

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

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

In the matter of an Order to Show Cause issued ) Docket No.: 16-CONS-4131-CSHO  
to Summer Sun Gas L.L.C. ("Operator") )  
regarding responsibility under K.S.A. 55-179 ) CONSERVATION DIVISION  
for plugging the Brown #2 well in Chautauqua )  
County, Kansas. ) License No.: 6880

**MOTION FOR AN ORDER TO SHOW CAUSE, THE DESIGNATION OF A  
PREHEARING OFFICER, AND THE SCHEDULING OF A PREHEARING  
CONFERENCE**

For the following reasons, Commission Staff moves for an Order to Show Cause, the designation of a prehearing officer, and the scheduling of a prehearing conference in this matter:

**I. JURISDICTION & LEGAL STANDARD**

1. The Commission has jurisdiction to regulate oil and gas production in Kansas under Chapter 55 of the Kansas Statutes Annotated and the General Rules and Regulations for the Conservation of Crude Oil and Natural Gas, K.A.R. 82-3-100 *et seq.*
2. K.S.A. 55-162 provides the Commission with jurisdiction to institute proceedings to enforce the laws of Kansas and Commission rules, regulations, and orders.
3. K.S.A. 55-179 provides the Commission with jurisdiction to cause persons to come before it at a hearing to determine the persons legally responsible for the proper care and control of oil and gas wells, including the responsibility to plug the wells.
4. K.S.A. 55-179(b) provides that a person who is legally responsible for the proper care and control of an abandoned well includes, but is not limited to, one or more of the following:

- a. Any operator of a waterflood or other pressure maintenance program deemed to be causing pollution or loss of usable water;
- b. the current or last operator of the lease upon which such well is located, irrespective of whether such operator plugged or abandoned such well;
- c. the original operator who plugged or abandoned such well; and
- d. any person who without authorization tampers with or removes surface equipment or downhole equipment from an abandoned well.

## **II. STAFF'S ALLEGATION OF FACTS**

5. At issue is the party legally responsible for the Brown #2 ("the subject well"), API #15-019-23792, in Township 34 South, Range 11 East, Chautauqua County, Kansas.

6. Recent inspections have found the subject well to be abandoned and unplugged. The drill pits for the subject well also remain open.

7. The subject well remains on Operator's license, which expired in May 2003. Accordingly, Operator is responsible for the subject well as the original operator who abandoned the well, and/or as the last operator of the lease upon which the well is located, and/or as the last entity to file paperwork with the Commission accepting responsibility for the well. Commission records also indicate that Operator is the entity that drilled the well.

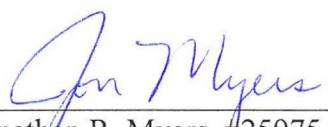
8. On March 7, 2016, Commission Litigation Counsel sent a letter to Operator, giving Operator until March 31, 2016, to bring itself into compliance with Commission regulations regarding the subject well, a deadline which was extended to May 31, 2016, upon the request of Operator.

9. To date, the subject well remains abandoned, unplugged, and listed on Operator's expired license. Operator remains responsible for the subject well, and Operator remains out of compliance with Commission statutes and regulations regarding the subject well.

### **III. CONCLUSION**

10. Based on the above, Staff believes that the Commission should cause Operator to come before it at a hearing to show cause why the requisite care and control has not been exercised with respect to the subject well. Thus, Staff requests that an Order to Show Cause be issued, designating a prehearing officer and scheduling a prehearing conference.

Respectfully submitted,

  
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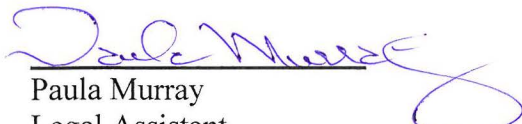
**CERTIFICATE OF SERVICE**

I certify that on 6/24/16, I caused a complete and accurate copy of this Motion to be served via United States mail, with the postage prepaid and properly addressed to the following:

Summer Sun Gas  
c/o Jon R. Viets  
P.O. Box 1176  
Independence, Kansas 67301  
*Attorney for Summer Sun Gas*

And delivered by hand to:

Lane Palmateer  
Conservation Division Central Office

  
Paula Murray  
Legal Assistant  
Kansas Corporation Commission