

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 7B-0312438

COMPLAINT BY JAMES C. KAISER THAT LUVWELL HOLDINGS (OPERATOR NO. 514602) DOES NOT HAVE A GOOD FAITH CLAIM TO OPERATE THE J. KAISER (31529) LEASE, WELL NO. 1, MCKINNEY (CROSS PLAINS) FIELD, CALLAHAN 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 operate 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. Luvwell Holdings ("Luvwell") holds Form P-5 *Organization Report* Operator No. 514602. Luvwell is the current Form P-4 *Certificate of Compliance and Transportation Authority* operator of record for the J. Kaiser (31529) Lease, Well No. 1, McKinney (Cross Plains) Field, Callahan County, Texas.
2. On or about June 25, 2018, James C. Kaiser submitted to the Commission a complaint letter alleging that Luvwell lacks authority to operate the J. Kaiser (31529) Lease, Well No. 1, McKinney (Cross Plains) Field, Callahan County, Texas.
3. On or about June 27, 2018, the Administrative Law Judge requested in writing that Luvwell 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 July 27, 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. Luvwell failed to submit any evidence for a good faith claim or to request a hearing.
5. Luvwell's Form P-5 is active. Luvwell has a \$9,000.00 letter of credit as its financial assurance.
6. Luvwell became the Form P-4 *Certificate of Compliance and Transportation Authority* operator of record for the J. Kaiser (31529) Lease, Well No. 1, McKinney (Cross Plains) Field, Callahan County, Texas, by filing a Form P-4 dated effective December 1, 2016. The lease has no reported production since February 2018.

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. Luvwell failed to file any evidence to demonstrate Luvwell's "good faith claim" to a continuing right to operate the J. Kaiser (31529) Lease, Well No. 1, McKinney (Cross Plains) Field, Callahan County, Texas. Therefore, Luvwell 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 J. Kaiser (31529) Lease, Well No. 1, McKinney (Cross Plains) Field, Callahan 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. Luvwell does not have a "good faith claim" to operate the J. Kaiser (31529) Lease, Well No. 1, McKinney (Cross Plains) Field, Callahan County, Texas.
4. The J. Kaiser (31529) Lease, Well No. 1, McKinney (Cross Plains) Field, Callahan County, Texas is not eligible for an extension to the plugging requirements of Statewide Rule 15(e)(3).
5. Any plugging extensions for the J. Kaiser (31529) Lease, Well No. 1, McKinney (Cross Plains) Field, Callahan County, Texas, should be cancelled pursuant to Statewide Rule 15(h).

THEREFORE, THE RAILROAD COMMISSION OF TEXAS HEREBY FINDS that Luvwell Holdings (Operator No. 514602) does not have a "good faith claim" to operate the J. Kaiser (31529) Lease, Well No. 1, McKinney (Cross Plains) Field, Callahan County, Texas, and **HEREBY ORDERS** that any plugging extensions for the J. Kaiser (31529) Lease, Well No. , McKinney (Cross Plains) Field, Callahan County, Texas, be cancelled, that a good-faith-claim hold be placed on any P-4 transfers for such wells, and that Luvwell Holdings shall plug and abandon the well on the J. Kaiser (31529) Lease, Well No. 1, McKinney (Cross Plains) Field, Callahan 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 21th day of August 2018, Austin, Texas.

**Railroad Commission of Texas (Order approved
and signatures affixed by Hearings Division
Unprotested Master Order dated August 21, 2018)**