

**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. Mills)
(Operator) to comply with K.A.R. 82-3-120.)
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PREHEARING OFFICER ORDER CANCELLING PREHEARING CONFERENCE

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the pleadings and record, the Prehearing Officer makes the following findings:

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

THEREFORE, THE PREHEARING OFFICER ORDERS:

A. In light of Staff's Motion to Rescind Penalty, the Prehearing Conference that was scheduled for February 2, 2018 is hereby cancelled.

B. Parties have 15 days from the date of electronic service of this Order to petition for reconsideration.⁵

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

Dated: February 2, 2018

/s/ Samuel Feather
Samuel Feather
Prehearing Officer

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³ *Id.*, ¶ 2.

⁴ *Id.*, ¶ 3.

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

CERTIFICATE OF SERVICE

I certify that on FEB 02 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 02 2018