled by a water buffalo. As we headed back to the butcher shop, several kids—probably ages 6–10—followed behind us. They were waiting for the water buffalo to defecate on the ground. When that happened, a mad rush would ensue as they pulled grass from the side of the road and raced to get to the buffalo patty. Whoever got there first would grab the patty off the ground, mix in

the grass from the side of the road, and make the round patty they would stick on the south side of their house. Once dried by the sun, the patty was brought inside for fuel to cook their meals and heat their home.

Those kids have no chance to compete with my kids and grandkids, learning language arts, arithmetic, science, and technological skills at school because they are spending their days collecting energy for their families. And they are not alone. It is estimated that about 60% of the world's population is energy deprived. Almost 40% of the population—mostly in Africa and Asia—are still dependent on traditional biofuels like firewood, dung, and the like to cook their meals and heat their homes. Just about 20% of the population of the world exists today, utilizing less energy each year than it takes to run the average refrigerator in your home. They all want more energy.

Adding to this, the U.N. predicts that between now and 2050, we are going to add 1.7 billion more people to the planet. The more people you have, the more energy you need. In fact, it is estimated that by 2050, we will need 28% more energy each year than we currently utilize. Where is all that energy going to come from? Why are we talking about shutting down energy sources when the addition of renewables isn't able to replace them?

When you look at the world energy mix, currently all energy sources are growing. Oil, natural gas, nuclear, hydro, biofuels, renewables, and even coal. A transition implies that something is being replaced by something else. That simply is not the case when all sources continue to grow. The only place you can point to that shows a "transition" is in a local or regional scope. Yet, energy is a global market, and the global market is expanding, and all sources are growing.

Advocates for transition like to point to the increased market share renewables have garnered. While we live in a world that is dependent on statistics, perhaps we should keep in mind Mark Twain's

warning: “There are three kinds of lies: lies, damned lies, and statistics.”

Article after article reports on the increased market share renewables have acquired as proof of a transition occurring—which would be valuable data if the market was consistent. It is not. It is growing and will continue to grow. Let me give you an example.

Let’s say in a certain neighborhood, you have 10 families. Each has an internal combustion engine (gas or diesel) vehicle. So, 100% of the neighborhood has ICE vehicles. However, the Gonzales family down the street decides to trade in their car to get an electric vehicle. At the same time, the Jones family needs another car because they now have jobs on opposite sides of town, and the Shiffer family needs another car for their high school daughter to drive to school. They both buy ICE vehicles for economic reasons. So now you have the same neighborhood with 12 vehicles: 11 are ICE vehicles, and one is electric.

If you follow all that, then you will see that the statistics show the electric vehicle market grew to 8% in this neighborhood. Yet, the reality remains that there is actually one more ICE vehicle in the community than there was to begin with. That is not a transition. It is capturing market share in a growing market where all vehicle types continue to grow. And that is what is happening all over the world.

In fact, the U.S. Energy Information Administration published a report predicting electric vehicles will compose about 13% of the market by 2035. However, the same report also projects there will be more ICE vehicles on the road than there are now.

The market is growing. Yes, renewables are taking a market share of the growth. But transition? Nope. All energy sources are continuing to grow.

Many advocates for transition herald the need for it in order to help the poorest among us. The idea is that global warming is going to displace significant populations—mostly in impoverished nations—and therefore, transition is necessary to protect these population segments. Laws are implemented, regulations employed, and energy costs continue to climb.

Before the pandemic, the average Kansan family used 2.5% of its total income for energy needs. Following the pandemic, that number is now up to 6% of its total income. Many economists hold that surpassing the threshold of 6% is the tipping point where consumers begin to drastically change their spending habits.

However, before the pandemic, those living below the poverty line here in Kansas were utilizing about 8% of their total income on their energy needs. Following the pandemic, it is estimated they are utilizing somewhere between 13% and 15% of their total income for their energy needs. The No. 1 request from people calling nonprofits and churches for assistance is help paying their utility bills. Escalated energy costs undermine these families' ability to compete. It increases the divide between the haves and the have-nots.

Some people might think, "Well, they just need to use less energy." That really isn't an option. There are basic energy requirements in the U.S. you must maintain to house your family. Those living below the poverty line are saddled with less efficient housing, cars, appliances, etc. They may very well have far less than a middle-income family and still use as much energy due to inefficiencies.

