

Conservation Division
266 N. Main St., Ste. 220
Wichita, KS 67202-1513



Phone: 316-337-6200
Fax: 346-337-6211
<http://kcc.ks.gov/>

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
19-CONS-3400-CPEN

June 11, 2019

Thor McKiernan
Thunderbolt Construction Corp.
201 S. 11th Street
Louisburg, KS 66053

This is a notice of a penalty assessment for violation(s) of Kansas Oil and Gas Conservation Statutes, Rules, and Regulations. For a full description of the penalty and process please refer to the Penalty Order that is attached to this notice.

IF YOU ACCEPT THE PENALTY:

You have been assessed a \$500 penalty. You have 30 days from the service date of this Penalty Order to pay the fine amount. Check or money order must be made payable to the Kansas Corporation Commission and mailed to the Conservation Division of the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202. The payment must include a reference to the docket number of this proceeding. Payment by credit card may be made by calling the Conservation Division at 316-337-6200.

IF YOU CONTEST THE PENALTY:

You have the right to request a hearing. A written request for hearing must be made within 30 days after service of the Penalty Order setting forth the specific grounds upon which relief is sought. Respondent must submit the request to the Commission, at 266 N. Main St., Suite 220, Wichita, Kansas 67202. The Commission shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act within 30 days after receipt of such request. K.S.A. 55-164; K.S.A. 77-542; K.A.R. 82-1-215.

IF YOU FAIL TO ACT:

Failure to pay the fine amount, or in the alternative, provide a written request for a hearing, within thirty (30) days of service of the Penalty Order, will result in the attached Penalty Order becoming a Final Order and may result in additional sanctions, including additional monetary penalties, the suspension of your oil and gas operating license, and the shutting-in of all operations until compliance is obtained. K.S.A. 55-164; K.S.A. 77-537.

Respectfully,

Lauren N. Wright
Litigation Counsel
316-337-6200

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the matter of the failure of Thunderbolt)	Docket No.: 19-CONS-3400-CPEN
Construction Corp. (“Operator”) to comply with)	
K.A.R. 82-3-120.)	CONSERVATION DIVISION
)	
)	License No.: 34551

PENALTY ORDER

The above captioned matter comes before the State Corporation Commission of the State of Kansas. Having examined the files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION

1. The Commission has the exclusive jurisdiction and authority to regulate oil and gas activities in Kansas.¹ The Commission has jurisdiction to regulate the “construction, operation, and abandonment of any well and the protection of the usable water of this state from any actual or potential pollution from any well.”² Every operator conducting oil and gas activity in Kansas must be licensed by the Commission.³

2. The Commission has the authority to issue a Penalty Order for violation of any provision of K.S.A. 55-101 *et seq.*, rule, regulation, or order of the Commission.⁴ The Commission shall take appropriate action which may include, but not be limited to, imposing a monetary penalty “not to exceed \$10,000, which shall constitute an actual and substantial

¹ K.S.A. 74-623.

² K.S.A. 55-152.

³ K.S.A. 55-155.

⁴ K.S.A. 55-162; K.S.A. 55-164.

economic deterrent to the violation for which the penalty is assessed.”⁵ “In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.”⁶

3. No operator shall drill, complete, service, plug, or operate any oil or gas well without first obtaining or renewing an operator license.⁷ Each operator in physical control of any such well shall maintain a current license even if the well is shut in or idle.⁸

4. Each licensee shall annually submit a completed license renewal form on or before the expiration date of the current license.⁹

5. Failure to obtain or renew an operator license before operating shall be punishable by a \$500 penalty.¹⁰

II. FINDINGS OF FACT

6. The Operator is responsible for the care and control of the well(s) listed in Exhibit A (“the subject well(s)”). The Operator’s license expired on April 30, 2019.

7. On May 02, 2019, Commission Staff sent a Notice of Violation letter to the Operator, requiring the Operator to renew the license, or transfer the subject well(s) to another operator, or plug the well(s), by May 16, 2019.

8. To date, the Operator has not complied with K.A.R. 82-3-120 by the deadline set out in Staff’s Notice of Violation letter.

III. CONCLUSIONS OF LAW

9. The Commission finds and concludes that it has jurisdiction over the Operator and this matter under K.S.A. 55-152 and K.S.A. 74-623.

