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KANSAS CORPORATION COMMISSION

JUN 08 2015

LEGAL SECTION

2015.06.08 14:20:25
Kansas Corporation Commission
/S/ Amy L. Gilbert

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Shari Feist Albrecht, Chair
Jay Scott Emler
Pat Apple

In the matter of the failure of Steve A.)	Docket No. 15-CONS-371-CPEN
Becker dba A & A Well Service)	
(Operator) to comply with K. A. R.)	CONSERVATION DIVISION
82-3-107 and K. A. R. 82-3-130 at the)	
D.J. Daniels #1-14, Nelson #2-14,)	License No. 31813
Nelson #3-14, Williams #1-14 and)	
Williams #2-14 in Allen County, Kansas.)	

PRE-FILED DIRECT TESTIMONY
OF
STEVE A. BECKER

(Exhibits Attached)

- 1 Q: What is your name, your business name and business address?
- 2 A: Steve Becker. My business is A&A Well Service and my business address
- 3 is 4500 Connecticut Road Elsmore, Kansas 66732.
- 4 Q: Are you the owner and operator of A&A Well Service?
- 5 A: Yes.
- 6 Q: What is your license number?
- 7 A: 31813
- 8 Q: How long have you been the owner and operator of A&A Well Service?
- 9 A: 20 years.
- 10 Q: Prior to owning and operating A&A Well Service did you work in the oil
- 11 business?
- 12 A: Yes, since 1979.
- 13 Q: As part of your operations do you routinely spud wells?
- 14 A: Yes.
- 15 Q: Are you aware that pursuant to K.A.R. 82-3-107 and K.A.R. 82-3-130
- 16 operators must submit a complete and accurate Well Completion Report
- 17 ("ACO-1") within 120 days of spudding a well?
- 18 A: Yes.
- 19 Q: Have you read and are you familiar with the pre-filed testimony of Rene
- 20 Stucky in this matter?
- 21 A: Yes.
- 22 Q: Have you reviewed Exhibit A of that testimony which alleges that ACO-1
- 23 reports were not filed within 120 days on five separate wells that were
- 24 spudded by A&A Well Service?
- 25 A: Yes.
- 26 Q: Did you receive the Notice of Violation Missing Well Completion Report
- 27 ("ACO-1") letters that constitute Exhibit A?
- 28 A: Yes.

- 29 Q: What action did you take upon receiving those letters?
- 30 A: I completed the reports and submitted them to the KCC on the KOLAR
- 31 system as requested.
- 32 Q: What date did you submit the reports?
- 33 A: I believe I submitted them October 13th or 14th.
- 34 Q: Were you aware of the October 24, 2014 deadline for filing the reports?
- 35 A: Yes.
- 36 Q: Did you subsequently receive a notice that the reports were incomplete or
- 37 in error?
- 38 A: Yes.
- 39 Q: How were you told the reports were incomplete or in error?
- 40 A: I received a series of emails from chasm@kgs.ku.edu advising the KCC
- 41 had returned the reports and that corrections were needed.
- 42 Q: Have you attached these emails to this testimony.
- 43 A: Yes. I believe they are Appellant's Exhibits 1-5
- 44 Q: What dates did you receive the emails?
- 45 A: October 16th and 17th.
- 46 Q: Did these emails reference a date the reports needed to be corrected by?
- 47 A: They did not contain a specific date. They said, "Be sure to make the
- 48 necessary changes and resubmit the ACO1 within 30 days."
- 49 Q: What did you interpret that statement to mean?
- 50 A: That I had 30 days from the date of the email to file the corrected reports.
- 51 Q: Did all of the emails you received contain this statement?
- 52 A: Yes.
- 53 Q: Did you notice this date was later than the October 24, 2014 deadline
- 54 referenced in the Notices of Violation you received?
- 55 A: Yes.
- 56 Q: Were you concerned that the new date was later than the original one?

