

**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 Steve A.	)	Docket No. 15-CONS-371-CPEN
Becker dba A & A Well Service (“Operator”)	)	
to comply with K.A.R. 82-3-107 and K.A.R.	)	CONSERVATION DIVISION
82-3-130 at the D J Daniels #1-14, Nelson	)	
#2-14, Nelson #3-14, Williams #1-14 and	)	License No. 31813
<u>Williams #2-14 in Allen County, Kansas.</u>	)	

**PRE-FILED REBUTTAL TESTIMONY**  
  
**OF**  
  
**RENE STUCKY**

1 Q. Have you reviewed Mr. Becker's pre-filed testimony in this docket?

2 A. Yes.

3 Q. In Mr. Becker's pre-filed testimony, Page 3, Lines 36-43, Mr. Becker describes emails  
4 advising that the KCC had returned his ACO-1's, and the emails are attached to his  
5 testimony as his Exhibits 1 through 5. Does Staff have a position regarding the emails?

6 A. Yes. The October 3, 2014, notice of violation letters sent by Staff clearly state that "If an  
7 ACO-1 is returned to you as incomplete, you do not have additional time – the deadline  
8 above [October 24] governs." The automated emails Mr. Becker received did not extend  
9 the deadline. They notified the operator that the forms would be deleted from KOLAR if  
10 they were not resubmitted within 30 days.

11 Mr. Becker admits that he knows complete, accurate Well Completion ("ACO-1")  
12 Reports must be filed within 120 days of spudding a well. He does not deny that the five  
13 ACO-1 Reports at issue here were due by September 5, 2014. He admits that he received  
14 the notice of violation letter, which as a courtesy gave an extended deadline and said that  
15 no additional time would be given. And he admits that he missed that deadline.

16 Q. Did Staff make any settlement offers to Mr. Becker?

17 A. Yes. After the Commission vacated its default order against Mr. Becker after he failed to  
18 attend the prehearing conference, Staff offered a settlement reducing the penalty from  
19 \$2,500 to \$1,250. Mr. Becker rejected the settlement. Staff then offered a settlement  
20 reducing the number of violations from five down to two, so that Mr. Becker would not  
21 be affected by the financial assurance requirements of K.A.R. 82-3-120, but with a  
22 \$2,000 penalty. Mr. Becker also rejected that settlement. Then Staff offered a settlement  
23 with the number of violations reduced from five down to two, but with a \$1,000 penalty.  
24 As of right now, Mr. Becker has not accepted that settlement offer, either.

25 Q. Do you still believe the Penalty Order in this docket should be affirmed?

26 A. Yes, with no penalty reduction. Staff reached out to Mr. Becker and tried to settle, but  
27 Mr. Becker appears unwilling to accept any responsibility for his clear violation of  
28 Commission regulations. The Commission routinely issues penalty orders when operators  
29 fail to comply with Commission regulations. Mr. Becker should be treated no differently  
30 just because he insisted on taking this matter to hearing.

31 Q. Does this conclude your rebuttal testimony as of this date, June 15, 2015?

32 A. Yes.

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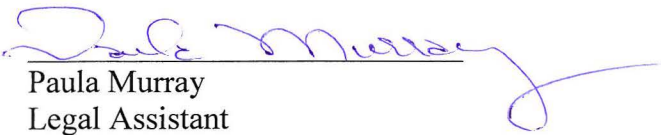
Before Commissioners:                Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Pat Apple

In the matter of the failure of Steve A. Becker dba A & A Well Service ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the D J Daniels #1-14, Nelson #2-14, Nelson #3-14, Williams #1-14 and Williams #2-14 in Allen County, Kansas.	)	Docket No. 15-CONS-371-CPEN
	)	
	)	CONSERVATION DIVISION
	)	
	)	License No. 31813
	)	

**CERTIFICATE OF SERVICE**

I, Paula Murray, certify that on June 15, 2015, I did cause a true and correct copy of the Pre-Filed Rebuttal Testimony of Rene Stucky to be served by United States mail, first class, postage prepaid to the following:

Bret A. Heim  
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*Attorney for Steve A. Becker*

  
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Paula Murray  
Legal Assistant  
Kansas Corporation Commission