

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

Oil & Gas Docket No. 06-0306359

Single Signature P-4 Filing of TTK Energy LLC (Operator No. 872261) for the Green, C. #1 Lease (Lease No. 016528), Well No. 4AC, Quitman (Kirkland) Field, Wood County, Texas, to Change the Operator from Vogo, Inc. (Operator No. 886321) to TTK Energy LLC

Final Order

The Railroad Commission of Texas (“Commission” or “RRC”) finds that after statutory notice and an opportunity for hearing regarding the captioned proceeding, Vogo, Inc. failed to request a hearing and did not otherwise respond such that this case can proceed as a default. This proceeding having been duly submitted to the Commission at a conference held in its offices in Austin, Texas, the Commission makes the following findings of fact and conclusions of law.

Findings of Fact

1. TTK Energy LLC (“TTK”), RRC Operator No. 872261, filed a single-signature Form P-4 *Certificate of Compliance and Transportation Authority* (“Form P-4”) requesting that it be designated the Commission operator of record for the Green, C. #1 Lease (Lease No. 016528), Well No. 4AC (“Well”). The Form P-4 did not contain the signature of the current Commission operator of record for the Well.
2. Vogo, Inc. (“Vogo”), RRC Operator No. 886321, is the current Commission operator of record for the Well.
3. In a letter dated August 25, 2017, a Commission Administrative Law Judge (“ALJ”) requested in writing that Vogo either: (1) provide evidence that it holds a “good faith claim” to a continuing right to operate the referenced property; or (2) request a hearing on the matter on or before September 25, 2017. This writing expressly notified Vogo that failure to timely request a hearing would constitute waiver of the provided opportunity to request a hearing for this proceeding. The letter was sent via first-class mail to Vogo’s address of record at the Commission as identified in Vogo’s most recent filing of Commission Form P-5 *Organization Report* (“Form P-5”).
4. A “good faith claim” is defined in Commission Statewide Rule 15(a)(5) as “A factually supported claim based on a recognized legal theory to a continuing possessory right in the mineral estate, such as evidence of a currently valid oil and gas lease or a recorded deed conveying a fee interest in the mineral estate.” 16 TEX. ADMIN. CODE § 3.15(a)(5).

5. Vogo failed to provide evidence that it holds a good faith claim to a continuing right to operate the Well, failed to respond to the ALJ's August 25, 2017 letter and failed to request a hearing.
6. At least ten days' notice of an opportunity for hearing was given to TTK and Vogo.
7. Vogo became the RRC operator of record for the Well in October 2013. There has been no reported production for the Well since at least August 2012.
8. Vogo is delinquent in filing the annual Form P-5.
9. To demonstrate its good faith claim to operate the Well, TTK submitted a notarized assignment of leases, dated June 7, 2017, and the underlying contractual leases, giving it the right to operate and produce the minerals from the tract where the Well is located.
10. TTK has a current annual Form P-5 with a \$25,000 letter of credit as its financial assurance. TTK is currently the record operator of zero wells. TTK has sufficient financial assurance to operate the Well. TTK's status at the Commission is active. See 16 TEX. ADMIN. CODE § 3.78(d) and (g).
11. Vogo does not have a good faith claim to operate the Well.
12. Pursuant to TEX. GOV'T CODE §§ 2001.056 and 2001.062(e), Vogo was provided an opportunity to request a hearing and failed to do so.
13. TTK has demonstrated a good faith claim to a continuing right to operate the Well.
14. The Well should be transferred to TTK as operator of record.

Conclusions of Law

1. Proper notice of hearing was timely issued to appropriate persons entitled to notice. See, e.g., TEX. GOV'T CODE § 2001.051; 16 TEX. ADMIN. CODE §§ 1.42, 1.45.
2. The Commission has jurisdiction in this case. See, e.g., TEX. NAT. RES. CODE § 81.051.
3. Vogo does not have a good faith claim, as that term is defined in Statewide Rule 15(a)(5), to continue operating the Well. 16 TEX. ADMIN. CODE § 3.15(a)(5).
4. TTK does have a good faith claim to operate the Well.

Ordering Provisions

IT IS THEREFORE ORDERED that the application of TTK to change the RRC operator of record for the Well is **APPROVED** and TTK's submitted Form P-4 *Certificate of Compliance and Transportation Authority* reflecting itself as the current operator for the Well is hereby **APPROVED** subject to the provisions of TEX. NAT. RES. CODE §§ 91.107, 91.114 and 91.142, and 16 TEX. ADMIN. CODE § 3.15.

All pending motions and requests for relief not previously granted or granted herein are denied.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 25 days after the Commission's order is signed, unless the time for filing a motion for rehearing has been extended under TEX. GOV'T CODE § 2001.142, by agreement under TEX. GOV'T CODE § 2001.147, or by written Commission order issued pursuant to TEX. GOV'T CODE § 2001.146(e). If a timely motion for rehearing of an application 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) and 16 TEX. ADMIN. CODE § 1.149(c), 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 Commission order is signed.

Done this 10th day of October 2017, in Austin, Texas.

RAILROAD COMMISSION OF TEXAS

(Order approved and signatures affixed by HD Unprotested Master Order dated October 10, 2017)

JNC/rnf