- 57 A: No. I figured the email wouldn't tell me to make the necessary changes
58 and resubmit the ACO1 within 30 days if I only had seven.
- 59 Q: Did you ask whether or not the new date you had been given overrode
60 the original October 24, 2014 date?
- 61 A: No. I didn't think I needed to. They sent me the date in their email.
- 62 Q: Did you believe the November 16th and 17th deadline dates set by the
63 email was your new deadline for submitting complete and accurate ACO-1
64 reports?
- 65 A: Yes.
- 66 Q: What was your basis for that belief?
- 67 A: I was communicating with their representative and she provided me a new
68 deadline. It didn't make sense to me that they would give me a new
69 deadline if the original one was in effect.
- 70 Q: What was the error cited in each report?
- 71 A: I had attached the gamma ray neutron log as a PDF file and sent it with
72 the ACO-1. I should have emailed it to a different specific email address.
- 73 Q: Did you complete and submit the ACO-1 reports prior to the November
74 15th and 16th, 2014 date established by the 30-day language in the
75 chasm@kgs.ku.edu email?
- 76 A: Yes.
- 77 Q: Were these updated ACO-1 reports accepted by the KCC?
- 78 A: Yes. The emails I received indicating their acceptance are Appellant's
79 Exhibits 6-10.
- 80 Q: Did you believe the situation was resolved at that time?
- 81 A: Yes.
- 82 Q: When did you receive notice that the KCC was finding you in violation of
83 K.A.R. 82-3-107 and K.A.R. 82-3-130 and fining you for the violations?
- 84 A: I believe I received them during the week of November 10, 2014.

85 Q: What action did you take at that time?

86 A: I requested a hearing on the issue.

87 Q: Why?

88 A: Because I originally submitted the reports prior to the deadline. When I
89 was informed of a potential problem I was given 30 days to correct it
90 and re-submit the ACO-1 reports. I corrected the reports and submitted
91 them within 30 days. The revised reports were accepted. Why did they
92 give me 30 days to re-submit the reports if they weren't going to
93 honor it?

94 Q: If you had not been given 30 days in the October 16th and 17th emails
95 would you have submitted complete and accurate ACO-1 reports prior to
96 the original deadline date of October 24, 2014?

97 A: Yes.

98 Q: Do you presently have any violations on your record?

99 A: No. Never had a violation in my 20 years as an operator.

100 Q: Can you describe the effect these five violations would have on your
101 operations if they are upheld?

102 A: They will cost my business money as I may need to purchase a bond
103 and/or obtain a letter of credit from the bank. It might also result in
104 adjustments to my insurance rates and coverage. These are costs that
105 will be difficult for me to bear as a small operator.

106 Q: Is there anything else you would like to add?

107 A: I am confused and disappointed by this situation. I believe I have a long
108 and positive history with the KCC and, up until the time of this incident,
109 have never experienced any problems. I get along well with and respect
110 the KCC field reps I work with and I believe they have a good relationship
111 with me. I felt the matter was properly concluded when I submitted the
112 reports within the 30-day period indicated in the emails and those reports

113 were accepted by the KCC. I believe I followed their directions, complied
114 with their requests and the appropriate administrative regulations and that
115 this matter should be dismissed.

116 Q: You are aware this statement will be utilized as your direct testimony
117 in this matter?

118 A: Yes.

119 Q: Are all of the statements made herein complete, true and correct to the
120 best of your knowledge?

121 A: Yes.

122 Q: Is this your signature that appears at the bottom of this page?

123 A: Yes.

A handwritten signature in black ink, appearing to read "Steve A. Becker", is written over a horizontal line.

Steve A. Becker

Print

Page 1 of 1

Subject: Fw: +KOLAR: Well Completion for "D J Daniels 1-14" Returned
From: Steve Becker (sabecker79@yahoo.com)
To: bret.heim@sbcglobal.net;
Date: Monday, June 8, 2015 7:44 AM

Steve Becker
A&A Well Services, Inc.
4500 Connecticut Rd.
Elsmore, KS 66762
(620) 363-4124 or (620) 754-3788

On Thursday, October 16, 2014 8:29 AM, "chasm@kgs.ku.edu" <chasm@kgs.ku.edu> wrote:

The KCC has returned the **Well Completion** (ACO1) for the well named "D J Daniels 1-14". Corrections are needed or additional information is required.

