

**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 Perkins Oil ) Docket No: 17-CONS-3249-CPEN  
Enterprises, Inc. ("Operator") to comply with )  
K.A.R. 82-3-407 at the MKO Range #9, ) CONSERVATION DIVISION  
Pickell G #6 and Pickell #9 in Elk County, )  
Kansas. ) License No. 4448

**ORDER CLOSING DOCKET**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On October 18, 2016, a Penalty Order was filed against Operator assessing a penalty of \$3000 and ordering the Operator to perform a successful mechanical integrity test (MIT) or plug the wells. The Penalty Order further ordered the Operator to shut-in and disconnect the subject wells until the successful MIT's had been performed.
2. On November 10, 2016, Operator filed its request for a hearing in this matter.
3. On December 20, 2016, the Parties participated in a prehearing conference and agreed to a procedural schedule in the docket. On December 29, 2016, the Prehearing Officer issued an order setting the procedural schedule.
4. On February 24, 2017, Staff filed a Motion to Cancel Hearing and Close Docket, stating that the three wells have been tested or plugged and the \$3,000 penalty was paid by

Operator.<sup>1</sup> Operator's counsel notified Staff that the Operator no longer wished to appeal the Penalty Order and requested the docket be closed.<sup>2</sup>

5. Requests for hearing must be filed within 30 days of service of the Penalty Order or else the Penalty Order becomes a final order.<sup>3</sup> The Operator in this matter timely filed a request but subsequently withdrew the request. As such, no request for hearing stands and the Penalty Order became effective at the expiration of the 30 days, or on or about November 17, 2016.

6. Because the Penalty Order has become a final order, and the Operator has complied therewith, no further proceedings are necessary. The remainder of the procedural schedule is cancelled and the Docket shall be closed.

**THEREFORE, THE PREHEARING OFFICER ORDERS:**

A. The remainder of the procedural schedule is hereby cancelled, and the docket is closed.

B. Any party affected by this Order may file with the Commission a petition for reconsideration pursuant to K.S.A. 77-529(a). The petition shall be filed within 15 days after service of this Order and must state the specific grounds upon which relief is requested.<sup>4</sup> The petition shall be addressed to the Commission and sent to 266 N. Main, Suite 220, Wichita, Kansas 67202.

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<sup>1</sup> Motion to Cancel Hearing and Close Docket (Feb. 24, 2017).

<sup>2</sup> *Id.*

<sup>3</sup> See K.S.A. 55-164; K.S.A. 77-530; K.S.A. 77-537; K.S.A. 77-542.

<sup>4</sup> K.S.A. 66-118b; K.S.A. 77-529(a)(1).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

Dated: March 17, 2017

/s/ Dustin L. Kirk  
Dustin L. Kirk, Deputy General Counsel  
Prehearing Officer

DLK/sc

**CERTIFICATE OF SERVICE**

I certify that on 3/17/17, 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:

Jon R. Viets  
PO Box 1176  
Independence, KS 67301  
*Attorney for Perkins Oil Enterprises, Inc.*

James R. Perkins  
Perkins Oil Enterprises, Inc.  
PO Box 707  
Howard, KS 67349-0707

and delivered by e-mail to:

Dustin Kirk, Prehearing Officer  
KCC Topeka Office

Jonathan Myers, Litigation Counsel  
KCC Central Office

John Almond  
KCC District #3

Rene Stucky  
KCC Central Office

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