

**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-3644-CEXC  
LLC for an Exception to the 10-year Time )  
Limitation of K.A.R. 82-3-111 for its ) CONSERVATION DIVISION  
Bamberger #6 SWD well Located in the NE )  
SE of Sec 20, T22S, R22W Hodgeman ) License No. 34318  
County, Kansas. )

**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 28, 2017, Berexco LLC (Berexco) filed an Application with the Commission, stating that it “obtained temporary abandonment status for the Bamberger #6 SWD [well] effective January 1, 1989,” and “[t]he subject well has maintained such status from January 1989 to the present date.”<sup>1</sup> Regarding the subject well, Berexco asked the Commission to grant it a three-year exception to K.A.R. 82-3-111’s 10-year temporary abandonment limitation.<sup>2</sup> The Application also asked the Commission to grant its request administratively or be set for hearing.<sup>3</sup>

2. Publication of the Application was made in The Wichita Eagle on May 5, 2017,<sup>4</sup> and in The Jetmore Republican on May 10, 2017.<sup>5</sup>

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<sup>1</sup> Application, ¶ 4 (Apr. 28, 2017).

<sup>2</sup> *Id.*, ¶¶ 5, 9.

<sup>3</sup> *Id.*, p. 4.

<sup>4</sup> Affidavit of Publication, Dale Seiwert (May 5, 2017).

<sup>5</sup> Affidavit of Publication, Dawn Wendel (May 10, 2017).

3. On May 15, 2017, Roger W. Holmes timely filed a letter of protest, expressing his concerns about “pollution of the groundwater as well as the loss of saltwater on the surface.”<sup>6</sup>

4. Upon its own motion and 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.

5. 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 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 Michael J. Duenes, Assistant General Counsel, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027, telephone number (785) 271-3181, email address [m.duenes@kcc.ks.gov](mailto:m.duenes@kcc.ks.gov). The Commission may designate other Staff members to serve in this capacity.

B. A Prehearing Conference is scheduled for **Thursday, June 22, 2017 at 9:30 a.m.** by telephone. The conference call information is: telephone number (866) 620-7326, Conference Code PIN: 7632914771#.

C. Subsequent to the above-scheduled Prehearing Conference, status conferences shall be held in this docket every 30 days until such time as a hearing is conducted or a settlement approved.

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<sup>6</sup> Roger W. Holmes, Letter of Protest (May 15, 2017).

D. 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.

E. 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>7</sup>

F. A corporation shall appear before the Commission by a Kansas licensed attorney.<sup>8</sup>

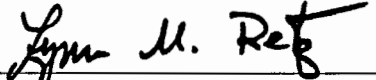
G. The attorney designated to appear on behalf of the agency in this proceeding is Jon Myers, Litigation Counsel, telephone number (316) 337-6245, [j.myers@kcc.ks.gov](mailto:j.myers@kcc.ks.gov).

H. 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: JUN 06 2017

  
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Lynn M. Retz  
Secretary to the Commission

Mailed Date: June 6, 2017

MJD

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

<sup>8</sup> K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2).

**CERTIFICATE OF SERVICE**

I certify that on June 6, 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/Brett Blazer  
2020 N. Bramblewood  
Wichita, KS 67206

Roger W. Holmes  
35990 NE O Road  
Hanston, KS 67849

And delivered electronically to:

Jonathan Myers  
Litigation Counsel

Michael Duenes  
Assistant General Counsel

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