⁵ K.S.A. 55-164.

⁶ *Id.*

⁷ K.A.R. 82-3-120(a)(1).

⁸ *Id.*

⁹ K.A.R. 82-3-120(a)(2).

¹⁰ K.A.R. 82-3-120(k).

10. The Commission finds and concludes the Operator committed one violation of K.A.R. 82-3-120(a) because an unplugged well or unplugged wells, for which the Operator is responsible, remain on the Operator's expired license.

THEREFORE, THE COMMISSION ORDERS:

- A. The Operator shall pay a \$500 penalty.
- B. The Operator shall immediately shut-in all unplugged wells on its license and cease oil and gas operations until the Operator is in compliance with this Order. Staff may seal the wells until the Operator is in compliance with this Order.
- C. The Operator has 60 days from the date of this Order to:
 - a. Renew its license or obtain a new license and transfer the well(s) to that license; or
 - b. Transfer the well(s) to another operator by filing the appropriate form(s) with the Commission; or
 - c. Plug the well(s).
- D. If any unplugged well(s) remain on the Operator's expired license after 60 days from the date of this Order, then:
 - a. The Operator shall pay an additional \$5,000 penalty;
 - b. Staff shall revoke any injection authorizations applicable to the operator; and
 - c. Staff is directed to place the well(s) on the appropriate state plugging list, to plug according to priority and as funds allow, and to assess the plugging costs to the Operator. This shall not preclude Staff from investigating additional potentially-responsible parties.

E. If no party requests a hearing, and the Operator is not in compliance with this Order within 30 days from the date of service of this Order, then the Operator's license shall be suspended without further notice. The notice and opportunity for a hearing on this Order shall constitute the notice required by K.S.A. 77-512 regarding license suspension. The Commission may impose further sanctions, including additional monetary penalties and any other remedies available to the Commission by law, without further notice.

F. Checks and money orders shall be payable to the Kansas Corporation Commission. For credit card payments, include the type of card (Visa, MasterCard, Discover, or American Express), account number, and expiration date. Payments shall be mailed to the Kansas Corporation Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202. The payment must include a reference to the docket number of this proceeding.

G. Any party may request a hearing on the above issues by submitting a written request, pursuant to K.S.A. 55-164, K.S.A. 77-537, and K.S.A. 77-542, setting forth the specific grounds upon which relief is sought, to the Commission at 266 N. Main St., Suite 220, Wichita, Kansas 67202, within 30 days from the date of service of this Order. Hearings will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of the Operator's right to a hearing.

H. A corporation shall appear before the Commission by a Kansas licensed attorney.¹¹

¹¹ K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

I. 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.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 06/11/2019 _____



Lynn M. Retz
Secretary to the Commission

Mailed Date: 06/11/2019 _____

LW

Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Jay Scott Emler, Commissioner

Laura Kelly, Governor

NOTICE OF VIOLATION

May 2, 2019

Thor McKieman
Thunderbolt Construction Corp
201 S. 11TH ST.
LOUISBURG, KS 66053

Re: Unplugged Well(s) on Expired License #34551

Operator:

Unplugged well(s) are on your expired license, **which violates K.A.R. 82-3-120**. Attached is a list of the unplugged well(s). Please do one of the following:

- Renew your license, or obtain a new license and transfer the well(s) to that license,
- Transfer the well(s) to another operator by filing T-1 forms with the Commission, or
- File Well Plugging Application (CP-1) form(s) and plug the well(s).

Your deadline is May 16, 2019.

If you do not correct this violation, I will recommend a Commission Order with a \$500 penalty. The Order would also require you to plug the well(s) within 60 days. Failure to comply with the Order would automatically result in the Commission levying additional penalties against you, directing Staff to plug the wells, and assessing plugging costs to you.

You must immediately shut-in all wells and cease oil and gas operations until compliance is achieved.

For help renewing or obtaining a license, contact Nancy Borst at 316-337-6194.

For help transferring wells, contact Deanna Garrison at 316-337-6209.

For help with CP-1 forms, contact Rick Hestermann at 316-337-6193.

If you have further questions, you may contact me by calling our main number at the top of this letter.