Be sure to make the necessary changes and resubmit the ACO1 within 30 days. Specific information from the KCC about what needs to be done is available on KOLAR.

After 30 days, if the ACO1 has not been resubmitted to the KCC, the form will be deleted from KOLAR and you will not be able to retrieve it, but you have the option to file a new ACO1.

NOTE: If you are requesting confidentiality on an ACO-1, then you must resubmit the ACO-1 before the original 120 day confidentiality period expires in order for confidentiality to be granted.

This is KOLAR email #100123834270.

EXHIBIT
1

Print

Page 1 of 1

Subject: Fw: +KOLAR: Well Completion for "Nelson 2-14" Returned

From: Steve Becker (sabecker79@yahoo.com)

To: bret.heim@sbcglobal.net;

Date: Monday, June 8, 2015 7:45 AM

Steve Becker
A&A Well Services, Inc.
4500 Connecticut Rd.
Elsmore, KS 66762
(620) 363-4124 or (620) 754-3788

On Thursday, October 16, 2014 8:29 AM, "chasm@kgs.ku.edu" <chasm@kgs.ku.edu> wrote:

The KCC has returned the **Well Completion** (ACO1) for the well named "Nelson 2-14". Corrections are needed or additional information is required.

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This is KOLAR email #100123834279.

EXHIBIT 2

Print

Page 1 of 1

Subject: Fw: +KOLAR: Well Completion for "Nelson 3-14" Returned
From: Steve Becker (sabecker79@yahoo.com)
To: bret.heim@sbcglobal.net;
Date: Monday, June 8, 2015 7:46 AM

Steve Becker
A&A Well Services, Inc.
4500 Connecticut Rd.
Elsmore, KS 66762
(620) 363-4124 or (620) 754-3788

On Friday, October 17, 2014 8:34 AM, "chasm@kgs.ku.edu" <chasm@kgs.ku.edu> wrote:

The KCC has returned the **Well Completion** (ACO1) for the well named "Nelson 3-14". Corrections are needed or additional information is required.

Be sure to make the necessary changes and resubmit the ACO1 within 30 days. Specific information from the KCC about what needs to be done is available on KOLAR.

After 30 days, if the ACO1 has not been resubmitted to the KCC, the form will be deleted from KOLAR and you will not be able to retrieve it, but you have the option to file a new ACO1.

NOTE: If you are requesting confidentiality on an ACO-1, then you must resubmit the ACO-1 before the original 120 day confidentiality period expires in order for confidentiality to be granted.

This is KQLAR email #100123943204.

EXHIBIT
3

chasm@kgs.ku.edu

To

me

Oct 17

The KCC has returned the **Well Completion** (ACO1) for the well named "Williams 1-14".
Corrections are needed or additional information is required.

Be sure to make the necessary changes and resubmit the ACO1 within 30 days. Specific information from the KCC about what needs to be done is available on KOLAR.

After 30 days, if the ACO1 has not been resubmitted to the KCC, the form will be deleted from KOLAR and you will not be able to retrieve it, but you have the option to file a new ACO1.

NOTE: If you are requesting confidentiality on an ACO-1, then you must resubmit the ACO-1 before the original 120 day confidentiality period expires in order for confidentiality to be granted.

This is KOLAR email #100123942909.

EXHIBIT
4

Print

Page 1 of 1

Subject: Fw: +KOLAR: Well Completion for "Williams 2-14" Returned
From: Steve Becker (sabecker79@yahoo.com)
To: bret.heim@sbcglobal.net;
Date: Monday, June 8, 2015 7:46 AM

Steve Becker
A&A Well Services, Inc.
4500 Connecticut Rd.
Elsmore, KS 66762
(620) 363-4124 or (620) 754-3788

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This is KOLAR email #100123834287.

