

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 09-0311248

SINGLE SIGNATURE P-4 FILING OF PALMER, JOHN LLC (OPERATOR NO. 636025) FOR THE MONAHAN (28530) LEASE, WELL NOS. 3M, 5M, 6M, 8M, 11M & 12M, ARCHER COUNTY REGULAR (03446001) FIELD, ARCHER COUNTY, TEXAS, TO CHANGE THE OPERATOR FROM GILLIAM PARTNERS, L.P. (OPERATOR NO. 306115) TO PALMER, JOHN 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 Gilliam Partners, L.P. (Operator No. 306115), ("Gilliam"), and Palmer, John LLC (Operator No. 636025), ("Palmer").
2. Gilliam is the operator of record for the Monahan (28530) Lease, Well Nos. 3M, 5M, 6M, 8M, 11M, 12M Archer County Regular Field, Archer County, Texas.
3. On or about April 2, 2018, Palmer submitted to the Commission a Form P-4 *Certificate of Compliance and Transportation Authority* requesting transfer of the Monahan (28530) Lease, Well Nos. 3M, 5M, 6M, 8M, 11M, 12M Archer County Regular Field, Archer County, Texas, from Gilliam to Palmer, as operator of record.
4. All Commission correspondence to Gilliam was sent via United States Postal Service first-class mail to Gilliam's address of record, as set forth on Gilliam's most recent Form P-5 *Organization Report*.
5. All Commission correspondence to Palmer was sent via United States Postal Service first-class mail to Palmer's address of record, as set forth on Palmer's most recent Form P-5 *Organization Report*.
6. On or about May 21, 2018, the Administrative Law Judge requested in writing that Gilliam 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 June 20, 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. Gilliam's Form P-5 is delinquent.

8. Palmer's Form P-5 is active. Palmer has a \$50,000.00 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. Gilliam failed to reply to the Administrative Law Judge's letter dated May 21, 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.
11. Gilliam does not have a "good faith claim" to operate the subject lease.
12. Pursuant to TEX. GOV'T CODE §§ 2001.056 and 2001.062(e), Gilliam and Palmer have waived the opportunity to request a hearing on the matter.
13. Palmer now asserts a "good faith claim" to a continuous right to operate the subject lease.
14. The Monahan (28530) Lease, Well Nos. 3M, 5M, 6M, 8M, 11M, 12M Archer County Regular Field, Archer County, Texas, should be transferred to Palmer 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. Gilliam does not have a "good faith claim" to continue to operate the Monahan (28530) Lease, Well Nos. 3M, 5M, 6M, 8M, 11M, 12M Archer County Regular Field, Archer County, Texas.
5. Palmer does have a "good faith claim" to continue to operate the Monahan (28530) Lease, Well Nos. 3M, 5M, 6M, 8M, 11M, 12M Archer County Regular Field, Archer County, Texas.

IT IS THEREFORE ORDERED that the application of Palmer, John 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 §§ 91.1041, 91.1042, 91.107, 91.114, 91.142 and TEX. ADMIN. CODE § 3.15, 3.58, and 3.78. If after 90 days after the order becomes final, Palmer, John LLC has not met the requirements of the listed provisions, this Order shall be **VOID** and the subject Form P-4 shall be marked as *Unable to Process* and archived.

It is further **ORDERED** by the Commission that this order shall be effective on August 21, 2018, when the Master Order relating to this Final Order is signed.

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

Done this 21st 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)**