

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Jay Scott Emler

In the Matter of an Order to Show Cause)	Docket No: 18-CONS-3338-CSHO
issued to Viva International, Inc.)	
("Operator") for its failure to comply with)	CONSERVATION DIVISION
K.A.R. 82-3-603 at the Mitchell lease and)	
<u>Wright lease in Linn County, Kansas.</u>)	License No: 5556

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 the following:

1. On June 7, 2018, the Commission issued an *Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference*. The Commission found reasonable cause existed to believe Commission Conservation Staff's (Staff) allegations that the Operator committed eighteen violations of K.A.R. 82-3-603(b)(2) for failure to notify the appropriate Commission District Office of spills and eighteen violations of K.A.R. 82-3-603(e)(1) for failure to timely remediate spills on the Wright and Mitchell leases in Linn county, Kansas.¹ The Commission scheduled a Prehearing Conference for July 3, 2018.²

2. On July 12, 2018, the Commission issued its *Proposed Default Order*. The Commission stated that the Operator failed to attend the July 3, 2019 Prehearing Conference, and thus, Staff requested the Operator be found in default.³ The Commission granted default against the Operator, and in accordance with K.S.A. 77-520(b), provided the Operator seven calendar days after

¹ *Order to Show Cause, Designating a Prehearing Officer, and Setting a Prehearing Conference*, ¶¶ 4-6 (June 7, 2018).

² *Id.* at Ordering Clause B.

³ *Proposed Default Order*, ¶ 3 (July 12, 2018).

service of the *Proposed Default Order*, with three additional days for mailed service, to file a written motion requesting the Order be vacated.⁴

3. On March 6, 2019, Staff filed a Motion to Close Docket, stating that subsequent to the July 12, 2018 *Proposed Default Order*, “[n]o further motions or orders have been issued in this docket.”⁵ Staff noted that “the Operator completed remediation of all environmental concerns,” and therefore, Staff requested the Commission close this docket.⁶

4. Based on Staff’s statement that there have been no further motions and that the Operator has remediated all environmental concerns, the Commission finds this docket should be closed.


THEREFORE, THE COMMISSION ORDERS:

- A. The docket is closed.
- B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁷
- C. The Commission retains jurisdiction over the subject matter and the parties and may enter additional orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Emler, Commissioner

Dated: 03/19/2019 _____



Lynn M. Retz
Secretary to the Commission

Mailed Date: _____

MJD

⁴ *Id.* at Ordering Clauses A & B.

⁵ Motion to Close Docket, ¶ 4 (Mar. 6, 2019).

⁶ *Id.* at pp. 1-2.

⁷ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

18-CONS-3338-CSHO

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of electronic service on 03/19/2019.

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/S/ DeeAnn Shupe

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