

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 7B-0309487

COMPLAINT BY BILLY DON AND NOLO GENE DAVIS THAT HARRELL, BOB TRUCKING (OPERATOR NO. 359015) DOES NOT HAVE A GOOD FAITH CLAIM TO OPERATE THE VICTORIA (29809) LEASE, WELL NO. 2, GROUP, S. (ELLENBURGER) FIELD, NOLAN COUNTY, TEXAS

FINAL ORDER

The Commission finds that after notice and opportunity for hearing, the operator of the captioned lease failed to respond with evidence purporting to demonstrate that the operator maintains a "good faith claim" to operator the captioned lease. 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. Harrell, Bob Trucking ("Harrell") holds Form P-5 Organization Report Operator No. 359015. Harrell is the current Form P-4 Certificate of Compliance and Transportation Authority operator of record for the Victoria (29809) Lease, Well No. 2, Group, S. (Ellenburger) Field, Nolan County, Texas.
2. On or about February 7, 2018, Billy Don and Nolo Gene Davis submitted to the Commission a complaint letter alleging that Harrell lacks authority to operate the Victoria (29809) Lease, Well No. 2, Group, S. (Ellenburger) Field, Nolan County, Texas.
3. On or about February 23, 2018, the Administrative Law Judge requested in writing that Harrell 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 15, 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.
4. Harrell failed to submit any evidence for a good faith claim or to request a hearing.
5. Harrell's Form P-5 is active. Harrell has a \$25,000.00 letter of credit as its financial assurance.
6. Harrell became the Form P-4 *Certificate of Compliance and Transportation Authority* operator of record for the Victoria (29809) Lease, Well No. 2, Group, S. (Ellenburger) Field, Nolan County, Texas, by filing a Form P-4 dated

effective October 18, 2006. Injection was last reported on the lease November 2017.

7. 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)].
8. Harrell failed to file any evidence to demonstrate Harrell's "good faith claim" to a continuing right to operate the Victoria (29809) Lease, Well No. 2, Group, S. (Ellenburger) Field, Nolan County, Texas. Therefore, Harrell does not have a "good faith claim" to operate the subject lease.
9. Absent a "good faith claim" to operate, the subject lease is not eligible for an extension to the plugging requirements of Statewide Rule 15(e)(3).
10. Absent eligibility for an extension to the plugging requirements of Statewide Rule 15(e)(3), any plugging extensions of the Victoria (29809) Lease, Well No. 2, Group, S. (Ellenburger) Field, Nolan County, Texas, should be cancelled pursuant to Statewide Rule 15(h).

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 have occurred.
3. Harrell does not have a "good faith claim" to operate the Victoria (29809) Lease, Well No. 2, Group, S. (Ellenburger) Field, Nolan County, Texas.
4. The Victoria (29809) Lease, Well No. 2, Group, S. (Ellenburger) Field, Nolan County, Texas is not eligible for an extension to the plugging requirements of Statewide Rule 15(e)(3).
5. Any plugging extensions for the Victoria (29809) Lease, Well No. 2, Group, S. (Ellenburger) Field, Nolan County, Texas, should be cancelled pursuant to Statewide Rule 15(h).

THEREFORE, THE RAILROAD COMMISSION OF TEXAS HEREBY FINDS that Harrell, Bob Trucking (Operator No. 359015) does not have a "good faith claim" to operate the Victoria (29809) Lease, Well No. 2, Group, S. (Ellenburger) Field, Nolan County, Texas, and **HEREBY ORDERS** that any plugging extensions for the Victoria (29809) Lease, Well No. 2, Group, S. (Ellenburger) Field, Nolan County, Texas, be cancelled and that Harrell, Bob Trucking shall plug and abandon the well on the Victoria (29809) Lease, Well No. 2, Group, S. (Ellenburger) Field, Nolan County, Texas, in accordance with Statewide Rule 14.

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)**