When you compare the children in Pakistan following the water buffalo with children in Kansas living below the poverty line, they might look very different. However, they are the same in regard to being significantly held back in life by the cost of energy.

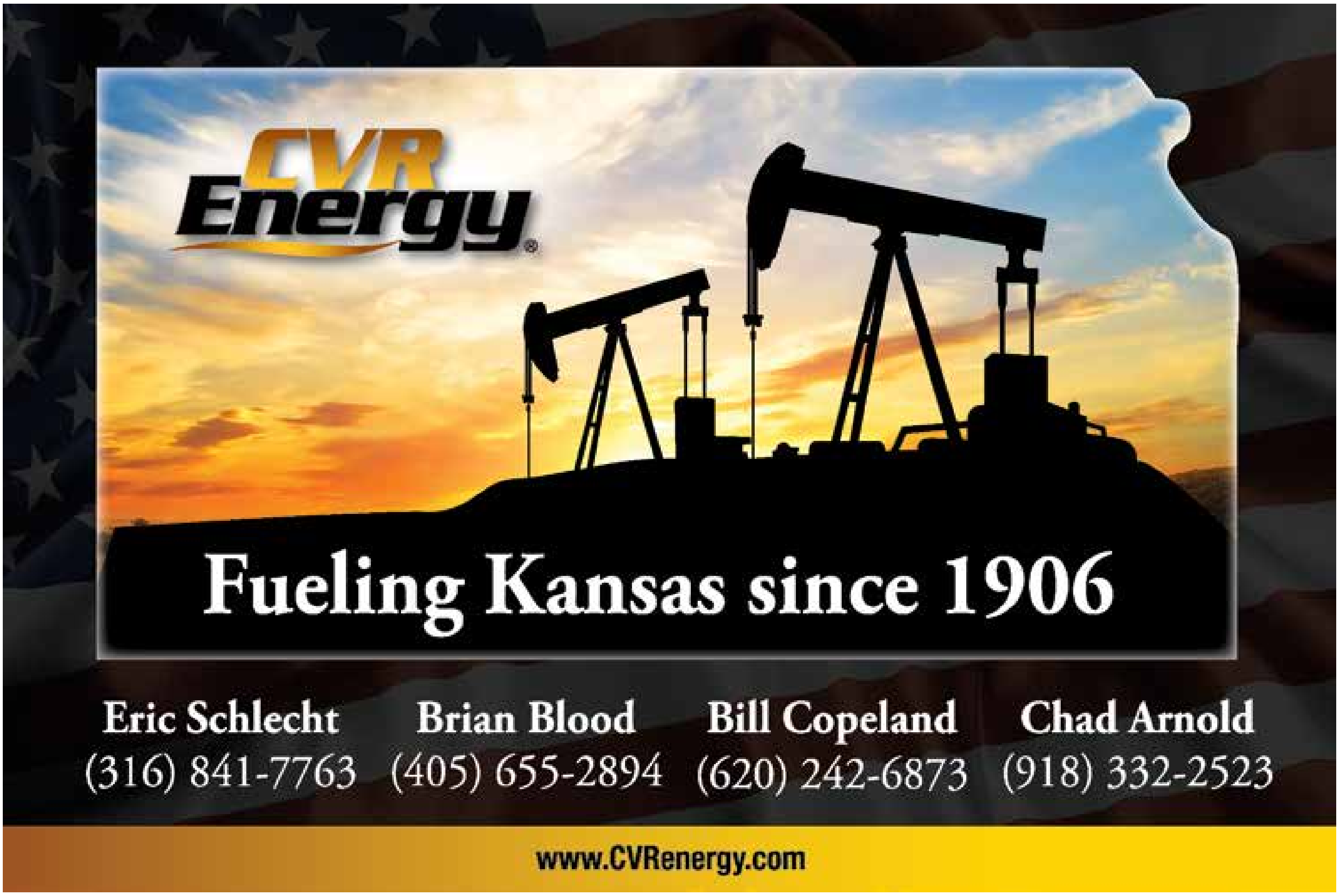
We have to find a way to produce 28% more energy by 2050. That is our energy future. It is going to take every source of energy we can find to meet that need. This is not the time to talk about taking sources of energy offline. It is not the time to talk about transition. It is the time to talk about helping those in the greatest need with the one tool that can most effectively level the playing field for them to be able to compete—affordable, reliable energy.

