

**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-3637-CEXC
LLC for a second exception to the 10-year	)	
time limitation of K.A.R. 82-3-111 for its	)	CONSERVATION DIVISION
Garden City A #4-29 well located in the SW	)	
NW NW of Sec 29, T22S, R33W, Finney	)	License No. 34318
County, Kansas.	)	

**ORDER GRANTING APPLICATION**

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

**I. JURISDICTION**

1. K.S.A. 74-623 provides that the Commission has the exclusive jurisdiction and authority to regulate oil and gas activities, with licensing authority under K.S.A. 55-155.
2. K.A.R. 82-3-100 provides that the Commission may grant an exception to any regulation after application and notice.
3. K.A.R. 82-3-111 requires wells that are inactive for more than 90 days be plugged or approved for temporary abandonment ("TA") status. The regulation provides that wells having been shut-in for more than 10 years shall not be approved for TA status without Commission approval of an application for an exception pursuant to K.A.R. 82-3-100.

## **II. FINDINGS OF FACT**

4. Commission records indicate Berexco LLC (“Operator”) is currently licensed to conduct oil and gas activities in Kansas under K.S.A. 55-155.

5. Operator filed an application requesting an exception to the 10-year limit on TA status for the Garden City A #4-29 well, API #15-055-21040-00-00.

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. Although a protest was filed under K.A.R. 82-3-135b, the protest was withdrawn.<sup>1</sup>

8. Operator successfully tested the subject well for mechanical integrity.

9. Commission Staff met internally and reviewed Operator’s application. Staff determined that the application and the mechanical integrity test were sufficient to support the administrative grant of this application. Accordingly, Staff has proposed to the Commission this Order granting the application without the need for a hearing.

## **III. CONCLUSIONS OF LAW**

10. The Commission has jurisdiction over Operator and this matter.

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

12. Notice was properly served and published.

13. Based on the available facts, the Commission finds that the application should be granted to prevent waste and protect correlative rights, because Operator has demonstrated a potential future use for the well, and there is not a present threat to fresh and usable water.

---

<sup>1</sup> See Notice of Withdrawal of Protest (July 13, 2017). Accordingly, Operator’s June 20, 2017, Motion to Dismiss Protest is moot.

**THEREFORE, THE COMMISSION ORDERS:**

A. Operator's application for an exception to the 10-year limit on TA status for the subject well is granted for three years, calculated from the date the application was filed.

Operator must file an annual TA form for the subject well. The first TA form shall be filed within 30 days.

B. This Order is a summary proceeding pursuant to K.S.A. 77-537, which provides in paragraph (b)(4) that summary proceedings are not effective until the time for requesting a hearing has expired. K.S.A. 77-542 provides that a request for hearing shall be filed within 15 days of any agency notice resulting in a right to request a hearing. If service of this Order is by mail, three days are added to the deadline.

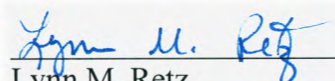
C. Any party affected by this Order may file with the Commission a petition for reconsideration pursuant to K.S.A. 77-529(a). The petition shall be filed within 15 days after service of this Order. If service of this Order is by mail, three days are added to the deadline. The petition shall be addressed to the Commission and sent to 266 N. Main, Ste. 220, Wichita, Kansas 67202. Pursuant to K.S.A. 55-606 and K.S.A. 77-529(a), reconsideration is prerequisite for judicial review of this Order. Any party taking an action permitted by this summary proceeding before the deadline for a petition for reconsideration does so at their own risk of further proceedings.

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Date: AUG 17 2017

Date Mailed: August 17, 2017

  
Lynn M. Retz  
Secretary to the Commission

JRM

**CERTIFICATE OF SERVICE**

I certify that on August 17, 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:

Thomas M. Rhoads  
Law Offices of Thomas M. Rhoads LC  
200 E. 1<sup>st</sup> Street, Suite 301  
Wichita, Kansas 67202  
*Attorney for Berexco LLC*

Emma Richmond/Andrew J. Moore  
Berexco LLC  
2020 N. Bramblewood  
Wichita, KS 67206

And delivered by email to:

Scott Alberg, KCC District 1  
Samuel Feather, KCC Topeka Office

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