

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

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

In the matter of the failure of Edward E. Birk) Docket No.: 15-CONS-055-CPEN
("Operator") to comply with K.A.R. 82-3-400)
at the L E Stroud B #I-1, L E Stroud B #I-2, L) CONSERVATION DIVISION
E Stroud B #I-3, Pohlenz #2 and Pohlenz #7)
wells in Coffey County, Kansas.) License No.: 8210

ORDER RESCINDING PENALTY

Upon its own motion, the Commission finds and concludes as follows:

I. FINDINGS OF FACT

1. On July 22, 2014, the Commission issued a Penalty Order in this docket, requiring Operator to pay \$5,000 for reported over-pressurization at five wells.
2. Staff has reviewed this matter with Operator. Commission records indicate that these wells were over-pressurized in 2013. However, the wells were transferred to Operator shortly before the Penalty Order in this docket was issued. In other words, Operator did not cause the over-pressurization at the wells.
3. Based upon the above, Staff recommends that the Penalty Order in this docket should be rescinded.

II. CONCLUSIONS OF LAW

4. Based upon the above, the Commission concludes that the July 22, 2014, Penalty Order in this docket should be rescinded.

THEREFORE, THE COMMISSION ORDERS:

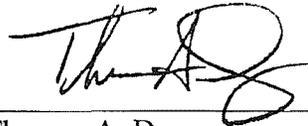
- A. The Penalty Order issued in this docket is rescinded.

B. 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, Com.; Apple, Com.

Dated: AUG 28 2014

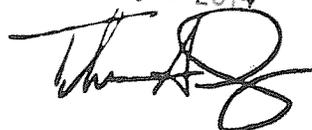


Thomas A. Day
Acting Executive Director

Mailed Date: 9/3/14

JRM

I CERTIFY THE ORIGINAL
COPY IS ON FILE WITH
The State Corporation Commission

AUG 28 2014


CERTIFICATE OF SERVICE

I certify that on 9/3/14, 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:

Edward E. Birk
302 S. 16th Street
Burlington, Kansas 66839

And delivered by hand to:

Alan Snider
Conservation Division Central Office

/s/ Jonathan R. Myers
Jonathan R. Myers
Litigation Counsel
Kansas Corporation Commission