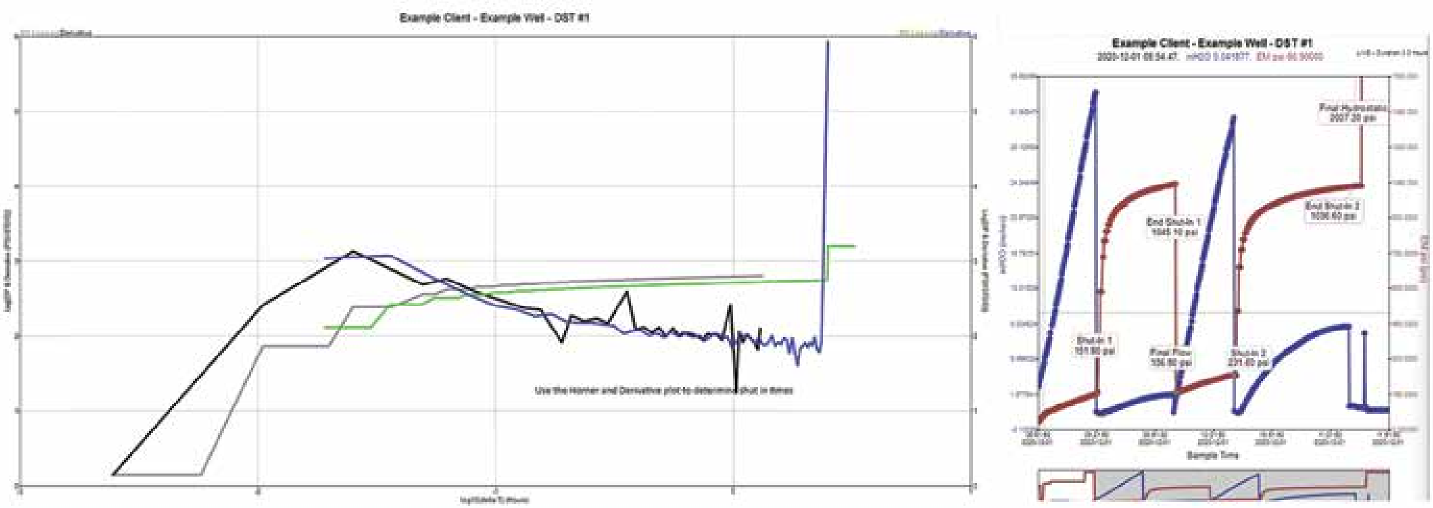
Oil and natural gas are essential to the current energy mix. They provide 56% of current energy consumption. Unless governments intervene and restrict their utilization, they are anticipated to provide approximately 50% of the world's energy by the year 2050. That might seem like a reduction, but remember, the market is growing. By 2050, when oil and natural gas are producing about 50% of the world's energy, we will be producing more oil and natural gas than we currently do.

We need to have a serious conversation about our energy future. We need to be discussing how we are going to grow our energy production by 28% over the next 25 years. We need to be talking about how to produce the most affordable, reliable energy we possibly can. Those in the greatest need are those who will be impacted the most if we do not. The transition that needs to occur is in our conversation about energy.

### About the Author

*Warren Martin is an author, teacher, artist, and speaker whose passion is to inspire and invest in the next generation of leaders. As Executive Director of Kansas Strong, he promotes the quality of life created by the oil and natural gas industry. Martin previously served as Executive Director of the General Tommy Franks Leadership Institute and Museum and has been leading leadership workshops, presenting keynote presentations, and consulting with Fortune 500 corporations and nonprofit organizations for 23 years. He is a philosophy graduate of Texas Tech University.*

