

**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 Norman H.) Docket No: 18-CONS-3126-CPEN
Mills (Operator) to comply with K.A.R.)
82-3-120.) CONSERVATION DIVISION
)
_____) License No: 35223

ORDER GRANTING MOTION TO RESCIND 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 August 31, 2017, the Commission issued a Penalty Order to Norman H. Mills (Operator) finding one violation of K.A.R. 82-3-120 because an unplugged well, or unplugged wells, remain on Operator's expired license.¹

2. On October 2, 2017, Operator's Power of Attorney and daughter, Vickie Lukens, timely requested a hearing.

3. On January 31, 2018, Staff of the State Corporation Commission (Staff) filed a Motion to Rescind Penalty Order.² Staff stated in communicating with Ms. Lukens it was confirmed the Operator had passed away on September 19, 2017, and Ms. Lukens had since obtained a license (#35544) and submitted a Transfer of Operator form for the well into her

¹ Penalty Order, Aug. 31, 2017, ¶ 9.

² Motion to Rescind Penalty Order, Jan. 31, 2018.

name.³ Staff further stated it believes it would not be in the best interest of the state to pursue this matter given the remedy to the violation by Ms. Lukens.⁴

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 the Operator appropriately resolves the issue 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A. The Penalty Order issued against Operator in this docket is hereby rescinded and the docket is closed.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 orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: FEB 08 2018



Lynn M. Retz
Secretary to the Commission

FEB 09 2018
Mailed Date: _____

SF/sc

³ *Id.*, ¶ 2.

⁴ *Id.*, ¶ 3.

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

CERTIFICATE OF SERVICE

I certify that on FEB 08 2018, I caused a complete and accurate copy of this Order to be served by placing the same in the United States mail, postage prepaid, to the following:

Norman H. Mills
c/o Vickie Lukens
104 Abbe Circle
Medicine Lodge, KS 67104

and by email to:

Lauren N. Wright, Litigation Counsel
KCC Central Office
l.wright@kcc.ks.gov

Samuel Feather, Deputy General Counsel
KCC Topeka Office
s.feather@kcc.ks.gov

/s/ DeeAnn Shupe
DeeAnn Shupe, KCC Docket Room

EMAILED

FEB 08 2018