

**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 Butler Bros.,) Docket No: 18-CONS-3157-CPEN
Inc. ("Operator") to comply with K.A.R.)
82-3-120.) CONSERVATION DIVISION
)
) License No. 6328

ORDER RESCINDING PENALTY ORDER AND CLOSING DOCKET

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On September 28, 2017, the Commission issued a *Penalty Order* against Butler Bros., Inc. (Operator), due to an unplugged well remaining on its expired license. The Operator timely filed a request for hearing on October 18, 2017.

2. The Commission subsequently designated a Prehearing Officer and set a Prehearing Conference for January 11, 2018.¹

3. On December 11, 2017, Commission Conservation Staff (Staff) filed a Motion to Rescind Penalty Order, wherein Staff stated that it "has determined that Operator submitted a Transfer of Operator ("T-1") Form September 15, 2017, transferring the only well on its license to another operator" before the deadline in Staff's Notice of Violation letter.² Staff stated that, had it realized the Operator had submitted its T-1 prior to the deadline, it would not have recommended the penalty. Thus, Staff requested rescission of the *Penalty Order*.

¹ *Order Designating Prehearing Officer and Setting Prehearing Conference*, Ordering Clauses A & B (Nov. 28, 2017).

² Motion to Rescind Penalty Order, ¶¶ 2-3 (Dec. 11, 2017).

4. The Commission accepts Staff's resolution of this matter, and finds that rescission of its *Penalty Order* is reasonable. The Commission also finds the docket should be closed.

THEREFORE, THE COMMISSION ORDERS:

A. The *Penalty Order* issued against the Operator in this docket is hereby rescinded, and the docket is closed.

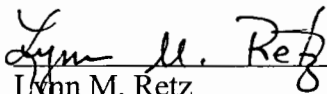
B. The parties have fifteen (15) days, plus three (3) days if mailed service, in which to petition the Commission for reconsideration.³

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: DEC 21 2017


Lynn M. Retz
Secretary to the Commission

Mailed Date: _____

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³ K.S.A. 55-162; 55-605; K.S.A. 66-118b; K.S.A. 77-529(a)(1).

CERTIFICATE OF SERVICE

DEC 21 2017

I certify that on _____, I caused a complete and accurate copy of this Order to be served by electronic means, addressed to the following:

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/s/ DeeAnn Shupe
DeeAnn Shupe

EMAILED

DEC 21 2017