

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 8A-0318171

APPLICATION OF OCCIDENTAL PERMIAN LTD. (617544) FOR AN EXCEPTION TO STATEWIDE RULES 26 AND/OR 27 FOR SURFACE COMMINGLING AUTHORITY ON ITS CE RATLIFF (62842) LEASE, CV NEWSOM (63256) LEASE, AND SOUTHEAST LEVELLAND (18515) LEASE, LEVELLAND FIELD, HOCKLEY COUNTY, TEXAS

ORDER OF DISMISSAL

The Commission finds that, after notice, a prehearing conference was heard by a Commission Administrative Law Judge and Technical Examiner ("Examiners") on April 8, 2019. The Commission finds that the subject application should be remanded for administrative consideration and adopts the following findings of fact and conclusions of law.

Findings of Facts

1. On or about April 11, 2018, Occidental Permian Ltd. ("Applicant") submitted to the Railroad Commission of Texas ("Commission") an application pursuant to Statewide Rule 26 and/or 27 for commingling authority for the CE Ratliff (62842) Lease, CV Newsom (63256) Lease, and the Southeast Levelland (18515) Lease, all in the Levelland Field in Hockley County, Texas ("Application").
2. On or about April 11, 2018, Applicant mailed notice of the Application to all working and royalty interest owners.
3. On dates thereafter, Dorothy Jean Loyd; Ora E. Johnson, Trust; Noel T. Presley and Cindy Carol Miller (collectively "Protestants") filed protests of the Application.
4. On February 11, 2019, Applicant requested a hearing.
5. On or about March 14, 2019, the Hearings Division of the Commission sent a Notice of Prehearing Conference ("NOPHC") on the Application, setting a prehearing conference date of April 8, 2019. The NOPHC was sent to Protestants. The NOPHC notified the Protestants that failure of a party to appear at the prehearing conference may result in a dismissal of that party's claim.
6. The prehearing conference was held on April 8, 2019. Applicant appeared. None of the Protestants appeared.
7. Applicant requested that Protestants' protests be dismissed and that the Application be remanded to permitting for administrative processing.

Conclusions of Law

1. Proper notice was timely issued to persons entitled to notice. See, e.g., Tex. Gov't Code § 2001.051; 16 Tex. Admin. Code §§ 1.41, 1.45, 3.26, 3.27.

2. The Commission has jurisdiction in this case. See, e.g., Tex. Nat. Res. Code § 81.051.
3. Dismissal of the protests of Dorothy Jean Loyd; Ora E. Johnson, Trust; Noel T. Presley and Cindy Carol Miller is just and reasonable.
4. The protests of Dorothy Jean Loyd; Ora E. Johnson, Trust; Noel T. Presley and Cindy Carol Miller should be dismissed for failure to appear and failure to prosecute. See 16 Tex. Admin. Code § 1.101, 1.103, 1.107.
5. Applicant's request to have this Hearings Division case dismissed and the Application remanded to the permitting program for administrative processing should be granted.

Ordering Provisions

The protests of Dorothy Jean Loyd; Ora E. Johnson, Trust; Noel T. Presley and Cindy Carol Miller are **DISMISSED**.

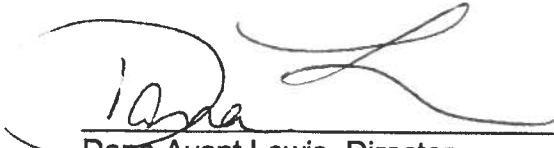
The hearing scheduled for May 29, 2019, is **CANCELED**.

The above captioned and docketed case in the Hearings Division is **DISMISSED WITHOUT PREJUDICE** and the above-referenced Application is **REMANDED** for administrative consideration.

It is **ORDERED** that the Application is not to be remanded until this Order of Dismissal is final and effective.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 25 days after the 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 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 the parties are notified of this order in accordance with Tex. Gov't Code § 2001.144.

Signed on April 10, 2019.


Dana Avant Lewis, Director
Hearings Division