

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

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

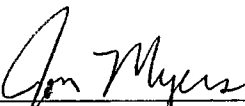
In the matter of the failure of Benjamin M.) Docket No.: 18-CONS-3160-CPEN
Giles ("Operator") to comply with K.A.R. 82-)
3-604 at the Ralston Lease Tank Battery in) CONSERVATION DIVISION
Butler County, Kansas.)
_____) License No.: 5446

RESPONSE TO REQUEST FOR HEARING

Commission Staff (Staff) of the State Corporation Commission of the State of Kansas
(Commission) files this Response, stating as follows:

1. On September 28, 2017, the Commission issued a Penalty Order against Operator, assessing \$500 in penalties for Operator's violations of K.A.R. 82-3-604 and requiring Operator to take certain actions to remedy the violations.
2. On October 31, 2017, Operator filed a document entitled "Request for Hearing," in which Operator both requests a hearing on the Penalty Order and requests that the Penalty Order be rescinded.
3. Staff is opposed to rescission of the Penalty Order. Operator's letter clearly demonstrates the existence of contested issues of fact.
4. Under K.S.A. 55-164, K.S.A. 77-537, and K.S.A. 77-542, Operator may request a hearing, and that is what should be provided.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on 11/9/17, I caused a complete and accurate copy of this Response to be served via United States mail, with the postage prepaid and properly addressed to the following:

Jonathan R. Schlatter
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Attorneys for Benjamin M. Giles

and delivered by e-mail to:

Jonathan R. Myers, Litigation Counsel
KCC Central Office

/s/ Paula J. Murray
Paula J. Murray
Legal Assistant
Kansas Corporation Commission