

**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 Whitlow Energy,) Docket No.: 17-CONS-3560-CPEN
Inc. ("Operator") to report activity that)
occurred during the 2016 calendar year in) CONSERVATION DIVISION
compliance with K.A.R. 82-3-409.)
_____) License No.: 34341

ORDER RESCINDING PENALTY

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

I. FINDINGS OF FACT

1. On April 25, 2017, the Commission issued a Penalty Order in this docket, requiring Operator to pay \$100 and to file an annual fluid injection report. Staff has determined that although technically a violation of K.A.R. 82-3-409 occurred, Staff did not send a notice of violation letter to Operator prior to recommending a penalty. Staff would not have made a penalty recommendation if it had realized it had not sent the letter. After the Penalty Order was issued, Operator submitted the required report. Staff thus recommends rescission of the Order.

II. CONCLUSIONS OF LAW

2. Based upon the above, the Commission concludes that the April 25, 2017, Penalty Order in this docket should be rescinded.

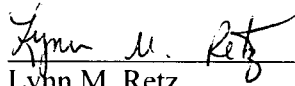
THEREFORE, THE COMMISSION ORDERS:

A. The April 25, 2017, Penalty Order in this docket is hereby rescinded.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: MAY 18 2017


Lynn M. Retz
Secretary to the Commission

Mailed Date: May 18, 2017

JDW

CERTIFICATE OF SERVICE

I certify that on 5/18/17, 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:

Jennifer Whitlow
Whitlow Energy, Inc.
26400 W 151st Street
Olathe, KS 66061

and via e-mail to:

Rene Stucky
KCC Central Office

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