

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

In the matter of the failure of Robert E. Housel) Docket No.: 21-CONS-3253-CPEN
(Operator) to comply with K.A.R. 82-3-407 at)
the Darling #1 in Montgomery County, Kansas.) CONSERVATION DIVISION
_____) License No.: 6700

MOTION TO AMEND PENALTY ORDER

Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) moves for the Commission to issue an Amended Penalty Order in this matter. In support of its motion, Staff states the following:

1. On May 13, 2021, the Commission issued a Penalty Order in Docket 21-CONS-3253-CPEN (Docket 21-3253) for one violation of K.A.R. 82-3-407 because a current and successful mechanical integrity test (MIT) was not performed at the Darling #1, API #15-125-20430 (Subject Well).

2. On June 17, 2021, Operator filed a request for hearing in the above captioned matter.

3. Paragraph 9 of the Docket 21-3253 Penalty Order states, “To date, the Commission has no evidence the Subject Well has been subjected to a current and successful MIT as required by K.A.R. 82-3-407. Staff witnessed no such test and Operator did not inform Staff that such test had been conducted.” However, upon further review, Commission records reflect that Operator did conduct a satisfactory MIT at the Subject Well on April 27, 2021.

4. Additionally, paragraph 11 of the Docket 21-3253 Penalty Order states “Operator has committed one violation of K.A.R. 82-3-407 because a current and successful MIT has not been performed on the Subject Well.” Staff believes the Order should be corrected to state that Operator has committed one violation of K.A.R. 82-3-407 because Operator did not timely

conduct a successful MIT on the Subject Well. Further, as Operator has conducted a successful MIT on the Subject Well, Ordering Clauses B and C appear to be unnecessary.

WHEREFORE, for the reasons described above, Staff respectfully moves the Commission to issue an Amended Penalty Order correcting the fact that Operator had brought the well into compliance at the time the Penalty Order was issued.

Respectfully submitted,

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CERTIFICATE OF SERVICE

21-CONS-3253-CPEN

I, the undersigned, certify that a true and correct copy of the attached Motion to Amend Penalty Order has been served to the following by means of electronic service on August 23, 2021.

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/s/ Paula J. Murray

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