

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

In the Matter of the Application of Joe Brake)	Docket No. 18-CONS-3262-CMSC
dba Brake Inc. (“Operator”) for an Operator’s)	
License Renewal.)	CONSERVATION DIVISION
)	
_____)	License No. 31074

PRE-FILED TESTIMONY

OF

NANCY BORST

September 24, 2018

1 **Q. What is your name and business address?**

2 A. Nancy D. Borst, 266 N. Main St. Wichita, KS 67202

3 **Q. By whom are you employed and in what capacity?**

4 A. I am employed by the Conservation Division of the Kansas Corporation Commission as an
5 administrative specialist in the licensing and legal departments.

6 **Q. How long have you been employed by the KCC?**

7 A. Since February 2018.

8 **Q. Have you previously testified before this Commission?**

9 A. No.

10 **Q. What duties does your position with the Conservation Division involve?**

11 A. My duties include processing and reviewing license applications, processing open records
12 requests, and processing legal filings; among other tasks.

13 **Q. Are you familiar with this docket, 18-CONS-3262-CMSC?**

14 A. Yes

15 **Q. How are you familiar with this docket?**

16 A. I have reviewed all filings in this docket. Also by the way of background to this docket, I
17 have reviewed the Operator's November 16, 2017, license renewal application.

18 **Q. Will you please provide a brief overview of this docket?**

19 A. Joe Brake submitted a license renewal application on November 16, 2017, which was
20 denied. The Operator appealed the denial of his operator's license. The policy of the license
21 division is to not renew applications if the Operator is not in compliance with Conservation
22 Division rules, regulations, statutes, and Commission regulations. Operator license number
23 31074, for Brake, Joe, dba Brake Inc. is currently suspended due to non-compliance with the

Commission's Penalty Order in Docket 16-CONS-4117-CPEN and therefore is not in compliance with all requirements of K.S.A. Chapter 55.

Q. What violation was found to have occurred in the Commission's Penalty Order in Docket 16-CONS-4117-CPEN?

A. One of the Operator's wells, the T Bollinger #RDK-1, API #15-015-24042-00-00, was found to be in violation of K.A.R. 82-3-111. K.A.R. 82-3-111 provides that within 90 days after operations cease on any well, the operator of that well shall plug the well, return the well to service, or file an application with the Conservation Division requesting temporary abandonment ("TA") status. The Operator was ordered to pay a \$100 penalty for one violation of K.A.R. 82-3-111.

Q. What would Joe Brake have to do for its license application to satisfy K.S.A. 55-155?

A. The Operator would have to pay the \$100 penalty and also take one of the following actions in regard to the T Bollinger #RDK-1 well: plug the well, put the well back into production, transfer the well to another licensed operator or obtain temporary abandonment ("TA") status.

Q. Once the Operator brings itself into compliance with Docket 16-CONS-4117-CPEN, can this license renewal application then be processed?

A. Yes.

Q. Do you have a recommendation regarding Operator's license renewal application?

A. I would recommend the Commission uphold the license denial in this docket until Mr. Brake complies with the Commission Order in Docket 16-CONS-4117-CPEN.

Q. Does this conclude your testimony as of this date, September 24, 2018?

A. Yes.

CERTIFICATE OF SERVICE

18-CONS-3262-CMSC

I, the undersigned, certify that the true copy of the attached "Prefiled Testimony of Nancy Borst" has been served to the following parties by means of first class mail and electronic service on September 24, 2018.

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/S/ Paula J. Murray

Paula J. Murray