

**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 Altavista) Docket No.: 15-CONS-101-CPEN
Energy, Inc. ("Operator") to comply with)
K.A.R. 82-3-608 at the Thomas #1-4 well in) CONSERVATION DIVISION
Coffey County, Kansas.)
_____) License No.: 34350

ORDER RESCINDING PENALTY

Upon its own motion, the Commission finds and concludes as follows:

I. FINDINGS OF FACT

1. On July 24, 2014, the Commission issued a Penalty Order in this docket, requiring Operator to pay \$250 for failure to timely file a complete, accurate Waste Transfer ("CDP-5") form for the Thomas #1-4.

2. Operator and Staff have discussed this matter. Commission records indicate that at the time the Penalty Order was issued, Operator was in violation of the Commission's CDP-5 filing requirements. However, Staff's policy has been to send Notice of Violation ("NOV") letters for CDP-5 violations prior to recommending a Penalty Order to the Commission. At the time the Penalty Order in this docket was issued, Staff had not sent an NOV to Operator regarding the CDP-5 violation at the Thomas #1-4. Staff has identified the cause of this error, which was technical in nature, and has taken steps to reduce the chance of future error.

3. Based upon the above, Staff recommends that the Penalty Order in this docket should be rescinded.

II. CONCLUSIONS OF LAW

4. Based upon the above, the Commission concludes that the July 24, 2014, Penalty Order in this docket should be rescinded.

THEREFORE, THE COMMISSION ORDERS:

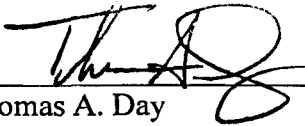
A. The Penalty Order issued in this docket is rescinded.

B. 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, Com.; Apple, Com.

Dated: SEP 25 2014

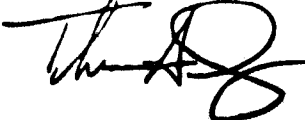


Thomas A. Day
Acting Executive Director

Mailed Date: 9/26/14

JRM

I CERTIFY THE ORIGINAL
COPY IS ON FILE WITH
The State Corporation Commission

SEP 25 2014


CERTIFICATE OF SERVICE

I certify that on 9/26/14, 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:

Douglas G. Evans
Altavista Energy, Inc.
4595 K-33 Highway
PO Box 128
Wellsville, Kansas 66092

And delivered by hand to:

Jonelle Rains
Conservation Division Central Office

/s/ Jonathan R. Myers
Jonathan R. Myers
Litigation Counsel
Kansas Corporation Commission