

⁶ See Prehearing Officer Order Setting Prehearing Conference (Aug. 6, 2021).

4. On August 23, 2021, Staff motioned to amend the Penalty Order to reflect the fact that Operator had conducted a successful mechanical integrity test on the Darling #1, just not in a timely manner.⁷ Operator did not respond to Staff's motion.

5. K.S.A. 77-520 provides that "If a party fails to attend or participate in a prehearing conference, hearing or other stage of an adjudicative proceeding, the presiding officer may serve upon all parties a written notice of a proposed default order, including a statement of the grounds."

6. Due to Operator's failure to appear at the August 26, 2021 prehearing conference, the Commission serves this proposed default order.

7. Pursuant to K.S.A. 77-520(b), Operator may file a written motion requesting this Proposed Default Order be vacated, stating the grounds relied upon, within seven calendar days after service of this Order.

THEREFORE, THE COMMISSION ORDERS:

A. Pursuant to K.S.A. 77-520(c), unless Operator files a timely written motion to vacate this Proposed Default Order, this Order shall be effective.

B. If this Proposed Default Order becomes effective, then this matter shall be completed in the following manner:

i. The Commission's May 13, 2021 Penalty Order in this docket shall become effective and final; Operator's license shall be immediately suspended until Operator complies with the Penalty Order. Operator's obligations under the Penalty Order's ordering clauses B & C, however, shall be waived;⁸ and

⁷ See Motion to Amend Penalty Order, ¶¶ 3-4 (Aug. 23, 2021).

⁸ Ordering clauses B & C obligated Operator to perform a successful mechanical integrity test on the Subject Well or plug it, and to shut-in and disconnect the Subject Well until Operator had done so.

ii. 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).⁹

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 09/16/2021



Lynn M. Retz
Executive Director

Mailed Date: 09/16/2021

JRM

⁹ See K.S.A. 77-520(e); K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

21-CONS-3253-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 09/16/2021.

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