EXHIBIT
5

Print

Page 1 of 1

Subject: Fw: +KOLAR: Well Completion for "D J Daniels 1-14" Approved
From: Steve Becker (sabecker79@yahoo.com)
To: bret.heim@sbcglobal.net;
Date: Monday, June 8, 2015 7:47 AM

Steve Becker
A&A Well Services, Inc.
4500 Connecticut Rd.
Elsmore, KS 66762
(620) 363-4124 or (620) 754-3788

On Tuesday, November 4, 2014 8:30 AM, "chasm@kgs.ku.edu" <chasm@kgs.ku.edu> wrote:

The Well Completion (ACO1) for the well named "D J Daniels 1-14" was approved by the KCC. Please log on to KOLAR to review the form.

If you marked "Vented" for Disposition of Gas, then you must submit an ACO-18 to the KCC within 60 days.

If you marked "Dually Completed" for Method of Completion, then you must submit an ACO-5 to the KCC within 60 days.

If you marked "Commingled" for Method of Completion, then you must submit an ACO-4 to the KCC within 60 days.

This is KOLAR email #100125854074.

EXHIBIT
6

Print

Page 1 of 1

Subject: Fw: +KOLAR: Well Completion for "Nelson 2-14" Approved

From: Steve Becker (sabecker79@yahoo.com)

To: bret.heim@sbcglobal.net;

Date: Monday, June 8, 2015 7:47 AM

Steve Becker
A&A Well Services, Inc.
4500 Connecticut Rd.
Elsmore, KS 66762
(620) 363-4124 or (620) 754-3788

On Tuesday, November 4, 2014 8:33 AM, "chasm@kgs.ku.edu" <chasm@kgs.ku.edu> wrote:

The **Well Completion** (ACO1) for the well named "Nelson 2-14" was approved by the KCC. Please log on to KOLAR to review the form.

If you marked "Vented" for Disposition of Gas, then you must submit an ACO-18 to the KCC within 60 days.

If you marked "Dually Completed" for Method of Completion, then you must submit an ACO-5 to the KCC within 60 days.

If you marked "Commingled" for Method of Completion, then you must submit an ACO-4 to the KCC within 60 days.

This is KOLAR email #100125854431.

EXHIBIT
7

Print

Subject: Fw: +KOLAR: Well Completion for "Nelson 3-14" Approved
From: Steve Becker (sabecker79@yahoo.com)
To: bret.heim@sbcglobal.net;
Date: Monday, June 8, 2015 7:48 AM

Steve Becker
A&A Well Services, Inc.
4500 Connecticut Rd.
Elsmore, KS 66762
(620) 363-4124 or (620) 754-3788

On Tuesday, November 4, 2014 9:05 AM, "chasm@kgs.ku.edu" <chasm@kgs.ku.edu> wrote:

The **Well Completion** (ACO1) for the well named "Nelson 3-14" was approved by the KCC. Please log on to KOLAR to review the form.
If you marked "Vented" for Disposition of Gas, then you must submit an ACO-18 to the KCC within 60 days.
If you marked "Dually Completed" for Method of Completion, then you must submit an ACO-5 to the KCC within 60 days.
If you marked "Commingled" for Method of Completion, then you must submit an ACO-4 to the KCC within 60 days.
This is KOLAR email #100125856473.

EXHIBIT
8

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Page 1 of 1

Subject: Fw: +KOLAR: Well Completion for "Williams 1-14" Approved
From: Steve Becker (sabecker79@yahoo.com)
To: bret.heim@sbcglobal.net;
Date: Monday, June 8, 2015 7:47 AM

Steve Becker
A&A Well Services, Inc.
4500 Connecticut Rd.
Elsmore, KS 66762
(620) 363-4124 or (620) 754-3788

On Tuesday, November 4, 2014 8:34 AM, "chasm@kgs.ku.edu" <chasm@kgs.ku.edu> wrote:

The **Well Completion** (ACO1) for the well named "Williams 1-14" was approved by the KCC. Please log on to KOLAR to review the form.

