

**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 Drake Exploration, LLC to comply with K.A.R. 82-3-603 at the Mitchell Lease Tank Battery in Sumner County, Kansas.

) Docket No.: 16-CONS-512-CPEN
)
) CONSERVATION DIVISION
)
) License No.: 33556

**PREHEARING OFFICER ORDER DISMISSING APPEAL
AND DENYING STAFF'S MOTION**

1. On September 3, 2015, the Commission issued a penalty order to Drake. On September 23, 2015, Drake appealed through counsel. The matter was set for hearing on January 21, 2016. Dan Fox prefiled testimony on behalf of Staff. The operator did not prefile testimony.
2. On January 5, 2016, Staff filed a Motion to Restrict Operator's Right to Testify and Present Evidence. No response has been received.
3. On January 12, 2016, Drake filed a Withdrawal of Request for Hearing. No response has been received.
4. Staff's motion to restrict testimony is denied as moot, and Drake's request to withdraw its appeal is granted. The appeal is dismissed and the evidentiary hearing cancelled.

THEREFORE, THE PREHEARING OFFICER ORDERS:

- A. Staff's motion to restrict testimony is denied as moot.
- B. Drake's appeal of the penalty order is dismissed, and the hearing is cancelled.

Dated: January 15, 2016

/s/ Lane R. Palmateer
Lane R. Palmateer
Prehearing Officer

CERTIFICATE OF SERVICE

I certify that on 1/15/16, 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:

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And delivered by hand to:

Jonelle Rains
Conservation Division Central Office

Jonathan R. Myers
KCC Central Office

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