

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

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

In the Matter of the Application of Benjamin) Docket No. 17-CONS-3443-CEXC
M. Giles for an Exception to the 10-year)
Time Limitation of K.A.R. 82-3-111 for his) CONSERVATION DIVISION
Whipple #2 Well Located in Section 7,)
Township 26 South, Range 5 East, Butler) License No.: 5446
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 January 13, 2017, Benjamin M. Giles (Operator) filed an Application requesting an exception to the ten-year temporary abandonment time limitation set forth in K.A.R. 82-3-111(b) for his Whipple #2 well located in Butler County, Kansas.¹

2. On July 11, 2017, Commission Conservation Staff (Staff) filed a Motion to Designate a Prehearing Officer, and Schedule a Prehearing Conference.² Staff stated it had contacted the Operator's counsel and informed counsel that the Operator had not conducted a mechanical integrity test (MIT), and that Staff was unwilling to recommend approval of the Application.³ Staff imposed a deadline of May 12, 2017 for the Operator to conduct a successful MIT test.⁴

¹ Application, p. 1 (Jan. 13, 2017).

² Motion to Designate a Prehearing Officer, and Schedule a Prehearing Conference (July 11, 2017).

³ *Id.*, ¶ 3.

⁴ *Id.*

3. On August 22, 2017, the Commission issued an *Order Designating Prehearing Officer and Setting Prehearing Conference*, setting a Prehearing Conference for October 2, 2017.⁵

4. On October 2, 2017, the Parties attended the Prehearing Conference and agreed to hold a Status Conference on November 3, 2017.⁶

5. On April 2, 2018, Staff filed a Motion to Dismiss Application and Close Docket, informing the Commission the Operator had transferred interest in the Whipple #2 well to Jordan Oil Management, Inc., effective September 1, 2017.⁷ Staff requested the Operator's Application be dismissed and the docket be closed.⁸

6. On April 6, 2018, the Operator, through counsel, filed a Notice of Withdrawal of Application.⁹ The Operator stated he transferred the Whipple #2 well to another operator effective September 1, 2017, and the transfer was approved by the Commission.¹⁰ The Operator further stated Staff consented to the withdrawal of his Application.¹¹

7. In light of the Operator's Notice of Withdrawal of Application, the Commission finds further proceedings are unnecessary, and 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).¹²

⁵ *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clause B (Aug. 22, 2017).

⁶ *Prehearing Officer Order Setting Status Conference*, ¶ 4 (Oct. 10, 2017).

⁷ Motion to Dismiss Application and Close Docket, ¶ 5 (Apr. 2, 2018).

⁸ *Id.* at p. 2.

⁹ Notice of Withdrawal of Application (Apr. 6, 2018).

¹⁰ *Id.*

¹¹ *Id.*

¹² 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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 08/23/2018



Lynn M. Retz
Secretary to the Commission

Mailed Date: 08/24/2018

MJD/sc

CERTIFICATE OF SERVICE

17-CONS-3443-CEXC

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 08/23/2018.

MICHAEL DUENES, ASSISTANT GENERAL COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
m.duenes@kcc.ks.gov

LAUREN WRIGHT, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
Conservation Division
266 N. Main St. Ste. 220
WICHITA, KS 67202-1513
Fax: 316-337-6211
l.wright@kcc.ks.gov

JONATHAN A. SCHLATTER, ATTORNEY
MORRIS LAING EVANS BROCK & KENNEDY CHTD
300 N MEAD STE 200
WICHITA, KS 67202-2745
Fax: 316-262-6226
jschlatter@morrislaing.com

/S/ DeeAnn Shupe

DeeAnn Shupe