

II. FINDINGS OF FACT

4. The Commission finds Berexco LLC (Operator) conducts oil and gas activities in Kansas under active license number 34318.

5. The Commission finds Operator filed an Application requesting an exception to the 10-year limit on TA status for the Hummel #3 well, API #15-167-45583-00-01.

6. The Commission finds Operator has verified notice was properly served and published, as required under K.A.R. 82-3-135a, at least 15 days before the issuance of this Order.

7. The Commission finds no protest to the Operator's Application was filed pursuant to K.A.R. 82-3-135b.

8. The Commission finds Operator successfully tested the subject well for mechanical integrity on May 30, 2019.

III. CONCLUSIONS OF LAW

9. Pursuant to K.S.A. 74-623(a), the state corporation commission shall have the exclusive jurisdiction and authority to regulate oil and gas activities. Likewise, pursuant to K.S.A. 55-152, the Commission shall adopt such rules and regulations for 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. As such, the Commission finds and concludes it has jurisdiction over Operator and this matter.

10. The Commission finds and concludes that the Operator's Application was filed in accordance with the rules and regulations of the Commission and in accordance with Kansas statutes.

11. The Commission finds and concludes that notice was properly served and published.

12. The Commission finds and concludes the Application provided by Operator, satisfaction of notice requirements, and results from Operator's mechanical integrity test are sufficient to support approval of Operator's Application.

13. Based on the above facts, the Commission finds and concludes the Application should be granted to prevent waste and protect correlative rights, because Operator has demonstrated a potential future use for the well, and there is not a present threat to fresh and usable water.

THEREFORE, THE COMMISSION ORDERS:

A. Operator's Application for an exception to the 10-year limit on TA status for the subject well is granted for three years, calculated from the date the Application was filed. In this matter, the date the Application was filed is July 12, 2019.

B. Operator must file an annual TA form for the subject well. The first TA form shall be filed within 30 days.

C. 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).²

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Date: 08/20/2019



Lynn M. Retz
Executive Director

Date Mailed: 08/20/2019

REV/kam/jmg

² 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

20-CONS-3014-CEXC

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 08/20/2019.

JONATHAN HAYWARD
BEREXCO LLC
2020 N. BRAMBLEWOOD
WICHITA, KS 67206-1094

KELCEY MARSH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
CENTRAL OFFICE
266 N. MAIN ST, STE 220
WICHITA, KS 67202-1513
Fax: 785-271-3354
k.marsh@kcc.ks.gov

ROBERT VINCENT, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
Fax: 785-271-3354
r.vincent@kcc.ks.gov

RICHARD WILLIAMS
KANSAS CORPORATION COMMISSION
DISTRICT OFFICE NO. 4
2301 E. 13TH STREET
HAYS, KS 67601-2654
Fax: 785-271-3354
r.williams@kcc.ks.gov

/S/ DeeAnn Shupe

DeeAnn Shupe