

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

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

In the matter of the failure of Gary C.) Docket No: 17-CONS-3454-CPEN
Splane ("Operator") to comply with K.A.R.)
82-3-120.) CONSERVATION DIVISION
)
) License No. 33135

ORDER RESCINDING PENALTY ORDER AND 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 26, 2017, the Commission issued a *Penalty Order* against Gary C. Splane (Operator) for having an unplugged well, or unplugged wells, on his expired license, in violation of K.A.R. 82-3-120.¹
2. On January 27, 2017, Operator timely filed a request for hearing.
3. On February 14, 2017, Commission Staff (Staff) filed a Motion to Rescind Penalty, wherein Staff stated that "Operator attempted to remedy the situation after Staff's notice of violation letter was sent and prior to the deadline in the letter."² Staff's Motion noted there was a miscommunication and/or misunderstanding about the location of a particular well at issue, which "resulted in the final well on Mr. Splane's license not being transferred until after the Penalty Order was issued."³ Staff stated that "[a]ll matters have now been resolved," and had Staff realized the situation, "it would not have made its penalty recommendation."⁴

¹ Docket No. 17-CONS-3454-CPEN, *Penalty Order*, ¶ 7 (Jan. 26, 2017).

² Motion to Rescind Penalty, p. 1 (Feb. 14, 2017).

³ *Id.*

⁴ *Id.*

4. The Commission affirms Staff's review and resolution concerning the issue in this matter. The Commission finds that a rescission of the *Penalty Order* issued against Operator appropriately resolves the issues addressed in this docket.

THEREFORE, THE COMMISSION ORDERS:

A. The *Penalty Order* issued against Operator in this docket is hereby rescinded and the docket is closed.

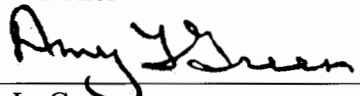
B. The parties have fifteen (15) days, plus three (3) days if mailed service, in which to petition the Commission for reconsideration.⁵

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

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: MAR 02 2017



Amy L. Green
Secretary to the Commission

Mailed Date: March 2, 2017

MJD/sc

⁵ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

I certify that on 3/2/17, 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:

Gary C. Splane
PO Box 254
Chanute, KS 66720-0254

and delivered by e-mail to:

Jonathan R. Myers, Litigation Counsel
KCC Central Office

Michael J. Duenes, Assistant General Counsel
KCC Topeka Office

/s/ Paula J. Murray
Paula J. Murray
Legal Assistant
Kansas Corporation Commission