

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

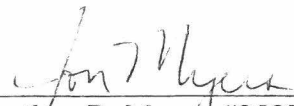
Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the matter of the failure of Drake)	Docket No.: 16-CONS-512-CPEN
Exploration, LLC to comply with K.A.R. 82-3-)	
603 at the Mitchell Lease Tank Battery in)	CONSERVATION DIVISION
Sumner County, Kansas.)	
_____)	License No.: 33556

MOTION FOR THE COMMISSION TO ADOPT
A PAYMENT PLAN AGREEMENT

Commission Staff moves for the Commission to adopt and approve the attached Agreement, which has been signed by both parties. Staff believes the Agreement represents an appropriate manner of resolving the issues described therein.

Respectfully submitted,



Jonathan R. Myers, #25975
Litigation Counsel
Kansas Corporation Commission
266 N. Main, Suite 220
Wichita, Kansas 67202
Phone: 316-337-6200; Fax: 316-337-6106

PAYMENT PLAN AGREEMENT

This Agreement is between Drake Exploration, LLC ("Operator") (License #33556) and Commission Staff ("Staff"). If the Commission does not approve this Agreement by a signed order, then this Agreement shall not be binding on either party. This Agreement shall resolve all matters in Commission Docket Number 16-CONS-512-CPEN.

A. Background

1. On September 3, 2015, the Commission issued a Penalty Order requiring Operator to remediate a spill and pay a \$1,000 penalty. Operator timely appealed. All matters have been resolved except payment of the \$1,000 penalty. Operator withdrew its appeal on January 12, 2016, and emailed Staff Counsel the same day, requesting a payment plan. Although Operator has already withdrawn its appeal, Staff finds a payment plan to be acceptable and believes it appropriate to seek Commission approval of such a plan.

B. Terms of Agreement

2. Of the \$1,000 owed, Operator shall pay \$250 by January 29, 2016; \$250 by February 29, 2016; \$250 by March 31, 2016; and the remaining \$250 by April 29, 2016.

3. If Operator fails to comply with any deadline in Paragraph 2, then Staff shall suspend Operator's license until compliance is obtained. Operator agrees to waive any suspension of Operator's license implemented by Commission Staff due to Operator's failure to comply with this Settlement Agreement.

C. Conclusion

Both parties believe this Agreement fairly resolves the matters at issue.

Commission Staff

By: Jon Myers

Printed Name: JON MYERS

Title: LITIGATION COUNSEL

Date: 1/22/16

Drake Exploration, LLC

By: Darren Broyles

Printed Name: DARREN BROYLES

Title: MANAGER

Date: 1/20/16

CERTIFICATE OF SERVICE

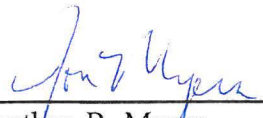
I certify that on 1/22/16, I caused a complete and accurate copy of this Motion to be served via United States mail, with the postage prepaid and properly addressed to the following:

Jeff Kennedy
Martin, Pringle, et al.
100 North Broadway, Suite 500
Wichita, Kansas 67202
Attorney for Drake Exploration, LLC

Dan Fox
KCC District #2

And delivered by hand to:

Lane Palmateer, KCC Central Office



Jonathan R. Myers
Litigation Counsel
Kansas Corporation Commission