## THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

Before Commissioners:	Dwight D. Keen, Chair
	Shari Feist Albrecht
	Susan K. Duffy

In the matter of the failure of Benjamin M. Giles ("Operator") to comply with K.A.R. 82-3-407	)	Docket No: 20-CONS-3039-CPEN
at the Paulsen #8B in Butler County, Kansas.	)	CONSERVATION DIVISION
	_)	License No: 5446

## PREHEARING OFFICER ORDER GRANTING MOTION REQUESTING WITHDRAWALS AND CLOSING DOCKET

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 6, 2019, the Commission issued a *Penalty Order* against Benjamin M. Giles (Operator) for one violation of K.A.R. 82-3-407 because a current and successful mechanical integrity test had not been performed on the Paulsen #8B well.<sup>1</sup>
  - 2. On September 5, 2019, Charlene Giles (Giles) requested a hearing.<sup>2</sup>
- 3. On October 17, 2019, MWM Oil Co., Inc. (MWM) filed a petition to intervene, which has not been ruled upon.
- 4. On January 3, 2020, Giles and MWM filed a motion requesting that Giles be allowed to withdraw her request for hearing and that MWM be allowed to withdraw its petition to intervene.

<sup>&</sup>lt;sup>1</sup> See Penalty Order, ¶¶ 8, 13 (Aug. 6, 2019).

<sup>&</sup>lt;sup>2</sup> Request for Hearing (Sept. 5, 2019).

5. The Prehearing Officer finds the January 3, 2020, motion to be within the ambit of

things a prehearing officer is allowed to rule upon,<sup>3</sup> and finds no compelling reason to deny the

motion. Giles and MWM should not be forced to contest a Penalty Order they do not wish to contest.

The Prehearing Officer finds that because no party remains to contest the 6.

Commission's August 6, 2019, Penalty Order, further proceedings are unnecessary, and that closing

this docket will not prevent Commission Staff from taking whatever administrative actions are

appropriate pursuant to the Penalty Order.

THEREFORE, THE PREHEARING OFFICER ORDERS:

A. Giles' and MWM's January 3, 2020, motion is granted.

This docket is closed. В.

BY THE PREHEARING OFFICER IT IS SO ORDERED.

Dated: January 8, 2020

Isl Jonathan R. Myers

Jonathan R. Myers **Prehearing Officer** 

**JRM** 

<sup>3</sup> See Order Designating Prehearing Officer and Setting Prehearing Conference, ¶ 3 (Sept. 17, 2019); see also K.S.A.

77-551(c).

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## **CERTIFICATE OF SERVICE**

## 20-CONS-3039-CPEN

	20-00110-0000-01 E11	
I, the undersigned, certify that	a true copy of the attached Order ha	s been served to the following by means of
electronic service on	01/08/2020	
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/S/ DeeAnn Shupe DeeAnn Shupe