

that the only issue now remaining was the outstanding \$10,000 penalty. The Settlement Agreement reduces the penalty to \$5,000, to be paid in installments, and reinstates Operator's license. The Commission finds that the Settlement Agreement, which is attached to and incorporated into this Order, provides a fair and efficient resolution of the issues in this docket.

II. CONCLUSIONS OF LAW

5. The Commission concludes that the Settlement Agreement should be approved, and the evidentiary hearing should be cancelled.

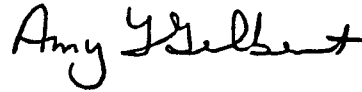
THEREFORE, THE COMMISSION ORDERS:

- A. The Settlement Agreement is approved.
- B. The scheduled September 17, 2015, hearing in this docket is cancelled.
- C. Any party affected by this Order may file with the Commission a petition for reconsideration pursuant to K.S.A. 77-529(a). The petition shall be filed within 15 days after service of this Order. If service of this Order is by mail, three days are added to the deadline. The petition shall be addressed to the Commission and sent to 266 N. Main Street, Suite 220, Wichita, Kansas 67202. Pursuant to K.S.A. 55-606 and K.S.A. 77-529(a), reconsideration is prerequisite for judicial review of this Order. Any party taking an action permitted by this summary proceeding before the deadline for a petition for reconsideration does so at their own risk of further proceedings.
- D. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Apple, Commissioner

Dated: **AUG 20 2015**



Amy L. Gilbert
Secretary to the Commission

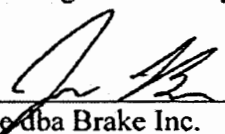
Mailed Date: August 20, 2015

JRM

SETTLEMENT AGREEMENT

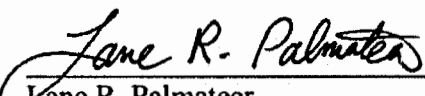
Joe Brake dba Brake Inc. ("Operator") and the Commission Staff agree as follows:

1. This settlement agreement resolves the Commission's Penalty Order issued on April 23, 2015, in KCC Docket 15-CONS-173-CMSC, and Operator's appeal thereof. By signing this agreement, Operator waives his appeal of the Penalty Order in consideration of the penalty reduction and payment plan.
2. Operator has completed the plugging of the Korte #5. The only issue remaining in this docket is the outstanding \$10,000 penalty for operating on a suspended license in violation of a Commission Order. Operator admits that the Utt #2 pumped during a period of license suspension but alleges that the purpose of pumping the well was to relieve gas pressure. Staff is without sufficient information to admit or deny the given reason for pumping the well.
3. Operator and Staff agree that the total penalty should be reduced to \$5,000, and that \$500 payments shall be made by the last day of each calendar month until the balance is paid. The first payment shall be due at the end of August 2015.
4. Operator's license suspension shall end on the day the Commission approves this settlement agreement by Order. The failure to comply with a payment deadline shall constitute a violation of the Commission's Order and result in license suspension until the payment is made.
5. This agreement shall be effective only if it is incorporated into a Commission Order. This agreement may be modified or terminated only by subsequent Commission Order.



Joe Brake dba Brake Inc.

July 31, 2015
Date



Lane R. Palmateer
Litigation Counsel

August 6, 2015
Date

CERTIFICATE OF SERVICE

I certify that on August 20, 2015, 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:

Joe Brake
Route 1, Box 84
Latham, Kansas 67072

And delivered by hand to:

Lane Palmateer
Conservation Division Central Office

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