

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

In the matter of the application of Berexco LLC for ) Docket No.: 25-CONS-3268-CEXC  
an exception to the 10-year time limitation of )  
K.A.R. 82-3-111 for its Base Lease #2 well located ) CONSERVATION DIVISION  
in the NE SW NE of Sec 36, T23S, R4W, Reno )  
County, Kansas. ) License No.: 34318

**MOTION TO DISMISS APPLICATION AND CLOSE DOCKET**

Staff of the Kansas Corporation Commission (Staff and Commission, respectively) moves the Commission to issue an order dismissing the application and closing the docket in this matter. In support of its motion, Staff states as follows:

1. On February 20, 2025, Berexco LLC (Operator) filed an application seeking an exception to the 10-year time limitation of K.A.R. 82-3-111 for its Base Lease #2 well, API #15-155-02080 (Subject Well).

2. Upon review of the application, Legal Staff found an issue as Operator had not filed affidavits of publication from all required official county newspapers, indicating non-compliance with K.A.R. 82-3-135a(d).

3. On March 17, 2025, Staff sent a letter to Operator requesting that the issues with its application be corrected by April 17, 2025.<sup>1</sup> Staff's letter also states failure to correct the issues by the deadline would result in Staff filing a motion to dismiss the application.<sup>2</sup> To date, Operator has not filed affidavits of publication from all required official county newspapers.

WHEREFORE, for the reasons described above, Staff respectfully moves the Commission to issue an Order dismissing the application and closing the docket in this matter.

Respectfully submitted,

/s/ Kelcey Marsh  
Kelcey A. Marsh, #28300  
Litigation Counsel | Kansas Corporation Commission  
266 N. Main, Suite 220 | Wichita, Kansas 67202  
Phone: 316-337-6200 | Email: kelcey.marsh@ks.gov

<sup>1</sup> Exhibit A.

<sup>2</sup> *Id.*

Andrew J. French, Chairperson  
Dwight D. Keen, Commissioner  
Annie Kuether, Commissioner

Laura Kelly, Governor

March 17, 2025

Paula White or Teren DeBok  
Berexco LLC  
2020 N Bramblewood  
Wichita, KS 67206-1094

**RE: Docket #25-CONS-3268-CEXC**

Zach,

The Commission received the application in the referenced docket on February 20, 2025. Additionally, the Commission received affidavits of publication from the Wichita Eagle and Ninnescah Valley News on February 24, 2025. However, an affidavit of publication from the Newton Kansan is still needed in order to process the application. K.A.R. 82-3-135a states that notice of the application shall be published in at least one issue of the official county newspaper of each county in which the lands affected by the application are located. It appears that the lands affected by the application in the referenced docket include both Reno and Harvey County.

Please submit an affidavit of publication from the Newton Kansan for the referenced docket by April 17, 2025. Failure to do so will result in Staff filing a motion to dismiss the application for the reasons noted above. You may contact me at [Kelcey.Marsh@ks.gov](mailto:Kelcey.Marsh@ks.gov) if you have any questions.

Sincerely,

/s/ Kelcey Marsh  
Kelcey Marsh, #28300  
Litigation Counsel  
Kansas Corporation Commission

cc: Jeff Klock, Dan Fox, District #2

## **CERTIFICATE OF SERVICE**

25-CONS-3268-CEXC

I, the undersigned, certify that a true and correct copy of the attached Motion has been served to the following by means of first class mail and electronic service on April 24, 2025.

TEREN DEBOK  
BEREXCO LLC  
2020 N. BRAMBLEWOOD  
WICHITA, KS 67206-1094  
debokt@berexco.com

JEFF KLOCK  
KANSAS CORPORATION COMMISSION  
DISTRICT OFFICE NO. 2  
3450 N. ROCK RD BLDG 600 STE 601  
WICHITA, KS 67226  
jeff.klock@ks.gov

KELCEY MARSH, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
CENTRAL OFFICE  
266 N. MAIN ST, STE 220  
WICHITA, KS 67202-1513  
kelcey.marsh@ks.gov

JONATHAN R. MYERS, ASSISTANT GENERAL COUNSEL  
KANSAS CORPORATION COMMISSION  
266 N. Main St., Ste. 220  
WICHITA, KS 67202-1513  
jon.myers@ks.gov

PAULA WHITE  
BEREXCO LLC  
2020 N. BRAMBLEWOOD  
WICHITA, KS 67206-1094  
paulaw@berexco.com

/s/ Paula J. Murray

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Paula J. Murray