

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

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

In the matter of the failure of Drake) Docket No. 16-CONS-512-CPEN
Exploration, LLC to comply with K.A.R.)
82-3-603 at the Mitchell Lease Tank) CONSERVATION DIVISION
Battery in Sumner County, Kansas)
_____) License No.: 33556

REQUEST FOR HEARING

COMES NOW Drake Exploration, LLC (“Drake”), described as the “Operator” in the Penalty Order issued in this docket, by and through its counsel of record and requests a hearing in this docket. In support of this Request, Drake submits the following.

1. This Penalty Order calls for a \$1,000.00 penalty, and potentially additional penalties if the spill, which was properly reported to the district office, was not remedied in a timely manner.
2. The basis for the violation is concerned with an allegation that the Operator did not clean up the spill as required under K.A.R. 82-3-603. The Operator did not understand that the spill needed to be remedied within any particular time period.
3. The spill in question has been completely remedied under the direction of the appropriate district office of this Commission. Because the spill was properly reported and the spill was remedied in a timely manner, Drake requests that the penalties in this Penalty Order be rescinded in their entirety, or in the alternative, that this matter be set for hearing so that Drake can show the reason why it did not remedy the spill prior to August 17, 2015, the basis for the alleged violation.

WHEREFORE, Drake Exploration, LLC requests that the penalty be rescinded or that it be allowed to take this matter to hearing.

Respectfully submitted,
MARTIN, PRINGLE, OLIVER,
WALLACE & BAUER, L.L.P.

By: Jeff Kennedy
Jeff Kennedy, #12099
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Wichita, KS 67202
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Attorneys for Drake Exploration, LLC

VERIFICATION

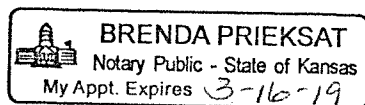
STATE OF KANSAS)
) ss.
COUNTY OF SEDGWICK)

Jeff Kennedy of lawful age and being first duly sworn, on oath, deposes and states:

That Jeff Kennedy, counsel for Drake Exploration, LLC, has read the above and foregoing Request for Hearing and that the statements and averments contained therein are true and correct to the best of his knowledge and belief.

Jeff Kennedy
Jeff Kennedy

SUBSCRIBED and SWORN TO before me this 23rd day of September, 2015.



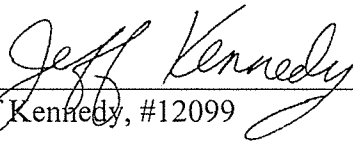
Brenda Prieksat
Notary Public

My appointment expires:

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 23rd day of September, 2015, a true and correct copy of the above and foregoing Request for Hearing was mailed via U.S. Postal service to:

Jonathan R. Myers
Litigation Counsel
Kansas Corporation Commission
266 N. Main St., Ste. 220
Wichita, KS 67202-1513



Jeff Kennedy, #12099