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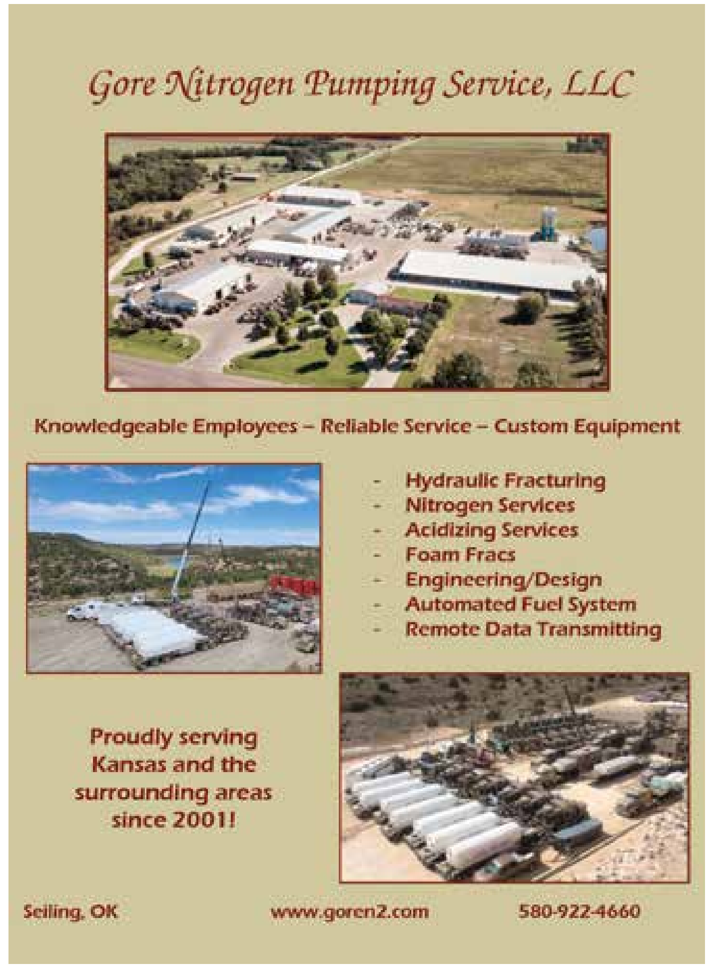
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| Event Name | Date | Location |
|---|---|---|
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| KIOGA Board Membership Meeting | December 4, 2024 | Wichita, KS |
| Supplier's Christmas Party | December 4, 2024 | Wichita, KS |
| Legislative Reception and Breakfast | January 28, 2025 | Topeka, KS |

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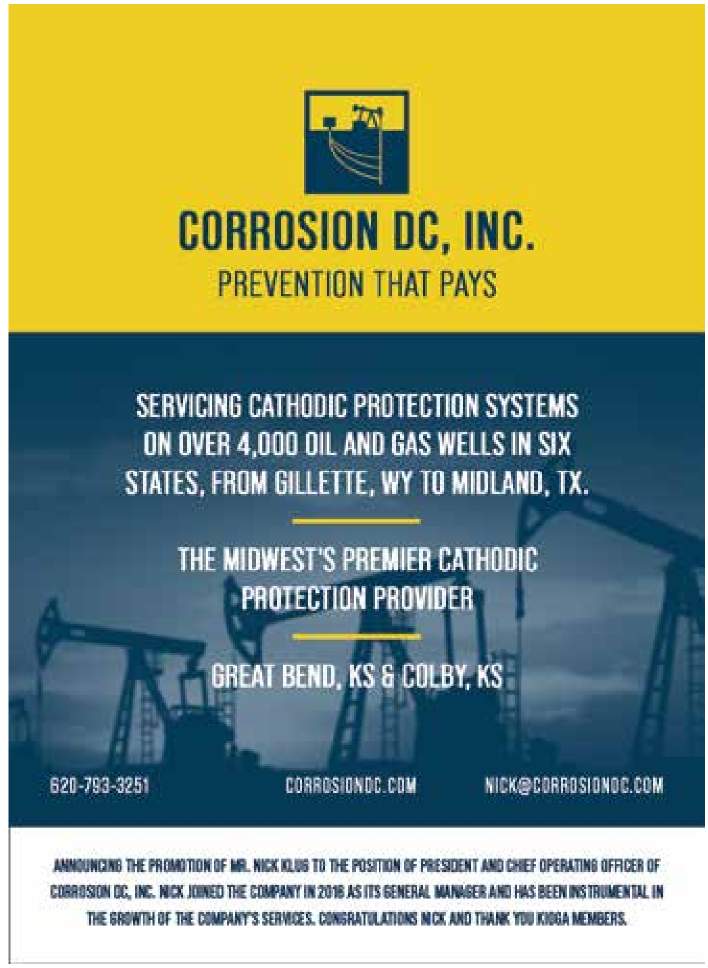
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