

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

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

In the Matter of the Application of John O.) Docket No.: 20-CONS-3011-CEXC
Farmer, Inc. for an Exception to the Pit Closure)
Time Limitation of K.A.R. 82-3-602 at its) CONSERVATION DIVISION
Morgenstern B #1 Located in the NE/4 of)
Section 13, Township 16 South, Range 14 West,) License No.: 5135
Barton County, Kansas.)

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 and concludes as follows:

1. On July 3, 2019, John O. Farmer, Inc. (Operator) submitted an Application seeking an exception to the pit closure time limitation of K.A.R. 82-3-602.¹
2. On August 15, 2019, the Operator filed a letter requesting the Application be withdrawn. The letter stated the Operator backfilled the pit on August 1, 2019.²
3. In light of the Applicant's request to withdraw the Application, the Commission finds further proceedings are unnecessary, and this docket should be closed.

THEREFORE, THE COMMISSION ORDERS:

- A. This 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).³

¹ Application, (July 3, 2019).

² Letter Withdrawing Application (August 15, 2019).

³ 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).

C. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Date: 10/08/2019



Lynn M. Retz
Executive Director

Date Mailed: 10/08/2019

REV/jmg

CERTIFICATE OF SERVICE

20-CONS-3011-CEXC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 10/08/2019.

DENNIS R. DAVIDSON, ATTORNEY AT LAW
THOMPSON ARTHUR & DAVIDSON
525 NORTH MAIN STREET
PO BOX 111
RUSSELL, KS 67665-0111
Fax: 785-483-3504
dennis.tad@eaglecom.net

KATHLEEN HAYNES
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
k.haynes@kcc.ks.gov

MARGE SCHULTE
JOHN O. FARMER, INC.
PO BOX 352
RUSSELL, KS 67665-0352

RICHARD WILLIAMS
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 4
2301 E. 13TH STREET
HAYS, KS 67601-2654
Fax: 785-271-3354
r.williams@kcc.ks.gov

MICHAEL GLAMANN, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
m.glamann@kcc.ks.gov

JONELLE RAINS
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
j.rains@kcc.ks.gov

ROBERT VINCENT, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
r.vincent@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe