

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

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

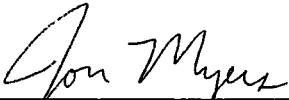
In the matter of the failure of Benjamin M.) Docket No.: 18-CONS-3167-CPEN
Giles ("Operator") to comply with K.A.R. 82-)
3-104 and K.A.R. 82-3-111 at the Wright #1) CONSERVATION DIVISION
OWWO well in Butler County, Kansas.)
_____) License No.: 5446

RESPONSE TO REQUEST FOR HEARING

Commission Staff (Staff) of the State Corporation Commission of the State of Kansas
(Commission) files this Response, stating as follows:

1. On October 12, 2017, the Commission issued a Penalty Order against Operator, assessing \$10,100 in penalties for Operator's violations of K.A.R. 82-3-104 and K.A.R. 82-3-111 and requiring Operator to take certain actions to remedy the violations.
2. On November 14, 2017, Operator filed a document entitled "Request for Hearing," in which Operator both requests a hearing on the Penalty Order and requests that the Penalty Order be rescinded.
3. Staff is opposed to rescission of the Penalty Order. Operator's letter clearly demonstrates the existence of contested issues of fact.
4. Under K.S.A. 55-164, K.S.A. 77-537, and K.S.A. 77-542, Operator may request a hearing, and that is what should be provided.

Respectfully submitted,

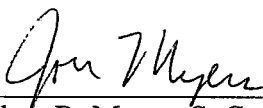


Jonathan R. Myers, #25975
Litigation Counsel, Kansas Corporation Commission
266 N. Main, Suite 220, Wichita, Kansas 67202
Phone: 316-337-6200; Fax: 316-337-6211

VERIFICATION

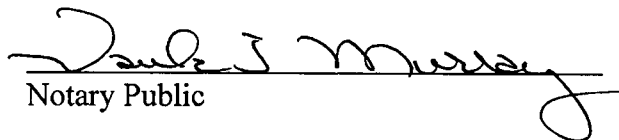
STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

Jonathan R. Myers, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Response*, and attests that the statements therein are true to the best of his knowledge, information and belief.



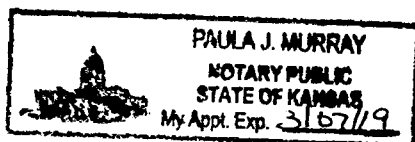
Jonathan R. Myers, S. Ct. #25975
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 15 day of Nov, 2017.



Notary Public

My Appointment Expires: 3/07/19



CERTIFICATE OF SERVICE

I certify that on 11/15/17, I caused a complete and accurate copy of this "Response to Request for Hearing" to be served via United States mail, with the postage prepaid and properly addressed to the following:

Jonathan A. Schlatter
Morris Laing Evans Brock & Kennedy, Chtd.
300 N. Mead, Suite 200
Wichita, KS 67202
Attorneys for Benjamin M. Giles

Benjamin M. Giles
346 S. Lulu
Wichita, KS 67211

and delivered by e-mail to:

Jonathan R. Myers, Litigation Counsel
KCC Central Office

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