

JAN 12 2017  
CONSERVATION DIVISION  
WICHITA, KS

TONTOL, LLC  
7807 E. Buena Terra Way  
Scottsdale, AZ 85250

January 9, 2017

Kansas Corporation Commission  
Conservation Division  
266 N. Main St., Ste 220  
Wichita, KS 67202-1513

Attn.: John Myers

**Re: Appeal and Request for Hearing on Conservation Division Penalty Order  
Docket number 17-CONS-3394-CPEN  
License No.: 34525**

Mr. Myers:

We respectfully appeal the above Penalty Order and hereby request a hearing on the issue, as set forth herein.

Background:

Tontol LLC is a two person company with no employees. The only assets of the company are three small stripper oil leases in southeast Kansas. After paying the operating member of the LLC (the sole person working the leases) for his labors, there is no profit or accumulation of funds.

In August, we had thirteen (13) wells on two leases that needed MITs. Our solo field member was able to have all thirteen tested.....and all but one well successfully passed. (That was a well that had never been in operation in the years that we have owned the lease.) Not knowing if it ever had been a producing well, we elected to attempt to revive, rather than immediately plugging the well.

Our one man "crew" began that work, but wretched weather, mud and no money to hire an assistant for our solo worker, made for slow going. As of this week, we were able to dig down approximately eight (8) feet, cut out and remove old, damaged pipe, rethread new pipe, replace old pipe..... and schedule another MIT,

with the knowledge that failure to pass this time meant that we would immediately, formally plug the well.

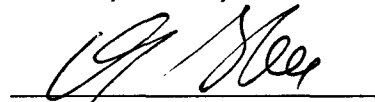
That MIT was scheduled for Wednesday, January 11, 2017. By the time that you read this, that well will either be ready to go on line, or plugging will have begun.

There was no intent to avoid, evade or ignore our obligations regarding any MIT testing or results, for any of our injection wells.

We made every effort that time and limited resources could afford to complete all MIT's. Despite our best efforts, we did fail to meet the exact time requirements for such completion (for a single well).....and have been assessed a stiff monetary penalty, even as we have worked and continue to work diligently to comply in all respects.

We respectfully request an extension of time to complete this final MIT and begin regular operation on that well, or if it fails the MIT after our extensive effort to bring it into compliance, to complete work on plugging that well.

Thank you for your attention.

  
D.J. Bisbee  
Tontol, LLC  
7807 E. Buena Terra Way  
Scottsdale, AZ 85250

P.S. We beg to remind you of Shakespeare's words in **The Merchant of Venice**:

"The quality of mercy is not strain'd,  
It droppeth as the gentle rain from heaven  
Upon the place beneath: it is twice blest;  
It blesseth him that gives and him that takes:  
'Tis mightiest in the mightiest: it becomes  
The throned monarch better than his crown;

"It is enthroned in the hearts of kings,  
It is an attribute to God himself;  
And earthly power doth then show likest God's  
When mercy seasons justice.

". . . we do pray for mercy;

"And that same prayer doth teach us all to render the deeds of mercy."