

**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 Seth Farmer ) Docket No: 17-CONS-3524-CPEN  
("Operator") to comply with K.A.R. 82-3-120. )  
) CONSERVATION DIVISION  
)  
) License No: 34863

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**ORDER DISMISSING PROTEST, CANCELLING EVIDENTIARY HEARING,  
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 April 4, 2017, the Commission issued a *Penalty Order* to Seth Farmer (Operator) for failure to comply with K.A.R. 82-3-120.
2. On April 26, 2017, the Operator timely filed its request for a hearing.
3. On June 29, 2017, the Commission issued a procedural schedule,<sup>1</sup> which was subsequently amended several times. Ultimately, an evidentiary hearing was scheduled for December 14, 2017.<sup>2</sup>
4. On September 29, 2017, Commission Conservation Staff (Staff) filed a Motion to Approve Stipulated Settlement Agreement, under which Agreement the Operator would stipulate to the violation as listed in the Commission's *Penalty Order* and would pay the penalty under an installment plan. The Commission took no action on Staff's Motion.
5. On November 8, 2017, Staff filed a Motion to Dismiss Protest, Cancel Evidentiary Hearing, and Close Docket (Motion to Dismiss). Staff stated that "[p]rior to Staff's September 29,

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<sup>1</sup> See *Order Setting Procedural Schedule* (June 29, 2017).

<sup>2</sup> See *Order Rescheduling Evidentiary Hearing and Adjusting Testimony Deadlines*, ¶ 3 (Sept. 26, 2017).

2017, motion, Operator renewed his license. Subsequent to the motion, Operator made all payments due under the pending agreement. Therefore, Operator is now in full compliance with the Penalty Order.”<sup>3</sup> Staff also stated that it “has discussed this matter with Operator, who has stated that he no longer wishes to contest this matter. Staff proposed that it would file a motion to have the protest dismissed and the docket closed, and Operator stated he was not opposed.”<sup>4</sup>

6. The Commission accepts Staff’s confirmation that the Operator is now in full compliance with the Commission’s *Penalty Order*, finds that no further proceedings are necessary, and the evidentiary hearing shall be cancelled. The Commission finds that Operator’s protest shall be dismissed, and the docket shall be closed.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Operator’s protest is dismissed, the remaining procedural schedule, including the December 14, 2017, evidentiary hearing, is cancelled, and the docket is closed.

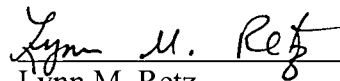
B. The parties have fifteen (15) days, plus three (3) days if mailed service, from the date this Order was served in which to petition for reconsideration.<sup>5</sup>

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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: NOV 21 2017

  
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Lynn M. Retz  
Secretary to the Commission

Mailed Date: November 21, 2017

MJD

<sup>3</sup> Motion to Dismiss, ¶ 4 (Nov. 8, 2017).

<sup>4</sup> Motion to Dismiss, ¶ 5.

<sup>5</sup> K.S.A. 55-162; 55-606; K.S.A. 66-118b; K.S.A. 77-529(a)(1).

**CERTIFICATE OF SERVICE**

I certify that on 11/21/17, 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:

Seth Farmer  
4760 E. Hwy 160  
Independence, KS 67301

and delivered by e-mail to:

Jonathan R. Myers, Litigation Counsel  
KCC Wichita Central Office

Michael J. Duenes, Assistant General Counsel  
KCC Topeka Office

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