If you marked "Vented" for Disposition of Gas, then you must submit an ACO-18 to the KCC within 60 days.

If you marked "Dually Completed" for Method of Completion, then you must submit an ACO-5 to the KCC within 60 days.

If you marked "Commingled" for Method of Completion, then you must submit an ACO-4 to the KCC within 60 days.

This is KOLAR email #100125854598.

EXHIBIT
9

Print

Subject: Fw: +KOLAR: Well Completion for "Williams 2-14" Approved
From: Steve Becker (sabecker79@yahoo.com)
To: bret.heim@sbcglobal.net;
Date: Monday, June 8, 2015 7:47 AM

Steve Becker
A&A Well Services, Inc.
4500 Connecticut Rd.
Elsmore, KS 66762
(620) 363-4124 or (620) 754-3788

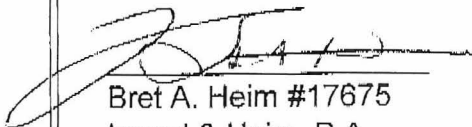
On Tuesday, November 4, 2014 8:32 AM, "chasm@kgs.ku.edu" <chasm@kgs.ku.edu> wrote:

The **Well Completion** (ACO1) for the well named "Williams 2-14" was approved by the KCC. Please log on to KOLAR to review the form.
If you marked "Vented" for Disposition of Gas, then you must submit an ACO-18 to the KCC within 60 days.
If you marked "Dually Completed" for Method of Completion, then you must submit an ACO-5 to the KCC within 60 days.
If you marked "Commingled" for Method of Completion, then you must submit an ACO-4 to the KCC within 60 days.
This is KOLAR email #100125854264.

EXHIBIT
10

Whereupon, Appellant presents this Prefiled Direct Testimony and accompanying exhibits to this Commission.

Respectfully Submitted,



Bret A. Heim #17675
Immel & Heim, P.A.
Four East Jackson
Iola, Kansas 66749
(620) 365-2222
bret.heim@sbcglobal.net
Attorneys for Appellant Steve A. Becker

STATE OF KANSAS)

) ss:

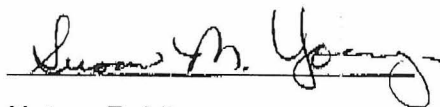
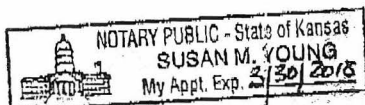
COUNTY OF ALLEN)

Steve A. Becker, of lawful age, being first duly sworn on oath states that he is the Appellant in the above-entitled action and that he has read the foregoing Prefiled Direct Testimony of Steve A. Becker, knows the contents thereof and that the allegations contained therein are, to the best of his knowledge, true and correct.



Steve A. Becker

Subscribed and sworn to before me this 8th day of June, 2015.



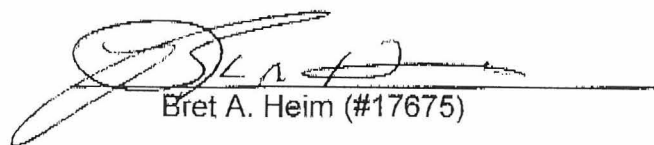
Notary Public

CERTIFICATE OF SERVICE

On this 8th day of June, 2015, I hereby certify that a true and correct copy of the Pre-filed Direct Testimony of Steve A. Becker was by first class mail, postage prepaid to:

J. Meyers at Kansas Corporation Commission, Conservation District,
266 North Main Street, Suite 220, Wichita, Kansas 67202-1513

and by facsimile to J. Myers at (316) 337-6106, with no error showing on transmission.



Bret A. Heim (#17675)