

**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 River Rock) Docket No.: 17-CONS-3489-CPEN
Operating, LLC ("Operator") to comply with)
K.A.R. 82-3-407 at the W Hahn #1-1 in) CONSERVATION DIVISION
Labette County, Kansas.)
_____) License No.: 35341

MOTION TO RESCIND PENALTY

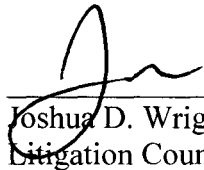
The Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission," respectively) files this Motion to Rescind Penalty (Motion). In support of its Motion, Staff states as follows:

1. On February 21, 2017, the Commission issued a Penalty Order against Operator for failure to comply with K.A.R. 82-3-407. The Commission assessed a \$1,000 penalty.
2. On February 21, 2017, Operator filed a written request for hearing with the Commission.
3. Following the receipt and review of additional information regarding this matter, Staff has concluded that although a violation of K.A.R. 82-3-407 has occurred and is ongoing, the available evidence may not support that Operator is responsible for the violation. Therefore, Staff requests the Commission rescind its February 21, 2017 Penalty Order. Staff will continue its investigation into this matter and will pursue resolution of the ongoing violation of K.A.R. 82-3-407 against another entity as appropriate.
4. Should the Commission rescind its February 21, 2017 Penalty Order, all matters pertaining to Operator will be resolved and this docket can be closed.

WHEREFORE, Staff respectfully moves the Commission rescind its February 21, 2017

Penalty Order and close this docket.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joshua D. Wright', is written over a horizontal line.

Joshua D. Wright, #24118
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CERTIFICATE OF SERVICE

I certify that on 7/15/17, 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:

Keith A. Brock
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PO Box 17
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Attorneys for River Rock Operating, LLC

and delivered by e-mail to:

Joshua D. Wright, Litigation Counsel
KCC Central Office

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