

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

Before Commissioners: Dwight D. Keen, Chair
 Susan K. Duffy
 Andrew J. French

In the matter of non-compliance by Prairie) Docket No: 22-CONS-3349-CMSC
Gas Operating, LLC (Operator) with the)
Commission's Final Order in four) CONSERVATION DIVISION
consolidated dockets, regarding the Earl #1,)
Fecht D #1, and Watson #1 wells.) License No: 35442

FINAL ORDER

On February 10, 2022, the Commission issued a Final Order in consolidated dockets 20-CONS-3220-CPEN et al., directing Commission Staff to file a report in this docket if Operator failed to plug or successfully test three wells for casing integrity within 30 to 60 days.¹ Operator failed to plug or successfully test the three wells, and on April 11, 2022, Staff filed a report, recommending the assessment of a \$1,000 penalty.²

On July 29, 2022, Operator motioned to close this docket; on August 10, 2022, Staff filed a response. Commission records demonstrate and parties acknowledge that the three wells have been transferred to another operator, who has entered into a Commission-approved agreement with a deadline to bring the wells into compliance with Commission regulations.³ Being the case, Operator posited in its motion that further proceedings would be wasteful, and consented to the closure of this docket being contingent upon Operator paying the \$1,000 penalty recommended by Staff.⁴ In response, Staff stated it believed Operator should receive a higher penalty, but that in the interest of administrative efficiency, Staff did not object to the Commission closing this docket and assessing a \$1,000 penalty if the Commission deemed it appropriate.⁵

¹ See Docket 20-CONS-3220-CPEN et al., Final Order, Ordering Clauses A, B (Feb. 10, 2022).

² See Report of Operator Non-Compliance, ¶ 5 (Apr. 11, 2022).

³ See Docket 22-CONS-3478-CMSC, Order Approving Compliance Agreement (Jun. 30, 2022); K.A.R. 82-1-230(h).

⁴ Motion to Close Docket, ¶¶ 5, 6 (Jul. 29, 2022).

⁵ Response to Motion to Close Docket, ¶ 11 (Aug. 10, 2022).

Upon full review and consideration, the Commission is not inclined to disturb an outcome in this docket that both parties can live with. The Commission notes no unplugged wells remain on Operator's license, which expired in March 2022 and is presently suspended.⁶ Operator's motion is resolved as follows, which, absent a petition for reconsideration, will result in closure of this docket.

THE COMMISSION ORDERS:

A. Operator is assessed a \$1,000 penalty, due within 30 days. If Operator fails to make timely full payment, then its license shall remain suspended until payment is made, and Staff may recommend, in a separate docket, additional penalties for non-compliance with this Order.

B. The procedural schedule in this matter is cancelled.

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁷

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 08/23/2022



Lynn M. Retz
Executive Director

Mailed Date: 08/23/2022

JRM

⁶ To reach this finding, the Commission takes administrative notice of its records. See K.A.R. 82-1-230(h).

⁷ K.S.A. 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

22-CONS-3349-CMSC

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 08/23/2022.

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