

## STATE OF KANSAS



CORPORATION COMMISSION  
CONSERVATION DIVISION  
266 N. MAIN ST., STE. 220  
WICHITA, KS 67202-1513

PHONE: 316-337-6200  
FAX: 316-337-6211  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

### NOTICE OF PENALTY ASSESSMENT 18-CONS-3359-CPEN

May 24, 2018

Jacob S. Brown  
Thomas M. Brown LLC  
PO Box 250  
Plainville, KS 67663

This is a notice of a penalty assessment for violation(s) of Kansas Oil and Gas Conservation Statutes, Rules, and Regulations. For a full description of the penalty and process please refer to the Penalty Order that is attached to this notice.

#### **IF YOU ACCEPT THE PENALTY:**

You have been assessed a \$100 penalty. You have 30 days from the service date of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission and mailed to the Conservation Division of the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202. The payment must include a reference to the docket number of this proceeding. Payment by credit card may be made by calling the Conservation Division at 316-337-6200.

#### **IF YOU CONTEST THE PENALTY:**

You have the right to request a hearing. A written request for hearing must be made within 30 days after service of the Penalty Order setting forth the specific grounds upon which relief is sought. Respondent must submit the request to the Commission, at 266 N. Main St., Suite 220, Wichita, Kansas 67202. The Commission shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act within 30 days after receipt of such request. K.S.A. 55-164; K.S.A. 77-542; K.A.R. 82-1-215.

#### **IF YOU FAIL TO ACT:**

Failure to pay the fine amount, or in the alternative, provide a written request for a hearing, within thirty (30) days of service of the Penalty Order, will result in the attached Penalty Order becoming a Final Order and may result in additional sanctions, including additional monetary penalties, the suspension of your oil and gas operating license, and the shutting-in of all operations until compliance is obtained. K.S.A. 55-164; K.S.A. 77-537.

Respectfully,

Lauren N. Wright  
Litigation Counsel  
316-337-6200

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:                      Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Dwight D. Keen

In the matter of the failure of Thomas M.            )    Docket No.: 18-CONS-3359-CPEN  
Brown LLC (“Operator”) to comply with            )  
K.A.R. 82-3-117 at the Harris #1 SWD well        )    CONSERVATION DIVISION  
in Rooks County, Kansas.                            )  
\_\_\_\_\_ )    License No.: 34179

**PENALTY ORDER**

The above captioned matter comes before the State Corporation Commission of the State of Kansas. Having examined the files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. JURISDICTION**

1.        The Commission has the exclusive jurisdiction and authority to regulate oil and gas activities in Kansas.<sup>1</sup> The Commission has jurisdiction to regulate the “construction, operation, and abandonment of any well and the protection of the usable water of this state from any actual or potential pollution from any well.”<sup>2</sup> Every operator conducting oil and gas activity in Kansas must be licensed by the Commission.<sup>3</sup>

2.        The Commission has the authority to issue a Penalty Order for violation of any provision of K.S.A. 55-101 *et seq.*, rule, regulation, or order of the Commission.<sup>4</sup> The Commission shall take appropriate action which may include, but not be limited to, imposing a monetary penalty “not to exceed \$10,000, which shall constitute an actual and substantial

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<sup>1</sup> K.S.A. 74-623.

<sup>2</sup> K.S.A. 55-152.

<sup>3</sup> K.S.A. 55-155.

<sup>4</sup> K.S.A. 55-162; K.S.A. 55-164.

economic deterrent to the violation for which the penalty is assessed.”<sup>5</sup> “In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.”<sup>6</sup>

3. Within 60 days after plugging any well, the owner or operator of the well shall file a well plugging report with the Conservation Division, on a form furnished by the Commission.<sup>7</sup> Failure to file a plugging report shall be punishable by a \$100 penalty.

## II. FINDINGS OF FACT

4. The Operator conducts oil and gas activities in Kansas under active license number 34179.

5. The Operator is responsible for the care and control of the Harris #1 SWD (“the subject well”), API #15-163-20436-00-01, located in Section 34, Township 8 South, Range 18 West, Rooks County, Kansas.

6. On December 7, 2017, the Operator plugged the subject well. The Operator did not submit a complete and accurate well plugging report (“CP-4”) within 60 days of the plugging date.

