

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

In the matter of the failure of Norman H. Mills)	Docket No. 18-CONS-3126-CPEN
("Operator") to comply with K.A.R. 82-3-120.)	
)	CONSERVATION DIVISION
)	
)	License No. 35223

MOTION TO RESCIND PENALTY ORDER

The Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission," respectively) files this Motion, asking that the Commission's August 31, 2017, Penalty Order be rescinded. In support of its Motion, Staff states as follows:

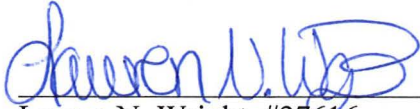
1. On August 31, 2017, the Commission issued a Penalty Order against Norman H. Mills ("Operator"), due to an unplugged well remaining on his expired license. Operator's license had expired July 30, 2017, and Staff had sent a Notice of Violation letter August 1, 2017, giving Operator an August 15, 2017, deadline to obtain compliance to avoid a penalty. The Penalty Order was issued based upon Staff's August 18, 2017 penalty recommendation.

2. On October 2, 2017, Operator's Power of Attorney and daughter, Vickie Lukens, timely requested a hearing. Upon speaking to Ms. Lukens, Staff learned that Operator passed away on September 19, 2017. Ms. Lukens has since obtained a license herself (license no. 35544) and submitted a Transfer of Operator ("T-1") form, transferring the only well on Operator's license to her own.

3. While technically a violation of K.A.R. 82-3-120 occurred, given the circumstances Staff believes it would not be in the best interest of the state to pursue this matter, when Ms. Lukens has done everything necessary to remedy the violation.

WHEREFORE, Staff moves the Commission to rescind its August 31, 2017, Penalty Order.

Respectfully submitted,



Lauren N. Wright, #27616

Jonathan R. Myers, #25975

Litigation Counsel

Kansas Corporation Commission

266 N. Main, Suite 220

Wichita, Kansas 67202

Phone: 316-337-6200; Fax: 316-337-6211

VERIFICATION

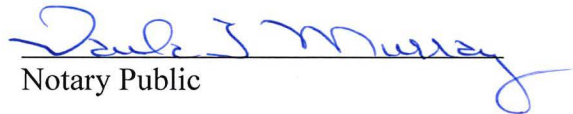
STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

Lauren N. Wright, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Motion*, and attests that the statements therein are true to the best of her knowledge, information and belief.

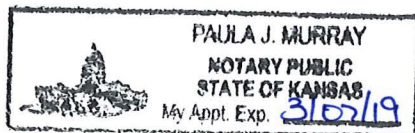


Lauren N. Wright, S. Ct. #27616
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 31 day of Jan, 2018.


Notary Public

My Appointment Expires: 3/07/19



CERTIFICATE OF SERVICE

I certify that on 1/31/18, 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:

Norman H. Mills
c/o Vickie Lukens
104 Abbe Circle
Medicine Lodge, KS 67104

and delivered by e-mail to:

Lauren N. Wright, Litigation Counsel
KCC Central Office
l.wright@kcc.ks.gov

Samuel Feather, Deputy General Counsel
KCC Topeka Office
s.feather@kcc.ks.gov

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