

**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 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

SUPPLEMENT TO STAFF'S MOTION TO RESCIND PENALTY

On March 30, 2017, the Commission requested that Staff supplement its January 9, 2017, Motion to Rescind Penalty in this docket. Staff supplements its motion as follows:

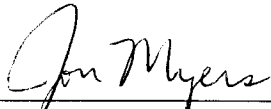
1. On September 30, 2016, Operator's license expired. On October 3, 2016, Staff sent a Notice of Violation letter to Operator, regarding the four unplugged wells remaining on Operator's expired license. The letter gave an October 17, 2016, deadline to renew the license, plug the wells, or to transfer the wells. Prior to the deadline in the Notice of Violation letter, Operator submitted a Transfer of Operator ("T-1") Form attempting to transfer the wells. Shortly thereafter, Staff returned the T-1 Form to Operator as incomplete. After the November 1, 2016, Penalty Order was issued, Operator submitted an acceptable T-1 Form, which effectuated transfer of the wells. Operator also timely requested a hearing on the Penalty Order. The wells are now listed as producing wells on an active operator's license.

2. Operator's license remains expired. Since no unplugged wells remain on Operator's license, however, there is no longer a compliance issue, and Operator no longer conducts oil and gas operations. Therefore, Staff does not believe it would be worthwhile to defend the Penalty Order against the hearing request of Operator, which is a deceased

individual's marital trust, regarding the only issue remaining, which is the \$500 assessed penalty.

Accordingly, Staff motions to rescind the Penalty Order.

Respectfully submitted,



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CERTIFICATE OF SERVICE

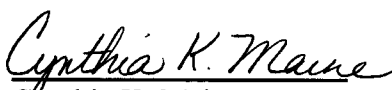
I certify that on 4/10/2017, I caused a complete and accurate copy of this Supplement to Staff's Motion to be served via United States mail, with the postage prepaid and properly addressed to the following:

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



Cynthia K. Maine
Administrative Assistant
Kansas Corporation Commission