

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

In the Matter of the Application of Berexco )	Docket No.: 22-CONS-3024-CUNI
LLC for an Order Authorizing Unitization and )	
Unit Operation of the Walker Unit in Finney )	CONSERVATION DIVISION
County, Kansas. )	
_____ )	License No.: 34318

**RESPONSE TO APPLICANT’S SUBMISSION OF PREFILED TESTIMONY AND  
MOTION FOR GRANT OF APPLICATION BY SUMMARY PROCEEDINGS**

Comes now Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) in response to the Submission of Prefiled Testimony and Motion for Grant of Application by Summary Proceedings filed on behalf of Berexco LLC (Operator). In support of Staff’s response, Staff states the following:

1. On July 26, 2021, Operator filed their application requesting an order authorizing the unitization and unit operation of the Walker Unit in Finney County, Kansas, pursuant to K.S.A. 55-1301, et seq.<sup>1</sup>
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 August 17, 2021, an Order Designating Prehearing Officer and Setting Prehearing Conference was issued scheduling the prehearing conference for Thursday, September 2, 2021.<sup>2</sup>
4. On September 1, 2021, Operator filed Applicant’s Submission of Prefiled Testimony and Motion for Grant of Application by Summary Proceedings (Motion) for the

<sup>1</sup> Application – Berexco LLC (July 26, 2021).

<sup>2</sup> Order Designating Prehearing Officer and Setting Prehearing Conference (Aug. 17, 2021).

Commission to consider as an alternative to holding a formal evidentiary hearing provided by the Kansas Administrative Procedure Act (KAPA).<sup>3</sup>

5. Staff has had the opportunity to completely review the Operator'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 Operator's Application for the Unitization of the Walker Unit in order to prevent waste and protect correlative rights.

Respectfully submitted,

/s/ Kelcey Marsh  
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<sup>3</sup> Applicant's Submission of Prefiled Testimony and Motion for Grant of Application by Summary Proceedings (Sept. 1, 2021).

## **CERTIFICATE OF SERVICE**

22-CONS-3024-CUNI

I, the undersigned, certify that a true and correct copy of the attached Response to Applicant's Submission of Prefiled Testimony and Motion for Grant of Application by Summary Proceedings has been served to the following by means of first class mail and electronic service on September 3, 2021.

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/s/ Paula J. Murray

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