

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 20-0323881

IN RE: P-5 ORGANIZATION REPORT OF BORGER RESOURCES 4 LLC

FINAL ORDER

The Commission finds that after notice and an opportunity for hearing regarding the captioned matter, the Operator failed to request a hearing and pay the hearing fee as required by 16 TEX. ADMIN. CODE §3.15(g)(4) and TEX. NAT. RES. CODE §89.022(f). This matter 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 fact and conclusions of law.

FINDINGS OF FACT

1. Borger Resources 4 LLC [Operator #083237] (the "Operator"), is the record operator or one or more inactive wells in the State of Texas and is required to file Organization Report (Form P-5) with the Commission. Operator's most recent P-5 was due on or before May 1, 2019.
2. After filing its most recent Organization Report (Form P-5) with the Commission, the Operator was notified they were deficient and had failed to comply with the requirements of 16 TEX. ADMIN. CODE § 3.15 (Surface Equipment Removal Requirements and Inactive Wells) and provided with a written statement of the reasons for the determination and allowed ninety (90) days from the date its P-5 was due to comply with the requirements of 16 TEX. ADMIN. CODE § 3.15 and TEX. NAT. RES. CODE §§89.021 - 89.030.
3. After the expiration of ninety (90) days and pursuant to 16 TEX. ADMIN CODE §3.15(g)(4), an authorized Commission employee determined that the Operator's Organization Report still could not be renewed, because the Operator continued to fail to comply with the requirements of 16 TEX. ADMIN. CODE §3.15 (Surface Equipment Removal Requirements and Inactive Wells).
4. The Commission sent the Operator a letter by certified mail giving notice to the Operator of the determination of continued non-compliance regarding specified inactive wells, attached as Exhibit A to this order, and advising the Operator of the right to request a hearing to show compliance. The letter notified the Operator that the hearing request must be received in docket services no later than 30 days after the date of the letter. The letter also notified the Operator that a final order denying renewal of the Operator's

Organization Report (Form P-5) would result in the cancellation of all P-4 Certificates of Compliance and the severance of all pipeline or other carrier connections.

5. All notices and letters from the Commission to the Operator on this matter were addressed and mailed to the Operator's most recently reported address on the Form P-5 Organization Report.

6. The Operator did not timely request a hearing and pay the hearing fee on these issues as required under 16 TEX. ADMIN. CODE §3.15(g)(4) (Surface Equipment Removal Requirements and Inactive Wells).

7. Statewide Rule 15 (16 TEX. ADMIN. CODE §3.15) is a Commission rule that relates to safety or the prevention or control of pollution.

CONCLUSIONS OF LAW

1. The Operator received proper notice and an opportunity for hearing regarding compliance with 16 Tex. Admin. Code §3.15 and Tex. Nat. Res. Code §§89.021 - 89.030.

2. All things necessary to the Commission attaining jurisdiction over the subject matter and the parties in this matter have been performed or have occurred.

3. The Operator is in violation of Commission Statewide Rule 15 and did not timely request a hearing to contest the determination that it was in violation.

4. The Operator's P-5 Organization Report should not be renewed, and all the Operator's P-4 Certificates of Compliance should be cancelled, with all related pipeline or other carrier connections severed. 16 Tex. Admin. Code §3.15 (g)(4) and Tex. Nat. Res. Code §§89.022(f), 91.704 - 91.706.

5. The Operator's P-5 Organization Report cannot be renewed, until the operator brings the inactive wells shown on the attached Exhibit A into compliance with the requirements of 16 Tex. Admin. Code §3.15 and Tex. Nat. Res. Code §§89.021 - 89.030.

IT IS ORDERED that renewal of Borger Resources 4 LLC's P-5 Organization Report is hereby **DENIED**.

It is further ORDERED that all P-4 Certificates of Compliance issued to Borger Resources 4 LLC as operator of record are hereby **CANCELLED** and all related pipeline or other carrier connections are hereby **SEVERED**.

It is further ORDERED that Borger Resources 4 LLC shall bring the wells on Exhibit A into compliance with Statewide Rule 15 (16 TEX. ADMIN. CODE §3.15) and that the Operator's P-5 Organization Report shall not be renewed, until the wells on Exhibit A have been brought into compliance as required by this order.

