

CORPORATION COMMISSION  
CONSERVATION DIVISION  
266 N. MAIN ST., STE. 220  
WICHITA, KS 67202-1513



PHONE: 316-337-6200  
FAX: 316-337-6211  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

## NOTICE OF PENALTY ASSESSMENT 19-CONS-3125-CPEN

September 27, 2018

Jonathan Freiden  
Ace Energy LLC  
11704 Aberdeen Road  
Leawood, KS 66211

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

In the matter of the failure of Ace Energy	)	Docket No.: 19-CONS-3125-CPEN
LLC (“Operator”) to comply with K.A.R. 82-	)	
3-107 and K.A.R. 82-3-130 at the DR Nelson	)	CONSERVATION DIVISION
#Q11 in Allen County, Kansas.	)	
<hr/>		License No.: 34998

**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.<sup>1</sup> 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.”<sup>2</sup> Every operator conducting oil and gas activity in Kansas must be licensed by the Commission.<sup>3</sup>

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.<sup>4</sup> 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

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<sup>1</sup> K.S.A. 74-623.

<sup>2</sup> K.S.A. 55-152.

<sup>3</sup> K.S.A. 55-155.

<sup>4</sup> K.S.A. 55-162; K.S.A. 55-164.

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

3. Each operator must submit a well completion report and all associated documentation within 120 days of the spud date of each well, and the failure to submit the forms and documents is punishable by a \$500 penalty.<sup>7</sup>

## **II. FINDINGS OF FACT**

4. The Operator conducts oil and gas activities in Kansas under active license number 34998.

5. The Operator is responsible for the care and control of the DR Nelson #Q11 (“the subject well”), API #15-001-31517-00-00, located in Section 18, Township 26 South, Range 21 East, Allen County, Kansas.

6. On April 03, 2018, the Operator reported to Commission Staff that the subject well had been spudded. The Operator did not submit a complete and accurate well completion report, with the associated document, within 120 days of the reported spud date.

7. On September 04, 2018, Commission Staff sent a Notice of Violation letter to the Operator, requiring the Operator to bring the subject well into compliance with K.A.R. 82-3-107 and K.A.R. 82-3-130 by September 18, 2018.<sup>8</sup>

8. To date, the Operator has not submitted a complete and accurate well completion report, with the associated documents, for the subject well.

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<sup>5</sup> K.S.A. 55-164.

<sup>6</sup> *Id.*

<sup>7</sup> K.A.R. 82-3-107; K.A.R. 82-3-130. An operator’s license review may be conducted in accordance with K.A.R. 82-3-107(d)(4) during the Operator’s annual license renewal process.

<sup>8</sup> Exhibit A.

### 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.

10. The Commission finds and concludes the Operator committed one violation of K.A.R. 82-3-107 and K.A.R. 82-3-130 because the Operator did not submit a complete and accurate well completion report for the subject well, with the associated documents, within 120 days of the spud date.

#### **THEREFORE, THE COMMISSION ORDERS:**

- A. The Operator shall pay a \$500 penalty.
- B. Operator shall submit a complete and accurate well completion report and associated documents for the subject well.
- C. 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.
- D. 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.

E. 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 Operator's right to a hearing.

F. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>9</sup>

G. 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.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 09/27/2018



Lynn M. Retz  
Secretary to the Commission

Mailed Date: 09/28/2018

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<sup>9</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).



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

Jeff Colyer, M.D., Governor

September 04, 2018

Jonathan Freiden  
Ace Energy LLC  
11704 ABERDEEN RD  
LEAWOOD KS 66211

License No. 34998

### **NOTICE OF VIOLATION**

**Re: Well Completion Report(s) - ("ACO-1")**

Operator:

Commission records indicate that the well(s) on the attached list were spudded more than 120 days ago.

K.A.R. 82-3-107 and K.A.R. 82-3-130 require operators to file an ACO-1 within 120 days of the spud date of each well. **We have not received the necessary Well Completion Report(s).**

Since no ACO-1 is on file for the well(s), you are in violation of K.A.R. 82-3-107 and K.A.R. 82-3-130.

**Failure to submit a complete, accurate ACO-1  
for the well(s) on the attached list  
by SEPTEMBER 18, 2018  
shall be punishable by a \$500 per-well administrative penalty.**

The information requested above must be submitted on KOLAR. If an ACO-1 is returned to you as incomplete, you do not have additional time - the deadline above governs.

Please contact me at (316) 337-6200 if you have any questions.

Sincerely,

KAREN J. RITTER  
Production Department

**List of Wells: Missing ACO-1**

API Well #	Lease Name / Well #	Well Location	County
15-001-31517-00-00	DR NELSON Q11	18-26S-21E, NWSESWNE	ALLEN

## **CERTIFICATE OF SERVICE**

19-CONS-3125-CPEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail and electronic service on 09/27/2018.

JONATHAN FREIDEN  
ACE ENERGY, LLC  
ACE ENERGY, LLC  
11704 ABERDEEN ROAD  
LEAWOOD, KS 66211

RENE STUCKY  
KANSAS CORPORATION COMMISSION  
Conservation Division  
266 N. Main St. Ste. 220  
WICHITA, KS 67202-1513  
Fax: 785-271-3354  
r.stucky@kcc.ks.gov

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

/S/ DeeAnn Shupe  
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DeeAnn Shupe