

ORIGINAL



IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

OKLAHOMA OIL & GAS)
ASSOCIATION, on behalf of itself)
and its constituents,)
))
Petitioner,)
))
v.))
))
THE KINGFISHER COUNTY)
COMMISSIONERS, in their)
official capacity,)
))
Respondents.)

No. 117,303

RECEIVED
SUPREME COURT
STATE OF OKLAHOMA
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ORDER

Original jurisdiction is assumed. Petitioner's request for declaratory relief is granted. The Kingfisher County Commissioners' ban of temporary oil and gas lines carrying produced water within county road easements is contrary to 52 O.S. Supp. 2015, § 137.1, and the Oklahoma Corporation Commission's exclusive jurisdiction to regulate oil and gas operations as provided therein, and statutes vesting the Commission with exclusive authority to regulate the transportation and disposal of produced water. See, e.g., 52 O.S. Supp. 2012, § 139; 17 O.S. Supp. 2016, § 52; 27A O.S. Supp. 2018, § 1-3-101(E).

Further, a legal challenge to the reasonableness of a rule or regulation imposed by a municipality, county or other political subdivision concerning road use, traffic, noise and odors incidental to oil and gas operations within their boundaries

shall be subject to the exclusive jurisdiction of the Oklahoma Corporation Commission. 52 O.S. Supp. 2015, § 137.1.

DONE BY ORDER OF THE SUPREME COURT THIS 13TH DAY OF NOVEMBER, 2018.


Acting CHIEF JUSTICE

Kauger, Winchester, Edmondson, Reif, Wyrick and Darby, JJ., concur;
Combs, C.J., Gurich, V.C.J. and Colbert, J., dissent.