

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

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Pat Apple

In the Matter of the Failure of Bow Creek Oil) Docket No. 18-CONS-3124-CPEN
Company, a General Partnership (“Operator”))
to comply with K.A.R. 82-3-111 at the) CONSERVATION DIVISION
Richmond #1, Ross #1 and Banbury A #1)
wells in Greeley and Hamilton County, Kansas.) License No.: 34530
_____)

PROPOSED DEFAULT ORDER

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:

JURISDICTION

1. K.S.A. 77-520 provides that if a party fails to attend any stage of an adjudicative proceeding, the agency may issue a default order with a statement of the grounds. The party has seven days to file a written motion to vacate, which shall state the grounds relied upon.

II. FINDINGS OF FACT

2. On August 31, 2017, the Commission issued a Penalty Order finding the Operator committed three violations of K.A.R. 82-3-111 because the subject wells noted as the Richmond #1, Ross #1, and Banbury A #1 have been inactive in excess of the time allowed by regulation without being plugged, returned to service, or approved for Temporary Abandonment (TA) status.¹ The Order fined the Operator a \$300 penalty and ordered the subject wells be returned to service or obtain TA status for the wells if eligible.²

¹ Penalty Order at 2-3 (Aug, 31, 2017).

² *Id.*

3. On October 5, 2017, the Operator requested a hearing.
4. On October 6, 2017, Commission Conservation Staff (Staff) acknowledged receipt of the request for hearing.
5. On November 9, 2017, the Commission issued the Order Designating Prehearing officer and Setting Prehearing Conference for November 7, 2017.³
6. On November 7, 2017, the Prehearing Officer convened the Prehearing Conference. The Operator failed to attend, and Staff verbally moved that the Commission issue a Default Order.

III. CONCLUSIONS OF LAW

7. Pursuant to K.S.A. 77-520(a), the Commission finds Operator's failure to attend the Prehearing Conference constitutes default. Staff's verbal motion for a Default Order should be granted.

THEREFORE, THE COMMISSION ORDERS:

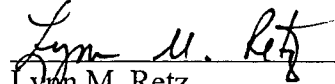
- A. Staff's motion for a Default Order is granted.
- B. Pursuant to K.S.A. 77-520(b), any party may file a written motion requesting that this Default Order be vacated and stating the grounds relied upon, within seven calendar days after service of this Order, with three additional days added to account for service by mail. If no request to vacate is received the Penalty Order shall become effective.
- C. The Commission retains jurisdiction over the subject matter and the parties and may enter additional orders as it deems appropriate.

³ Order Designating Prehearing Officer and Setting Prehearing Conference at 2 (Oct. 12, 2017).

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: JAN 18 2018



Lynn M. Retz
Secretary to the Commission

Mailed Date: JAN 19 2018

DLK/sc

CERTIFICATE OF SERVICE

I certify that on JAN 18 2018, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Marla K. Stroup
Bow Creek Oil Company, General Partnership
1304 Eisenhower Road
Hays, KS 67601

and delivered by e-mail to:

Steve Pfeifer
KCC District #1

Jonathan R. Myers, Litigation Counsel
KCC Central Office

Dustin L. Kirk, Deputy General Counsel
KCC Topeka Office

/s/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

JAN 19 2018