

**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 War Cry, LLC) Docket No.: 19-CONS-3355-CPEN
("Operator") to report activity that occurred)
during the 2018 calendar year in compliance) CONSERVATION DIVISION
with K.A.R. 82 3 409.)
_____) License No.: 35271

ORDER RESCINDING PENALTY

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:

1. On April 25, 2019, the Commission issued a Penalty Order in this docket finding the Operator committed one violation of K.A.R. 82-3-409 because the Operator failed to file the necessary annual fluid injection report for the subject well.¹ The Penalty Order required the Operator to pay \$100 and to file the required annual fluid injection report.²

2. Commission Staff has discovered that a clerical error was made. The injection permit for the subject well was cancelled September 9, 1986. Therefore, the Operator was not obligated to submit an annual fluid injection report for the subject well.

3. This error makes enforcement of the Penalty Order outside the interests of the State. Accordingly, Staff recommended rescission of the penalty.

4. Based upon the above, the Commission concludes that Staff's recommendation is reasonable and hereby rescinds the April 25, 2019, Penalty Order in this docket.

¹ Penalty Order, ¶ 9, (Apr. 25, 2019).

² *Id.*, at ¶ A and B.

THEREFORE, THE COMMISSION ORDERS:

- A. The Penalty Order issued in this docket is rescinded.
- B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).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.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Dated: 06/11/2019



Lynn M. Retz
Secretary to the Commission

Mailed Date: 06/11/2019

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³ K.S.A 55-162; K.S.A. 55-606; K.S.A. 55-707; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

19-CONS-3355-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.

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/S/ DeeAnn Shupe
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