

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 01-0318563

SINGLE SIGNATURE P-4 FILING OF MEB, LLC (OPERATOR NO. 556895) FOR THE CALLIHAN, W. M. (00995) LEASE, LULING-BRANYON FIELD, CALDWELL COUNTY, TEXAS, TO CHANGE THE OPERATOR FROM EAGLE FORD OIL CO., INC. (OPERATOR NO. 238351) TO MEB, LLC

FINAL ORDER

The Railroad Commission of Texas (“Commission” or “RRC”) finds that after statutory notice and an opportunity for hearing regarding the captioned proceeding, Eagle Ford Oil Co., Inc. failed to request a hearing and did not otherwise respond such that this case can proceed as a default. This proceeding having been duly submitted to the Commission at a conference held in its offices in Austin, Texas, the Commission makes the following findings of fact and conclusions of law.

Findings of Fact

1. On or about March 4, 2019, MEB, LLC (“MEB”), RRC Operator No. 556895, filed a single-signature Form P-4 *Certificate of Compliance and Transportation Authority* (“Form P-4”) requesting that it be designated the Commission operator of record for the Callihan, W. M. Lease, Lease No. 00995 (“Lease”). The Form P-4 did not contain the signature of the current Commission operator of record for the Lease.
2. Eagle Ford Oil Co., Inc. (“Eagle Ford”), RRC Operator No. 238351, is the current Commission operator of record for the Lease.
3. In a letter dated March 6, 2019, a Commission Administrative Law Judge (“ALJ”) requested in writing that Eagle Ford 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 April 8, 2019. This letter expressly notified Eagle Ford that failure to timely request a hearing would constitute waiver of the opportunity to request a hearing for this proceeding. The letter was sent via first-class mail to Eagle Ford’s address of record at the Commission as identified in Eagle Ford’s most recent filing of Form P-5 *Organization Report* (“Form P-5”).
4. 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).

5. Eagle Ford failed to provide evidence that it holds a good faith claim to a continuing right to operate the Lease, failed to respond to the ALJ’s March 6, 2019 letter and failed to request a hearing.
6. At least ten days’ notice of an opportunity for hearing was given to MEB and Eagle Ford.
7. To demonstrate its good faith claim to operate the Lease, MEB presented documentation including an oil and gas lease giving MEB the right to operate and produce the minerals from the tract where the Lease is located.
8. MEB has a current Form P-5 with a \$50,000 bond as its financial assurance. MEB is currently the record operator of 73 wells. MEB’s status at the Commission is active.
9. Eagle Ford does not have a good faith claim to operate the Lease.
10. Pursuant to Tex. Gov’t Code §§ 2001.056 and 2001.062(e), Eagle Ford was provided an opportunity to request a hearing and failed to do so.
11. MEB has demonstrated a good faith claim to a continuing right to operate the Lease.
12. The Lease should be transferred to MEB as operator of record.

Conclusions of Law

1. Proper notice of hearing was timely issued to persons entitled to notice. *See, e.g.*, Tex. Gov’t Code § 2001.051; 16 Tex. Admin. Code §§ 1.42, 1.45.
2. The Commission has jurisdiction in this case. *See, e.g.*, Tex. Nat. Res. Code § 81.051.
3. Eagle Ford does not have a good faith claim, as that term is defined in Statewide Rule 15(a)(5), to continue operating the Lease. 16 Tex. Admin. Code § 3.15(a)(5).
4. MEB does have a good faith claim to operate the Lease.

Ordering Provisions

IT IS THEREFORE ORDERED that the application of MEB to change the RRC operator of record for the Lease is **APPROVED** and MEB’s submitted Form P-4 *Certificate of Compliance and Transportation Authority* reflecting itself as the current

operator for the Lease 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, MEB has not met the requirements of the listed provisions, this Final Order shall be **VOID** and the subject Form P-4 shall be marked as *Unable to Process* and archived.

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

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) and 16 Tex. Admin. Code § 1.128(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 the Commission Order is signed.

Done May 7, 2019, in Austin, Texas.

RAILROAD COMMISSION OF TEXAS

(Order approved and signatures affixed by HD
Unprotested Master Order dated May 7, 2019)

JNC/mls