

**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 Butler Bros., Inc.)
("Operator") to comply with K.A.R. 82-3-120..) Docket No. 18-CONS-3157-CPEN
)
) CONSERVATION DIVISION
)
) License No. 6328

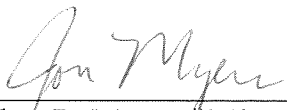
MOTION TO RESCIND PENALTY ORDER

The Staff of the State Corporation Commission of the State of Kansas ("Staff" and "Commission," respectively) files this Motion, asking that the Commission's September 28, 2017, Penalty Order be rescinded. In support of its Motion, Staff states as follows:

1. On September 28, 2017, the Commission issued a Penalty Order against Butler Bros., Inc. ("Applicant"), due to an unplugged well remaining on its expired license. Operator's license had expired August 30, 2017, and Staff had sent a Notice of Violation letter September 5, 2017, giving Operator a September 19, 2017, deadline to obtain compliance to avoid a penalty. The Penalty Order was issued based upon Staff's September 25, 2017 penalty recommendation.
2. On October 18, 2017, Operator timely requested a hearing. Upon review, Staff has determined that Operator submitted a Transfer of Operator ("T-1") Form September 15, 2017, transferring the only well on its license to another operator, but that the form had not been processed by Staff at the time of the penalty recommendation.
3. While technically a violation of K.A.R. 82-3-120 occurred, it is not Staff's policy to recommend a penalty when the operator has done everything necessary to remedy the violation prior to the deadline in Staff's Notice of Violation letter. If Staff had realized that the T-1 had been submitted, it would not have recommended the penalty.

WHEREFORE, Staff moves the Commission to rescind its September 28, 2017, Penalty Order.

Respectfully submitted,

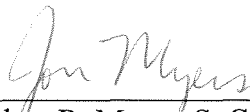


Jonathan R. Myers, #25975
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Kansas Corporation Commission
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VERIFICATION

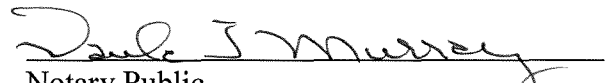
STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

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



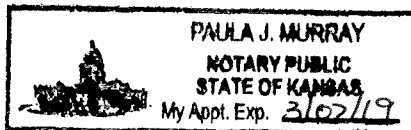
Jonathan R. Myers, S. Ct. #25975
Litigation Counsel
State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 11 day of Dec, 2017.



Notary Public

My Appointment Expires: 3/02/19



CERTIFICATE OF SERVICE

I certify that on 12/11/17, 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:

Jeff Kennedy
Martin Pringle Oliver Wallace & Bauer, LLP
100 N. Broadway, Suite 500
Wichita, KS 67202
Attorneys for Butler Bros., Inc.

and delivered by e-mail to:

Jonathan R. Myers, Litigation Counsel
KCC Central office

Michael J. Duenes, Assistant General Counsel
KCC Topeka Office

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