Sincerely,

Nancy Borst
Administrative Specialist

Exhibit A

Thunderbolt Construction Corp License: 34551

<u>Unplugged Wells on Operator's License</u>				
API Well #	Lease Name / Well #		Well Location	County
15-107-19352-00-00	QUERRY LEASE	4	35-19S-24E, SWSWNWSE	LINN
15-107-19353-00-00	QUERRY LEASE	3	35-19S-24E, SESWNWSE	LINN
15-107-19354-00-00	QUERRY LEASE	2	35-19S-24E, SESWNWSE	LINN
15-107-20075-00-00	QUERRY LEASE	5	35-19S-24E, SWSWNWSE	LINN
15-107-20078-00-00	CALVIN	7	35-19S-24E, SWSWNWSE	LINN
15-107-20523-00-00	QUERRY LEASE	6	35-19S-24E, S2SWNWSE	LINN
15-107-20524-00-00	QUERRY LEASE	7	35-19S-24E, SESENESE	LINN
15-107-20525-00-00	QUERRY LEASE	8	35-19S-24E, SWSWNWSE	LINN
15-107-24561-00-00	QUERRY	Q-9	35-19S-24E, SESWNESW	LINN
15-107-24562-00-00	QUERRY (CALVIN)	Q-10	35-19S-24E, NESENESE	LINN
15-107-24563-00-00	QUERRY (CALVIN)	Q-11	35-19S-24E, NESWNESW	LINN
15-107-24564-00-00	QUERRY	W-2	35-19S-24E, SWSENESE	LINN
15-121-01093-00-00	ELLIOTT	3	26-17S-21E, SWSWNE	MIAMI
15-121-01094-00-00	ELLIOTT	3A	26-17S-21E, SWSWNE	MIAMI
15-121-01095-00-00	ELLIOTT	4	26-17S-21E, SWSWNE	MIAMI
15-121-01096-00-00	ELLIOTT	4A	26-17S-21E, SWSWNE	MIAMI
15-121-20971-00-00	GRIGSBY	K-1	25-17S-21E, SESWSESE	MIAMI
15-121-21811-00-00	GRIGSBY	S-1	25-17S-21E, SWSWSESE	MIAMI
15-121-21812-00-00	GRIGSBY	S-2	25-17S-21E, SWSWSESE	MIAMI
15-121-21813-00-00	GRIGSBY	S-3	25-17S-21E, SESESESE	MIAMI
15-121-21814-00-00	GRIGSBY	S-4	25-17S-21E, E2SESE	MIAMI
15-121-21816-00-00	GRIGSBY	S-6	25-17S-21E, SWNWSESE	MIAMI
15-121-21817-00-00	GRIGSBY	S-7	25-17S-21E, NWNWSESE	MIAMI
15-121-21818-00-00	GRIGSBY	S-8	25-17S-21E, NENWSESE	MIAMI
15-121-21820-00-00	GRIGSBY	S-10	25-17S-21E, NENESESE	MIAMI
15-121-21877-00-00	LED FORD CORA	2	31-17S-22E, SENWNWNW	MIAMI
15-121-21878-00-00	LED FORD CORA	3	31-17S-22E, NWSENWNW	MIAMI

15-121-21879-00-00	LED FORD CORA	4	31-17S-22E, SWS ENWNW	MIAMI
15-121-21880-00-00	LED FORD CORA	5	31-17S-22E, SESE NWNW	MIAMI
15-121-21888-00-00	LED FORD CORA	1	31-17S-22E, SWNWNWNW	MIAMI
15-121-26954-00-00	LED FORD CORA	6	31-17S-22E, SWS ENWNW	MIAMI
15-121-30794-00-00	LED FORD TB-2		31-17S-22E, NESWNENW	MIAMI

CERTIFICATE OF SERVICE

19-CONS-3400-CPEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of first class mail and electronic service on 06/11/2019.

NANCY BORST
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
n.borst@kcc.ks.gov

THOR MCKIEARNAN
THUNDERBOLT CONSTRUCTION CORP.
201 S 11th ST
LOUISBURG, KS 66053

LAUREN WRIGHT, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
266 N. Main St., Ste. 220
WICHITA, KS 67202-1513
Fax: 316-337-6211
l.wright@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe