

4. Since April 9, 2013, the Operator has contacted Commission Staff and stated that the subject well has not been plugged. A lease inspection by Commission Staff has confirmed that the well is unplugged.

5. The Commission's records were incorrect due to a verbal miscommunication that took place in 2011. The Commission's records have been corrected to show that the well has not been plugged.

IV. CONCLUSIONS OF LAW

6. Based upon the above facts, the Commission finds that the April 9, 2013, Penalty Order in this docket should be rescinded.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- A. The Penalty Order issued in this docket is rescinded.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.

Sievers, Chmn.; Wright, Com.; Albrecht, Com.

Dated: MAY 21 2013



Patrice Petersen-Klein
Executive Director

Mailed Date: 5-21-2013

LRP

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

MAY 21 2013



CERTIFICATE OF SERVICE

I certify that on 5-21-2013, 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:

Mark W. McCann
Quito, Inc.
1613 W. 6th Street
Bartlesville, Oklahoma 74003-3712

John R. Horst
Resident Agent for Quito, Inc.
207 W. 4th Avenue
PO Box 560
Caney, Kansas 67333

John Almond
District Office No. 3

And delivered by hand to:

Steve Bond
Conservation Division Central Office

/s/ Lane R. Palmateer
Lane R. Palmateer
Litigation Counsel
Kansas Corporation Commission