

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 09-0308039

SINGLE SIGNATURE P-4 FILING OF BBE PRODUCTION, LLC (OPERATOR NO. 058928) FOR THE WARD, MAMIE MCFADDIN -A- (19924), LEASE, WELL NO. 2W, LITTLE GIANT (TANNEHILL) FIELD, KNOX COUNTY, TEXAS, TO CHANGE THE OPERATOR FROM TRI ENERGY RESOURCES, INC. (OPERATOR NO. 868574) TO BBE PRODUCTION, LLC

FINAL ORDER

The Commission finds that after notice and opportunity for hearing, the operator of the captioned lease did not respond, and the docket proceeded as a default. The proceeding having been duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas, the Commission makes the following Findings of Facts and Conclusions of Law.

FINDING OF FACT

1. At least twenty days' notice was given to Tri Energy Resources, Inc. (Operator No. 868574), ("Tri Energy"), and BBE Production, LLC (Operator No. 058928), ("BBE Production").
2. Tri Energy is the operator of record for the Ward, Mamie McFaddin -A- (19924), Lease, Well No. 2W, Little Giant (Tannehill) Field, Knox County, Texas.
3. On or about November 15, 2017, BBE Production submitted to the Commission a Form P-4 *Certificate of Compliance and Transportation Authority* requesting transfer of the Ward, Mamie McFaddin -A- (19924), Lease, Well No. 2W, Little Giant (Tannehill) Field, Knox County, Texas, from Tri Energy to BBE Production, as operator of record.
4. All Commission correspondence to Tri Energy was sent via United States Postal Service first-class mail to Tri Energy's address of record, as set forth on Tri Energy's most recent Form P-5 *Organization Report*.
5. All Commission correspondence to BBE Production was sent via United States Postal Service first-class mail to BBE Production's address of record, as set forth on BBE Production's most recent Form P-5 *Organization Report*.
6. On or about November 29, 2017, the Administrative Law Judge requested in writing that Tri Energy 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 on or before December 31, 2017. This writing expressly notified the operator that failure to timely request a hearing would constitute waiver of the opportunity to request a hearing on the matter.

7. Tri Energy's Form P-5 is delinquent. Tri Energy had a \$50,000.00 cash deposit as its financial assurance at the time of the last Form P-5 annual renewal submission.
8. BBE Production's Form P-5 is active. BBE Production has a \$25,000.00 cash deposit as its financial assurance.
9. 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."
10. No production has been reported on the subject lease since May 1998.
11. Tri Energy failed to reply to the Administrative Law Judge's letter dated November 29, 2017, with any documents that it holds a "good faith claim" to a continuing right to operate the subject lease and failed to timely request a hearing.
12. Tri Energy does not have a "good faith claim" to operate the subject lease.
13. Pursuant to TEX. GOV'T CODE §§ 2001.056 and 2001.062(e), Tri Energy and BBE Production have waived the opportunity to request a hearing on the matter.
14. BBE Production now asserts a "good faith claim" to a continuous right to operate the subject lease.
15. The Ward, Mamie McFaddin -A- (19924), Lease, Well No. 2W, Little Giant (Tannehill) Field, Knox County, Texas, should be transferred to BBE Production as operator of record.

CONCLUSIONS OF LAW

1. Proper notice of hearing was timely issued to appropriate persons entitled to notice.
2. All things necessary to the Commission attaining jurisdiction has occurred.
3. Resolution of this docket is a matter committed to the jurisdiction of the Commission. TEX. GOV'T CODE §§ 81.051.
4. Tri Energy does not have a "good faith claim" to continue to operate the Ward, Mamie McFaddin -A- (19924), Lease, Well No. 2W, Little Giant (Tannehill) Field, Knox County, Texas.
5. BBE Production does have a "good faith claim" to continue to operate the Ward, Mamie McFaddin -A- (19924), Lease, Well No. 2W, Little Giant (Tannehill) Field, Knox County, Texas.

IT IS THEREFORE ORDERED that the application of BBE Production, LLC for transfer of the Form P-4 "Certificate of Compliance and Transportation Authority" is hereby **APPROVED**, subject to the provisions of TEX. NAT. RES. CODE §§ 91.107, 91.114, 91.142 and TEX. ADMIN. CODE § 3.15.

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), 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 100 days from the date Commission Order is signed.

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

Done this 13th day of February 2018, Austin, Texas.

**Railroad Commission of Texas (Order approved
and signatures affixed by Hearings Division
Unprotested Master Order dated February 13, 2018)**