

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

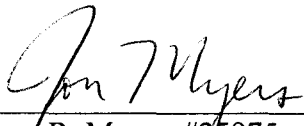
Before Commissioners: Jay Scott Emler, Chairman
Shari Feist Albrecht
Pat Apple

In the matter of the failure of Marvin E. Boyer) Docket No.: 17-CONS-3349-CPEN
Marital Trust ("Operator") to comply with)
K.A.R. 82-3-120.) CONSERVATION DIVISION
)
_____) License No.: 33855

MOTION TO RESCIND PENALTY

Upon review of all pertinent facts, Staff no longer believes it would be useful to defend the Penalty Order in this matter. Staff therefore motions for the Commission to cancel the currently-scheduled February 7, 2016, prehearing conference, and to rescind the Penalty Order.

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

CERTIFICATE OF SERVICE

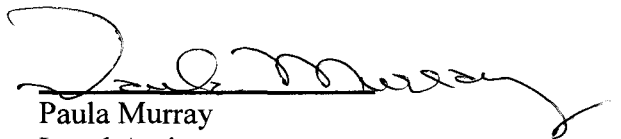
I certify that on 1/9/17, I caused a complete and accurate copy of this Motion to be served via United States mail, with the postage prepaid and properly addressed to the following:

C Duane McCammon or Brenda L. Morris
Marvin E. Boyer Marital Trust
P.O. Box 625
Iola, Kansas 66749

C Duane McCammon
Trustee of the Marvin E. Boyer Marital Trust
Kretzmeier, McCammon & St. Clair, Inc.
P.O. Box 747
Iola, Kansas 66749

And delivered by email to:

Dustin Kirk
KCC Topeka Office

A handwritten signature in black ink, appearing to read "Paula Murray", is written over a horizontal line.

Paula Murray
Legal Assistant
Kansas Corporation Commission