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

In the matter of the failure of Benjamin M. Giles) ("Operator") to comply with K.A.R. 82-3-407 at the Paulsen #8B in Butler County, Kansas.

Docket No: 20-CONS-3039-CPEN

CONSERVATION DIVISION

License No: 5446

AMENDED CERTIFICATE OF SERVICE

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The attached Prehearing Officer Order Granting Motion Requesting Withdrawals and Closing Docket was issued and posted online by the Commission on January 8, 2020. A technical glitch, however, resulted in the order not being served upon the parties. Thus, the order is being served upon the parties this 21st day of January 2020.

> /s/ Sally Conn Sally Conn, Executive Secretary

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

Before Commissioners:

Dwight D. Keen, Chair Shari Feist Albrecht Susan K. Duffy

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In the matter of the failure of Benjamin M. Giles) ("Operator") to comply with K.A.R. 82-3-407 at the Paulsen #8B in Butler County, Kansas.

Docket No: 20-CONS-3039-CPEN CONSERVATION DIVISION

License No: 5446

PREHEARING OFFICER ORDER GRANTING MOTION REQUESTING WITHDRAWALS AND CLOSING DOCKET

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

1. On August 6, 2019, the Commission issued a Penalty Order against Benjamin M.

Giles (Operator) for one violation of K.A.R. 82-3-407 because a current and successful mechanical

integrity test had not been performed on the Paulsen #8B well.¹

, 2. On September 5, 2019, Charlene Giles (Giles) requested a hearing.²

3. On October 17, 2019, MWM Oil Co., Inc. (MWM) filed a petition to intervene, which

has not been ruled upon.

4. On January 3, 2020, Giles and MWM filed a motion requesting that Giles be allowed to withdraw her request for hearing and that MWM be allowed to withdraw its petition to intervene.

¹ See Penalty Order, ¶¶ 8, 13 (Aug. 6, 2019).

² Request for Hearing (Sept. 5, 2019).

5. The Prehearing Officer finds the January 3, 2020, motion to be within the ambit of things a prehearing officer is allowed to rule upon,³ and finds no compelling reason to deny the motion. Giles and MWM should not be forced to contest a *Penalty Order* they do not wish to contest.

6. The Prehearing Officer finds that because no party remains to contest the Commission's August 6, 2019, *Penalty Order*, further proceedings are unnecessary, and that closing this docket will not prevent Commission Staff from taking whatever administrative actions are appropriate pursuant to the *Penalty Order*.

THEREFORE, THE PREHEARING OFFICER ORDERS:

A. Giles' and MWM's January 3, 2020, motion is granted.

B. This docket is closed.

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: January 8, 2020

Isl Jonathan R. Myers

Jonathan R. Myers Prehearing Officer

JRM

³ See Order Designating Prehearing Officer and Setting Prehearing Conference, ¶ 3 (Sept. 17, 2019); see also K.S.A. 77-551(c).

CERTIFICATE OF SERVICE

20-CONS-3039-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

electronic service on 01/08/2020

BENJAMIN M. GILES, CHARLENE A. GILES BENJAMIN J. GILES 821 HIGH STREET TOWANDA, KS 67144-9047 charlene121965@att.net

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/S/ DeeAnn Shupe DeeAnn Shupe

CERTIFICATE OF SERVICE

20-CONS-3039-CPEN

I, the undersigned, certify that a true and correct copy of the above and foregoing was sent by electronic means this 21st day of January, 2020, to the following:

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/s/ Sally Conn

Sally Conn Executive Secretary