

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

Before Commissioners: Dwight D. Keen, Chair
 Shari Feist Albrecht
 Susan K. Duffy

In the Matter of the Application of Berexco)	Docket No. 20-CONS-3057-CEXC
LLC for a fourth exception to the 10-year)	
time limitation of K.A.R. 82-3-111 for its)	CONSERVATION DIVISION
Wellington Unit #101 well located in the)	
SW NW NW of Sec 4 and #104 well located)	License No. 34318
in the NE SE NE of Sec 5, T32S, R1W,)	
Sumner County, Kansas.)	

ORDER GRANTING APPLICATION

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission makes the following findings:

I. JURISDICTION

1. The Commission has the exclusive jurisdiction and authority to regulate oil and gas activities in Kansas.¹

2. A well shall not be eligible for TA status if the well has been shut in for 10 years or more without an application for an exception pursuant to K.A.R. 82-3-100 and approval by the Commission.²

3. An exception to the requirements of any regulation in this article may be granted by the Commission, after considering whether the exception will prevent waste, protect correlative rights, and prevent pollution. Each party requesting an exception shall file an application with the conservation division.³

¹ K.S.A. 74-623

² K.A.R. 82-3-111(b)

³ K.A.R. 82-3-100(b).

II. FINDINGS OF FACT

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

5. On August 16, 2019, Operator filed an application, amended on October 18, 2019, requesting an exception to the 10-year limit on TA status for the following wells (collectively, “the subject wells”):

- a. Wellington Unit #101, API #15-191-10252; and
- b. Wellington #104 well, API #15-191-10282.

6. Operator has verified that 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. No protest was filed under K.A.R. 82-3-135b.

8. On July 10, 2019, Operator successfully tested the subject wells for mechanical integrity.

9. The Commission finds the amended application and the mechanical integrity tests sufficient to support the administrative grant of the application.

III. CONCLUSIONS OF LAW

10. The Commission concludes that it has jurisdiction over Operator and this matter.⁴

11. The Commission concludes that Operator’s application was filed in accordance with the rules and regulations of the Commission and in accordance with Kansas statutes.

12. The Commission concludes that notice was properly served and published.

13. Based on the above facts, the Commission concludes that the amended application should be granted to prevent waste and protect correlative rights, because Operator has

⁴ K.S.A. 74-623(a).

demonstrated a potential future use for the wells, and there is not a present threat to fresh and usable water.

THEREFORE, THE COMMISSION ORDERS:


A. Operator's amended application for an exception to the 10-year limit on TA status for the subject wells is granted for three years, calculated from the date the application was filed. Operator must file annual TA forms for the subject wells. The first TA forms shall be filed within 30 days.

B. 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).⁵

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Albrecht, Commissioner; Duffy, Commissioner

Date: 10/29/2019



Lynn M. Retz
Executive Director

Date Mailed: 10/29/2019

JMG

⁵ 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-3057-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 10/29/2019.

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/S/ DeeAnn Shupe

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