

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

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the matter of an Order to Show Cause ) Docket No. 17-CONS-3423-CSHO  
issued to Wanita M. Brooks ("Operator") )  
regarding responsibility under K.S.A. 55-179 ) CONSERVATION DIVISION  
for unplugged wells on an expired license. )  
\_\_\_\_\_ ) License No: 31747

**ORDER CANCELLING EVIDENTIARY HEARING AND  
DIRECTING STAFF TO SUPPLEMENT THE RECORD**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On December 19, 2016, Commission (Staff) filed a Motion for an Order to Show Cause, the Designation of a Prehearing Officer and the Scheduling of a Prehearing Conference.<sup>1</sup> Staff stated the two unplugged wells listed on Operator's license appeared to be abandoned and requested the wells be brought into compliance or the Operator's license be suspended and any injection authority associated with the unplugged wells be revoked.<sup>2</sup>

2. On March 7, 2017, the Commission issued in this docket an Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference.<sup>3</sup> A Prehearing Conference was set for April 6, 2017.

3. On April 3, 2017, the Operator sent correspondence to the Prehearing Officer which requested a postponement of the Prehearing Conference to secure an attorney. At the

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<sup>1</sup> Motion for an Order to Show Cause, the Designation of a Prehearing Officer and the Scheduling of a Prehearing Conference, Dec. 19, 2016.

<sup>2</sup> Id., ¶¶ 7, 8.

<sup>3</sup> Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference, Mar. 7, 2017.

Prehearing Conference on April 6, 2017, the Prehearing Officer indicated to Staff that due to the Operator's request to postpone the Prehearing Conference and non-appearance, he wished to take the matter under advisement for Commission consideration. The Prehearing Conference was subsequently continued to May 4, 2017.<sup>4</sup>

4. On May 2, 2017, the Commission issued in this docket an Order Designating New Prehearing Officer, designating Samuel Feather as the new Prehearing Officer.<sup>5</sup>

5. On May 4, 2017, the Parties participated in a Prehearing Conference, and on May 23, 2017, the Commission issued an Order Setting Procedural Schedule, setting an evidentiary hearing in this matter for September 21, 2017.<sup>6</sup>

6. On August 28, 2017, the Pre-filed Testimony of Cynthia Maine was filed.

7. On September 5, 2017, Pre-filed Testimony of Wanita Brooks was filed in the docket.

8. On September 7, 2017, Commission Staff (Staff) filed a Motion to Cancel Evidentiary Hearing and Close Docket.<sup>7</sup> Staff stated in its motion it performed a lease inspection on the wells remaining on Operator's expired license which confirmed the Potter #1 and Potter #2 wells were unplugged. Staff and Operator have had communication regarding Operator's financial and familial situation and Staff does not believe it to be in the interest of the Agency or the State of Kansas to pursue Operator for plugging responsibility.<sup>8</sup> Staff concluded by recommending the Commission cancel the remainder of the procedural schedule and close the docket.

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<sup>4</sup> Order Continuing Prehearing Conference, Apr. 18, 2017.

<sup>5</sup> Order Designating New Prehearing Officer, May 2, 2017.

<sup>6</sup> Order Setting Procedural Schedule, May 23, 2017.

<sup>7</sup> Motion to Close Docket and Cancel Evidentiary Hearing, Sep. 7, 2017.

<sup>8</sup> Id., ¶¶ 5, 6.

9. The Commission finds the evidentiary hearing currently set for September 21, 2017, should be cancelled.

10. The Commission directs Staff to supplement the record as to whether there is another potential responsible party that will be plugging the subject wells, or if Staff will plug the wells utilizing the abandoned well plugging fund.

**THEREFORE, THE COMMISSION ORDERS:**

A. The evidentiary hearing is hereby cancelled.

B. Staff shall supplement the record as to whether there is another potential responsible party that will be plugging the subject wells, or if Staff will plug the wells utilizing the abandoned well plugging fund. Following Staff's supplement to the record, this docket shall be closed.

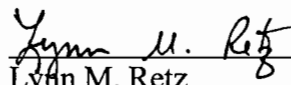
C. Parties have 15 days, plus three days if mailed service, from the date this Order was served in which to petition the Commission for reconsideration.<sup>9</sup>

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

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

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: SEP 14 2017

  
Lynn M. Retz  
Secretary to the Commission

Mailed Date: September 14, 2017

SF/sc

<sup>9</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**CERTIFICATE OF SERVICE**

I certify that on 9/14/17, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Wanita M. Brooks  
PO Box 9925  
Moore, OK 73153-5325

and delivered by e-mail to:

Cyndee Maine  
KCC Central Office

Joshua D. Wright, Litigation Counsel  
KCC Wichita Central Office

Samuel Feather, Deputy General Counsel  
KCC Topeka Office

/s/ Paula J. Murray  
Paula J. Murray  
Legal Assistant  
Kansas Corporation Commission