

**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 Larry D. Berg) Docket No.: 18-CONS-3159-CPEN
("Operator") to comply with K.A.R. 82-3-120.)
) CONSERVATION DIVISION
)
) License No.: 32167

ORDER RESCINDING PENALTY

Upon its own motion, the Commission finds and concludes as follows:

I. FINDINGS OF FACT

1. On September 28, 2017, the Commission issued a Penalty Order in this docket, requiring Operator to pay \$500, and to renew its license, transfer the wells on its license, or plug the wells on its license. Staff reports that a clerical error in its database resulted in the Notice of Violation letter and Penalty Order being sent to the wrong address through no fault of Operator. Staff reports that although Operator was technically in violation of K.A.R. 82-3-120 when the Penalty Order was issued, Staff's standard policies were not observed due to the clerical error, and the Penalty Order was not appropriately served. After the Penalty Order was issued, Operator renewed its license, and there is no longer an existing violation of K.A.R. 82-3-120. Given the above, Staff recommends rescission of the Penalty Order.

II. CONCLUSIONS OF LAW

2. Based upon the above, the Commission concludes that the September 28, 2017, Penalty Order in this docket should be rescinded.

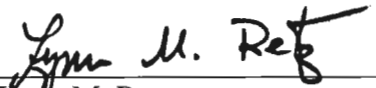
THEREFORE, THE COMMISSION ORDERS:

A. The Penalty Order issued in this docket is rescinded.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: OCT 17 2017



Lynn M. Retz
Secretary to the Commission

Mailed Date: October 17, 2017

JRM

CERTIFICATE OF SERVICE

I certify that on 10/17/17, 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:

Larry D. Berg
13925 S. Cedar Niles Road
Olathe, KS 66061-9621

and delivered by e-mail to:

Cyndee Maine
KCC Central Office

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