It is further ORDERED that Borger Resources 4 LLC and each person who held a position of ownership or control in the Operator at the time the Operator's most-recent P-5 Organization Report was filed shall be subject to the terms of TEX. NAT. RES. CODE §91.114.

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 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 Commission Order is signed.

All requested Findings of Fact and Conclusions of Law which are not expressly adopted herein are **DENIED**. All pending motions and request for relief not previously granted or granted herein are **DENIED**.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Rule 15 Inactive Well Master Order dated November 19, 2019.)

API Number	District	ID Number	Lease Name	Well Number
065 31022	10	04970	KIRBY	1
Electricity must be disconnected (certify on Form W-3C)				
179 00862	10	00222	NATIONAL	8W
No approved W-3X on file				
179 00863	10	00222	NATIONAL	5W
No approved W-3X on file				
Must resolve UIC H-5 Test issue preventing 14(B)(2) approval				
179 03568	10	00222	NATIONAL	2
No approved W-3X on file				
179 03569	10	00222	NATIONAL	4
No approved W-3X on file				
179 05656	10	00545	WORLEY-REYNOLDS	8
No approved W-3X on file				
179 80310	10	024963	JOHNSON	Y 1
No approved W-3X on file				
179 81177	10	00222	NATIONAL	1
No approved W-3X on file				
179 81179	10	00222	NATIONAL	3
No approved W-3X on file				
179 81182	10	00222	NATIONAL	6
No approved W-3X on file				
179 81183	10	00222	NATIONAL	7
No approved W-3X on file				
179 82691	10	00545	WORLEY-REYNOLDS	6
No approved W-3X on file				
179 82692	10	00545	WORLEY-REYNOLDS	7
No approved W-3X on file				
179 82695	10	00545	WORLEY-REYNOLDS	10
No approved W-3X on file				
179 83514	10	00658	WORLEY, P. A.	1
No approved W-3X on file				
179 83515	10	00658	WORLEY, P. A.	2
No approved W-3X on file				
179 83516	10	00658	WORLEY, P. A.	3
No approved W-3X on file				
179 83517	10	00658	WORLEY, P. A.	6
No approved W-3X on file				

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Exhibit A

API Number	District	ID Number	Lease Name	Well Number
179 83518 No approved W-3X on file	10	00658	WORLEY, P. A.	7
179 83519 No approved W-3X on file Must resolve UIC H-5 Test issue preventing 14(B)(2) approval	10	00658	WORLEY, P. A.	8W
233 31275 No approved W-3X on file	10	00977	HERRING, E.	10
233 31294 No approved W-3X on file	10	100834	SOUTHBEND	1
233 31450 No approved W-3X on file	10	00977	HERRING, E.	11
233 31579 No approved W-3X on file	10	05437	JIMMY II	1
233 31948 No approved W-3X on file	10	05899	STEVENSON, O. ROY	1 A
233 31949 No approved W-3X on file	10	05899	STEVENSON, O. ROY	2 A
233 32126 No approved W-3X on file	10	05899	STEVENSON, O. ROY	3 A
233 32279 No approved W-3X on file	10	05437	JIMMY II	2
233 33452 No approved W-3X on file	10	00977	HERRING, E.	12
233 80129 No approved W-3X on file	10	023878	JOHNSON	F 1
233 82245 No approved W-3X on file	10	00977	HERRING, E.	3
233 83774 No approved W-3X on file	10	01271	GARNER, C. R. "B"	7G
233 83777 No approved W-3X on file	10	01271	GARNER, C. R. "B"	12
233 85495 No approved W-3X on file	10	03797	KILLOUGH	1
233 85496 No approved W-3X on file	10	03797	KILLOUGH	2
233 85497 No approved W-3X on file	10	03797	KILLOUGH	3

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Exhibit A

API Number	District	ID Number	Lease Name	Well Number
233 85498 No approved W-3X on file	10	03797	KILLOUGH	4
341 31016 No approved W-3X on file	10	05560	COOPER	1
341 31297 No approved W-3X on file	10	05560	COOPER	2

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Exhibit A