

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 10-0309264

SINGLE SIGNATURE P-4 FILING OF BATTON OIL & GAS, LLC (OPERATOR NO. 056384) FOR THE BART, WELL NO. 1 (RRC GAS ID NO. 051420), BEAL (MORROW LOWER) FIELD, LIPSCOMB COUNTY, TEXAS, TO CHANGE THE OPERATOR FROM ATHENA ENERGY, INC. (OPERATOR NO. 036051) TO BATTON OIL & GAS, 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 Athena Energy, Inc. (Operator No. 036051), ("Athena"), and Batton Oil & Gas, LLC (Operator No. 056384), ("Batton Oil").
2. Athena is the operator of record for the Bart (RRC Gas ID No. 051420) Lease, Well No. 1, Beal (Morrow Lower) Field, Lipscomb County, Texas.
3. On or about February 8, 2018, Batton Oil submitted to the Commission a Form P-4 *Certificate of Compliance and Transportation Authority* requesting transfer of the Bart, Well No. 1 (RRC Gas ID No. 051420), Beal (Morrow Lower) Field, Lipscomb County, Texas, from Athena to Batton Oil, as operator of record.
4. All Commission correspondence to Athena was sent via United States Postal Service first-class mail to Athena's address of record, as set forth on Athena's most recent Form P-5 *Organization Report*.
5. All Commission correspondence to Batton Oil was sent via United States Postal Service first-class mail to Batton Oil's address of record, as set forth on Batton Oil's most recent Form P-5 *Organization Report*.
6. On or about February 12, 2018, the Administrative Law Judge requested in writing that Athena 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 March 14, 2018. 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. Athena's Form P-5 is delinquent. Athena had a \$50,000.00 letter of credit as its financial assurance at the time of the last Form P-5 annual renewal submission.

8. Batton Oil's Form P-5 is active. Batton Oil has a \$25,000.00 letter of credit 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 June 2014.
11. Athena failed to reply to the Administrative Law Judge's letter dated February 12, 2018, 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. Athena 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), Athena and Batton Oil have waived the opportunity to request a hearing on the matter.
14. Batton Oil now asserts a "good faith claim" to a continuous right to operate the subject lease.
15. The Bart (RRC Gas ID No. 051420) Lease, Well No. 1, Beal (Morrow Lower) Field, Lipscomb County, Texas, should be transferred to Batton Oil 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. Athena does not have a "good faith claim" to continue to operate the Bart (RRC Gas ID No. 051420) Lease, Well No. 1, Beal (Morrow Lower) Field, Lipscomb County, Texas.
5. Batton Oil does have a "good faith claim" to continue to operate the Bart (RRC Gas ID No. 051420) Lease, Well No. 1, Beal (Morrow Lower) Field, Lipscomb County, Texas.

IT IS THEREFORE ORDERED that the application of Batton Oil & Gas, 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 10th day of April 2018, Austin, Texas.

**Railroad Commission of Texas (Order approved
and signatures affixed by Hearings Division
Unprotested Master Order dated April 10, 2018)**