

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 02-0318300

SINGLE SIGNATURE P-4 FILING OF ACOCK/ANAQUA OPERATING CO., LP (OPERATOR NO. 003599) FOR THE ROOKE, P. H. (GAS ID NO. 142788) LEASE, WELL NO. 43, REFUGIO NEW (1900) FIELD, REFUGIO COUNTY, TEXAS, TO CHANGE THE OPERATOR FROM 38 OIL & GAS, L.L.C. (OPERATOR NO. 953768) TO ACOCK/ANAQUA OPERATING CO., LP

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 38 Oil & Gas, L.L.C. (Operator No. 953768), ("38 Oil"), and Acock/Anaqua Operating Co., LP (Operator No. 003599), ("Acock/Anaqua").
2. 38 Oil is the operator of record for the Rooke, P. H. (Gas ID No. 142788) Lease, Well No. 43, Refugio New (1900) Field, Refugio County, Texas.
3. On or about February 21, 2019, Acock/Anaqua submitted to the Commission a Form P-4 *Certificate of Compliance and Transportation Authority* requesting transfer of the Rooke, P. H. (Gas ID No. 142788) Lease, Well No. 43, Refugio New (1900) Field, Refugio County, Texas, from 38 Oil to Acock/Anaqua, as operator of record.
4. All Commission correspondence to 38 Oil was sent via United States Postal Service first-class mail to 38 Oil's address of record, as set forth on 38 Oil's most recent Form P-5 *Organization Report*.
5. All Commission correspondence to Acock/Anaqua was sent via United States Postal Service first-class mail to Acock/Anaqua's address of record, as set forth on Acock/Anaqua's most recent Form P-5 *Organization Report*.
6. On or about February 25, 2019, the Administrative Law Judge requested in writing that 38 Oil 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 27, 2019. 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. 38 Oil's Form P-5 is delinquent. 38 Oil had a \$50,000.00 cash deposit as its financial assurance at the time of the last Form P-5 annual renewal submission.
8. Acock/Anaqua's Form P-5 is active-ext. Acock/Anaqua has a \$250,000.00 bond 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 prior to 1993.
11. 38 Oil failed to reply to the Administrative Law Judge's letter dated February 25, 2019, 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. 38 Oil 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), 38 Oil and Acock/Anaqua have waived the opportunity to request a hearing on the matter.
14. Acock/Anaqua now asserts a "good faith claim" to a continuous right to operate the subject lease.
15. The Rooke, P. H. (Gas ID No. 142788) Lease, Well No. 43, Refugio New (1900) Field, Refugio County, Texas, should be transferred to Acock/Anaqua 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. 38 Oil does not have a "good faith claim" to continue to operate the Rooke, P. H. (Gas ID No. 142788) Lease, Well No. 43, Refugio New (1900) Field, Refugio County, Texas.
5. Acock/Anaqua does have a "good faith claim" to continue to operate the Rooke, P. H. (Gas ID No. 142788) Lease, Well No. 43, Refugio New (1900) Field, Refugio County, Texas.

IT IS THEREFORE ORDERED that the application of Acock/Anaqua Operating Co., LP 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, Acock/Anaqua Operating Co., LP 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 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.

Signed May 7, 2019.

**Railroad Commission of Texas (Order approved
and signatures affixed by Hearings Division
Unprotested Master Order dated May 7, 2019)**