

**RAILROAD COMMISSION OF TEXAS
OFFICE OF GENERAL COUNSEL
OIL AND GAS SECTION**

OIL AND GAS DOCKET NO. 03-0220612

ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY ADS OPERATING, INC. (000222), AS TO THE POLANSKY-SOBOTIK UNIT (13915) LEASE, WELL NO. 1, DUNCAN "A" (16015) LEASE, WELL NO. 2, AND THE POLANSKY, MARCELLA (15670) LEASE, WELL NO. 2, GIDDINGS (AUSTIN CHALK-3) FIELD, BURLESON COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner on November 15, 1999 and that the respondent, ADS Operating, Inc. (000222), failed to appear or respond to the notice. Pursuant to § 1.49 of the Commission's General Rules of Practice and Procedure [Tex. R. R. Comm'n, 16 TEX. ADMIN. CODE § 1.49] and after being duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas, the Commission makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. ADS Operating, Inc. (000222), ("respondent") was given Notice of Opportunity for Hearing by certified mail, addressed to the most recent P-5 address on the Form P-5 (Organization Report) address, which was returned to the Commission marked "return to sender."
2. The returned certified receipt containing the First Amended Original Complaint and the Notice of Hearing Opportunity, was returned to the Commission marked "return to sender" on September 21, 1999. The certified receipt has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. On November 6, 1996, Respondent, a Corporation, filed an Organization Report (Form P-5) with the Commission reporting that its officers consisted of the following individuals: Allen D. Stacy; President and Richard Stacy; Vice-President.
4. Respondent designated itself to the Commission as the operator of Well No. 1 on the Polansky-Sobotik Unit (13915) Lease, Well No. 2 on the Duncan "A" (16015) Lease and Well No. 2 on the Polansky, Marcella (15670) Lease ("subject wells"/subject leases") by filing a Commission Form P-4 (Producer's Transportation Authority and Certificate of Compliance), effective on January 29, 1997 for all of the subject wells and subject leases.
5. The subject wells have been dry or inactive for a period in excess of one year. Commission inspection and/or production reports indicate that all of the subject wells ceased production on or before January 31, 1997.

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6. The subject wells have not been properly plugged in accordance with, and are not otherwise in compliance with, Statewide Rule 14.
7. Usable quality water in the area is likely to be contaminated by migrations or discharges of saltwater and other oil and gas wastes from the subject wells. Unplugged wellbores constitute a cognizable threat to public health and safety because of the probability of pollution.
8. The estimated cost to the State of plugging all of the subject wells is \$12,717.00 for Well No. 1 on the Polansky-Sobotik Unit (13915) Lease, \$13,375.50 for Well No. 2 on the Duncan "A" (16015) Lease and \$12,648.00 for Well No. 2 on the Polansky, Marcella (15670) Lease.
9. The respondent did not demonstrate good faith since it failed to plug or otherwise place the subject wells and subject leases in compliance after being notified of the violations by the District Office and failed to appear at the hearing to explain its inaction.

CONCLUSIONS OF LAW

1. Proper notice was issued by the Railroad Commission to respondent and all other appropriate persons legally entitled to notice.
2. All things necessary to the Commission attaining jurisdiction over the subject matter and the parties in this hearing have been performed or have occurred.
3. Respondent is in violation of Commission Statewide Rule 14(b)(2).
4. Respondent is responsible for maintaining the subject wells and the subject leases in compliance with all applicable Statutes and Commission rules, specifically Statewide Rules 14, 58, and 79 and Chapters 89 and 91, Texas Natural Resources Code.
5. The documented violations committed by the respondent constitute acts deemed serious, a hazard to the public health, and demonstrate a lack of good faith pursuant to TEX. NAT. RES. CODE ANN. §81.0531(c) (Vernon 1993).

IT IS ORDERED THAT within 30 days from the day immediately following the date this order becomes final:

1. ADS Operating, Inc. (000222), shall plug and or otherwise place the Polansky-Sobotik Unit (13915) Lease, Well No. 1, the Duncan "A" (16015) Lease, Well No. 2, and the Polansky, Marcella (15670) Lease, Well No. 2, Giddings (Austin Chalk-3) Field, Burleson County, Texas in compliance with applicable Commission rules and regulations; and
2. ADS Operating, Inc. (000222), shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **SIX THOUSAND**

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DOLLARS (\$6,000.00).

It is further **ORDERED** by the Commission that this order shall not be final and effective until 20 days after a party is notified of the Commission's order. A party is presumed to have been notified of the Commission's order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to TEX. GOV'T CODE § 2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law, is hereby extended until 90 days from the date the order is served on the parties.

All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not previously granted or granted herein are denied.

Noncompliance with the provisions of this order is subject to enforcement by the Attorney General and subject to civil penalties of up to \$10,000.00 per day per violation.

Done this 8th day of February, 2000.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Default Master Order dated February 8, 2000)

MFE/sa