

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

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

In the Matter of the Application of Berexco ) Docket No: 17-CONS-3532-CUNI  
LLC for an Order Authorizing Unitization )  
and Unit Operation of the Kane Unit in ) CONSERVATION DIVISION  
Kiowa 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 and concludes as follows:

1. On April 6, 2017, Berexco LLC (Applicant) filed an Application for an order authorizing the unitization and unit operation of the Kane Unit in Kiowa County, Kansas, pursuant to K.S.A. 55-1301, *et seq.*<sup>1</sup>

2. On May 1, 2017, the Commission Conservation Division, Legal Section, received a letter from Linda Kraus, Wichita, Kansas, requesting a hearing.<sup>2</sup>

3. Pursuant to K.S.A. 77-551(c), 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 in this docket, 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

<sup>1</sup> Application, Apr. 6, 2017.

<sup>2</sup> Request for Hearing, May 1, 2017.

after the deadline set forth in 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 Samuel Feather, Deputy General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3240, email address [s.feather@kcc.ks.gov](mailto:s.feather@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for **Monday, July 17, 2017 at 11:00 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>

F. The attorney designated to appear on behalf of the agency in this proceeding is Jon Myers, Litigation Counsel, telephone number (316) 337-6245, [j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov).

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

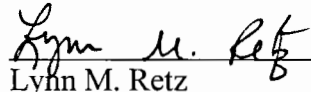
<sup>4</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

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.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: MAY 23 2017

  
Lynn M. Retz  
Secretary to the Commission

SF/sc

**CERTIFICATE OF SERVICE**

I certify that on May 23, 2017, I caused a complete and accurate copy of this Order to be served via United States mail, with the postage prepaid and properly addressed to the following:

Emma Richmond  
Berexco LLC  
2020 N. Bramblewood  
Wichita, Kansas 67206-1094

Thomas M. Rhoads (SC 10005)  
Law Offices of Thomas M. Rhoads LC  
200 E. 1st Street, Suite 301  
Wichita, Kansas 67202-2114  
*Attorney for Applicant*

Linda Kraus  
1312 Iroquois Road  
Wichita, Kansas 67203

And delivered electronically to:

Jonathan Myers  
Litigation Counsel

Sam Feather  
Deputy General Counsel

/s/ Cynthia K. Maine  
Cynthia K. Maine  
Administrative Assistant  
Kansas Corporation Commission