7. On March 12, 2018, Commission Staff sent a Notice of Violation letter to the Operator, requiring the Operator to file a CP-4 to bring the subject well into compliance with K.A.R. 82-3-117 by March 26, 2018.<sup>8</sup>

8. Commission Staff did not receive a CP-4 by the deadline set out in Staff’s Notice of Violation letter.

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<sup>5</sup> K.S.A. 55-164.

<sup>6</sup> *Id.*

<sup>7</sup> K.A.R. 82-3-117.

<sup>8</sup> Exhibit A.

### III. CONCLUSIONS OF LAW

9. The Commission finds it has jurisdiction over the Operator and this matter under K.S.A. 55-152 and K.S.A. 74-623.

10. The Commission finds the Operator committed one violation of K.A.R. 82-3-117 because the Operator has not submitted a complete and accurate CP-4 for the subject well in a timely manner.

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

A. The Operator shall pay a \$100 penalty.

B. The Operator shall submit a complete and accurate CP-4 for the subject well.

C. If no party requests a hearing, and the Operator is not in compliance with this Order within 30 days, then the Operator's license shall be suspended without further notice. The notice and opportunity for a hearing on this order shall constitute the notice required by K.S.A. 77-512 regarding license suspension. The Commission may impose further sanctions, including additional monetary penalties and any other remedies available to the Commission by law, without further notice.

D. Checks and money orders shall be payable to the Kansas Corporation Commission. For credit card payments, include the type of card (Visa, MasterCard, Discover, or American Express), account number, and expiration date. Payments shall be mailed to the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202. The payment must include a reference to the docket number of this proceeding.

E. Any party may request a hearing on the above issues by submitting a written request, pursuant to K.S.A. 55-164, K.S.A. 77-537, and K.S.A. 77-542, setting forth the specific grounds upon which relief is sought, to the Commission at 266 N. Main St., Suite 220, Wichita,

Kansas 67202, within 30 days from the date of service of this Order. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of the Operator's right to a hearing.

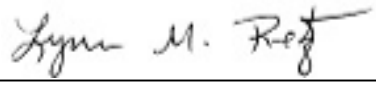
F. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>9</sup>

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

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

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 05/24/2018

  
\_\_\_\_\_  
Lynn M. Retz  
Secretary to the Commission

Mailed Date: 05/25/2018

LW

<sup>9</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

CONSERVATION DIVISION  
266 N. Main St., Ste. 220  
Wichita, KS 67202-1513



Phone: 316-337-6200  
Fax: 316-337-6211  
<http://kcc.ks.gov/>

Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Jeff Colyer, M.D., Governor

March 12, 2018

Jacob S Brown  
Thomas M. Brown LLC  
PO BOX 250  
PLAINVILLE KS 67663

License No. 34179

### NOTICE OF VIOLATION

**Re: Well Plugging Record(s) - ("CP-4")**

Operator:

Commission records indicate that the well(s) on the attached list have been plugged, but we have not received the necessary Well Plugging Record(s).

It is a violation of K.A.R. 82-3-117 for an operator to fail to submit a CP-4 within 60 days after plugging a well.

**Failure to submit a complete, accurate CP-4  
for the well(s) on the attached list  
by MARCH 26, 2018  
shall be punishable by a \$100 per-well administrative penalty.**

The information requested above must be submitted on KOLAR. If a CP-4 is returned to you as incomplete, you do not have additional time - the deadline above governs.

Please contact me at (316) 337-6200 if you have any questions.

Sincerely,

RENE STUCKY  
Production Department

March 12, 2018

**List of Wells: Missing CP-4**

API Well #	Lease Name / Well #	Well Location	County
15-163-20436-00-01	HARRIS 1 SWD	34-8S-18W, SWSENE	ROOKS

**CERTIFICATE OF SERVICE**

18-CONS-3359-CPEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of  
05/24/2018  
first class mail and electronic service on \_\_\_\_\_.

JACOB S. BROWN  
THOMAS M. BROWN LLC  
PO BOX 250  
PLAINVILLE, KS 67663

RENE STUCKY  
KANSAS CORPORATION COMMISSION  
Conservation Division  
266 N. Main St. Ste. 220  
WICHITA, KS 67202-1513  
Fax: 785-271-3354  
r.stucky@kcc.ks.gov

LAUREN WRIGHT, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
Conservation Division  
266 N. Main St. Ste. 220  
WICHITA, KS 67202-1513  
Fax: 316-337-6211  
l.wright@kcc.ks.gov

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe