

**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 Berexco LLC ) Docket No: 19-CONS-3117-CPEN  
("Operator") to comply with K.A.R. 82-3- )  
602 at the Petracek #6 well in Decatur ) CONSERVATION DIVISION  
County, Kansas. )  
\_\_\_\_\_ ) License No: 34318

**ORDER DESIGNATING PREHEARING OFFICER  
AND SETTING PREHEARING CONFERENCE**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being fully advised in the premises, the Commission finds the following:

1. On September 25, 2018, the Commission issued a *Penalty Order* against Berexco LLC (Operator) finding the Operator committed one violation of K.A.R. 82-3-602 due to the Operator's failure to submit a complete and accurate Closure of Surface Pit form (CDP-4) in a timely manner for the pit associated with the subject well.<sup>1</sup>
2. On October 25, 2018, the Operator filed a letter requesting a hearing.<sup>2</sup>
3. The Commission finds that a Prehearing Officer should be designated in this proceeding to address any matters listed in K.S.A. 77-517(b), and a Prehearing Conference should be scheduled.
4. Although a Prehearing Officer is designated, parties are still required to file pleadings with the Commission, and filings shall be made with the Commission's Docket Room before 5:00 p.m. on the date scheduled for service. Any electronic service received after the deadline set forth in

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<sup>1</sup> *Penalty Order*, ¶ 12 (Sept. 25, 2018).

<sup>2</sup> Letter Requesting Hearing (Oct. 25, 2018).

the procedural schedule, or any filing made after 5:00 p.m. on the date scheduled for service, shall be accompanied by a Motion to File Out-of-Time.

**THEREFORE, THE COMMISSION ORDERS:**

A. The Prehearing Officer in this proceeding shall be Michael J. Duenes, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3181, email address [m.duenes@kcc.ks.gov](mailto:m.duenes@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity. **The Commission directs electronic service of all filings in the docket to include service on the Prehearing Officer and mailed service of all filings to be directed to the Prehearing Officer's attention.**

B. A Prehearing Conference is scheduled for **Thursday, December 6, 2018 at 9:30 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

C. At the Prehearing Conference, parties shall be prepared to discuss deadlines for filing testimony and briefs, discovery procedures, scheduling of a hearing with the Commission, and any other issues that will promote the orderly and prompt resolution of this proceeding.

D. At the Prehearing Conference, without further notice, this proceeding may be converted into a conference hearing or a summary proceeding for disposition of this matter as provided by the Kansas Administrative Procedure Act (KAPA). Any party that fails to attend or participate in the Prehearing Conference, hearing, or other stage of this proceeding may be held in default under the KAPA.<sup>3</sup>

E. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>4</sup>

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<sup>3</sup> K.S.A. 77-506; K.S.A. 77-516(c)(7)-(8).

<sup>4</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).


F. The attorney designated to appear on behalf of the agency in this proceeding is Lauren Wright, Litigation Counsel, telephone number (316) 337-6200, [l.wright@kcc.ks.gov](mailto:l.wright@kcc.ks.gov).

G. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it may deem necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 11/15/2018



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Lynn M. Retz  
Secretary to the Commission

Mailed Date: 11/16/2018

MJD/sc

**CERTIFICATE OF SERVICE**

19-CONS-3117-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 11/15/2018.

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/S/ DeeAnn Shupe  
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DeeAnn Shupe