

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

OIL AND GAS DOCKET NO. 05-0230512

ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY ROBERT DEVERAL BARBER D/B/A BARBER WELL SERVICE (049154), AS TO THE AMERADA RANCH GAS UNIT (156828) LEASE, WELL NO. 1, NAN-SU-GAIL (BOSSIER) FIELD, FREESTONE COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner on June 17, 2002, and that the respondent, Robert Deveral Barber d/b/a Barber Well Service (049154), 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. Robert Deveral Barber d/b/a Barber Well Service (049154), ("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, which was returned to the Commission marked "unclaimed."
2. The returned certified receipt containing the Original Complaint and the Notice of Opportunity for Hearing was returned to the Commission marked "unclaimed" on May 23, 2002. The certified receipt has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. Respondent designated itself to the Commission as the operator of Well No. 1 on the Amerada Ranch Gas Unit (156828) Lease ("subject well"/"subject lease") by filing a Form P-4 (Producer's Transportation Authority and Certificate of Compliance) with the Commission effective on August 22, 2000.
4. According to Commission records the Respondent's Form P-5 (Organization Report) is delinquent as of September 1, 2001. Respondent paid a fee of \$750.00 as financial assurance at the time of its last Form P-5 renewal.
5. The subject well was plugged on November 15, 2000.

6. Respondent filed a Form W-3 stating that the Amerada Ranch Gas Unit (156828) Lease, Well No. 1 was plugged on November 15, 2000. Commission district inspection reports made on August 21, 2001, October 29, 2001 and November 30, 2001 showed that two 300 barrel storage tanks, miscellaneous 2" piping, two empty 55 gallon drums and two full 55 gallon drums remained at the site. Piping connections and blots were scattered at the site.
7. The Respondent has not demonstrated good faith since it failed to place the subject lease 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 to 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(d)(12).
4. Respondent is responsible for maintaining the subject lease in compliance with Rule 14(d)(12), which requires that the operator shall empty all tanks, vessels, related piping and flowlines within 120 days after plugging operations and shall remove all such tanks, and loose junk and trash from the location.
5. Respondent is responsible for maintaining the subject lease in compliance with all applicable Commission rules according to Statewide Rules 14, 58, and 79 and Chapters 89 and 91 of the Texas Natural Resources Code.
6. 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 2001).

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

1. Robert Deveral Barber d/b/a Barber Well Service (049154), shall place the Amerada Ranch Gas Unit (156828) Lease, Well No. 1, Nan-Su-Gail (Bossier) Field, Freestone County, Texas in compliance with applicable Commission rules and regulations; and
2. Robert Deveral Barber d/b/a Barber Well Service (049154), shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)** .

It is further **ORDERED** by the Commission that this order shall not be final and effective until

OIL AND GAS DOCKET NO. 05-0230512

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 13th day of November 2002.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Default Master Order dated November 13, 2002)

SP/sa