

**RAILROAD COMMISSION OF TEXAS
OFFICE OF GENERAL COUNSEL
HEARINGS SECTION**

OIL AND GAS DOCKET NO. 09-0261968

ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY TPR-TEXAS PETROLEUM RES., INC. (863702), AS TO THE ABERCROMBIE-EDGE A (30949) LEASE, WELL NOS. 1 AND 2, AND THE ABERCROMBIE-EDGE BB (30956) LEASE, WELL NOS. 1 AND 2, ARCHER COUNTY REGULAR FIELD, ARCHER COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner on July 23, 2009, and that the respondent, TPR-Texas Petroleum Res., Inc. (863702), failed to appear or respond to the Notice of Opportunity for Hearing. 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. TPR-Texas Petroleum Res., Inc. (863702), ("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 signed and returned to the Commission.
2. The returned certified receipt (green card) that was attached to the Original Complaint and the Notice of Opportunity for Hearing mailed to Respondent's, most recent P-5 address, was signed and returned to the Commission on June 22, 2009. 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 March 20, 2008, Respondent, a Corporation, filed an Organization Report (Form P-5) with the Commission reporting that its officers consisted of the following individual(s): George Utley; President.
4. George Utley, was in a position of ownership or control of respondent, as defined by Texas Natural Resources Code Section 91.114, during the time period of the violations of Commission rules committed by respondent.

5. The violations of Commission rules committed by respondent are related to safety and the control of pollution.
6. Respondent designated itself to the Commission as the operator of Well Nos. 1 and 2 on the Abercrombie-Edge A (30949) Lease and Well Nos. 1 and 2 on the Abercrombie-Edge BB (30956) Lease ("subject wells"/"subject leases") by filing a Form W-2 (Completion Report) with the Commission on May 2, 2008 for the Abercrombie-Edge A (30949) Lease, Well Nos. 1 and 2 and by filing a Form W-2 (Completion Report) with the Commission on May 1, 2008 for the Abercrombie-Edge BB (30956) Lease, Well Nos. 1 and 2.
7. According to Commission records the Respondent's Form P-5 (Organization Report) became delinquent on April 1, 2008. Respondent had \$50,000.00 Bond as its financial assurance at the time of its last P-5 renewal.
8. Commission District inspections were conducted on February 1, 2008, February 3, 2009 and March 9, 2009 for the Abercrombie-Edge A (30949) Lease. Respondent left open two sets of pits on each of the subject facilities. On both Well Nos. 1 and 2 there was a working pit and a reserve pit, both still open and both containing water that field tested below 1,000 ppm for chlorides. According to Respondent's submitted W-2 on December 1, 2007, Well No. 1 was completed and Well No. 2 was plugged on February 1, 2008.
9. Commission District inspections were conducted on February 3, 2009 and March 9, 2009 for the Abercrombie-Edge BB (30956) Lease. Respondent left open two sets of two pits on each of the subject facilities. On both Well Nos. 1 and 2 there was a working pit and a reserve pit, both still open and both containing water that field tested below 1000 ppm chlorides. According to Respondent's submitted W-2's on December 30, 2007, Well No. 1 was completed and on January 17, 2008, Well No. 2 was completed.
10. Unfilled pits constitute a hazard to public health and safety because of the potential for illegal dumping in the pits and the potential for surface run-off to collect in the pit and seep into subsurface waters.
11. The Respondent has not demonstrated good faith since it failed to timely plug or otherwise place the subject leases and subject wells in compliance after being notified of the violations by the District Office and failed to appear at the hearing to explain its inaction.
12. Respondent has a history of Commission rule violations including the following docket(s):

Docket No. 09-0255008; Final Order Served: April 8, 2008.

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 8(d)(4)(G)(i)(I).

4. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 8(d)(4)(G)(i)(I) , which requires reserve pits and mud circulation pits to be dewatered, backfilled and compacted within one year of cessation of drilling operations.
5. Respondent is responsible for maintaining the subject leases and subject wells 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).
7. As a person in a position of ownership or control of respondent at the time respondent violated Commission rules related to safety and the control of pollution, George Utley, and any other organization in which he may hold a position of ownership or control, shall be subject to the restrictions of Texas Natural Resource Code Section 91.114(a)(2) for a period of no more than seven years from the date the order entered in this matter becomes final, or until the conditions that constituted the violations herein are corrected or are being corrected in accordance with a schedule to which the Commission and the organization have agreed; and all administrative, civil, and criminal penalties and all cleanup and plugging costs incurred by the State relating to those conditions are paid or are being paid in accordance with a schedule to which the Commission and the organization have agreed, whichever is earlier.

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

1. TPR-Texas Petroleum Res., Inc. (863702), shall place the Abercrombie-Edge A (30949) Lease, Well Nos. 1 and 2, and the Abercrombie-Edge BB (30956) Lease, Well Nos. 1 and 2, Archer County Regular Field, Archer County, Texas in compliance with applicable Commission rules and regulations; and
2. TPR-Texas Petroleum Res., Inc. (863702), shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **FIVE THOUSAND DOLLARS (\$5,000.00)**.

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 parties are notified of the order.

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 18st day of August 2009.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Default Master Order dated August 18, 2009)

JD/sa