

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

In the matter of the application of Berexco LLC)	Docket No.: 23-CONS-3175-CUNI
for an order authorizing Unitization and Unit)	
Operation of the Arnold Unit in Stanton)	CONSERVATION DIVISION
County, Kansas.)	
_____)	License No.: 34318

**RESPONSE TO APPLICANT'S MOTION FOR GRANT OF APPLICATION
BY SUMMARY PROCEEDINGS**

Comes now Staff of the Kansas Corporation Commission (Staff and Commission, respectively) in response to the Submission of Pre-filed Testimony and Motion for Grant of Application by Summary Proceedings filed on behalf of Berexco LLC (Applicant) on February 9, 2023. In support, Staff states the following:

1. On January 3, 2023, Applicant filed its application requesting an order authorizing the unitization and unit operation of the Arnold Unit in Stanton County, Kansas, pursuant to K.S.A. 55-1301, et seq.¹
2. Notice was properly served and met the requirements of K.S.A. 55-1310, K.S.A. 55-605, and K.A.R. 82-3-135a. No protests or objections have been submitted to the Commission in this matter.
3. On January 10, 2023, the Commission issued an Order Designating Prehearing Officer and Setting Prehearing Conference scheduling the prehearing conference.²

¹ Berexco Application (Jan. 3, 2023).

² Order Designating Presiding Officer and Setting Prehearing Conference (Jan. 10, 2023).

4. On February 9, 2023, Applicant filed its Submission of Pre-filed Testimony and Motion for Grant of Application by Summary Proceedings (Motion) in lieu of an evidentiary hearing as provided by the Kansas Administrative Procedure Act (KAPA).³

5. Staff has reviewed Applicant's Application in this matter. Staff is satisfied that the grant of such Application complies with the applicable statutory and regulatory requirements. As such, Staff has no objection to the Motion because it appears the KAPA notice and hearing requirements mandated by K.S.A. 55-1303 and K.S.A. 55-1304 are met, and Operator's application qualifies for summary proceedings under K.S.A. 77-537.

In conclusion, for the reasons described above, Staff recommends approval of the Applicant's Application for the unitization of the Arnold Unit as it appears granting the Application will prevent waste, protect correlative rights, and that there does not appear to be any current pollution threat.

Respectfully submitted,

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³ Applicant's Submission of Prefiled Testimony and Motion for Grant of Application by Summary Proceedings (Feb. 9, 2023).

CERTIFICATE OF SERVICE

23-CONS-3175-CUNI

I, the undersigned, certify that a true and correct copy of the attached Response to Operator's Motion for Grant of Application by Summary Proceedings has been served to the following by means of electronic service on March 1, 2023.

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/s/ Paula J. Murray

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