

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-19-00001059	§ APPLICATION OF XTO ENERGY INC. (945936) FOR § AN INCREASED NET GAS-OIL RATIO AND TO § CANCEL OVERPRODUCTION FOR ALL WELLS ON § THE MI NOCHE (44236) LEASE, WELL NOS. 1, 2H, 3H, § 4H, 12H, 13H, 22H, 23H, 24H, AND 35H, WOLFBONE § (TREND AREA) FIELD, WARD COUNTY, TEXAS; § DISTRICT 08
February 24, 2020	

**NOTICE OF HEARING**

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at **9:00 a.m.** on **Tuesday, March 17, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted and the nature of the Applicant's hearing request is in the attached Appendix A.
2. Any other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

**Failure to Appear- All parties, protestants or persons intending to participate at the hearing must attend the hearing.** Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the hearing date in this Notice of Hearing. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record.

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.

**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing- If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing. Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases.** See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits-** All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

## APPENDIX A

This hearing is held to consider the application of XTO Energy Inc. for an increased Net GOR and to cancel overproduction for all wells on the Mi Noche (44236) Lease, Well Nos. 1, 2H, 3H, 4H, 12H, 13H, 22H, 23H, 24H, and 35H, Wolfbone (Trend Area) Field, in Ward County, Texas; District 08.

If you have questions regarding this Application, please contact the Applicant's representative, David Gross, at (512) 497-1111. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the hearing to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket No. **OG-19-00001059** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

XTO ENERGY INC  
ATTN JESSICA BONILLA  
6401 HOLIDAY HILL RD #5  
MIDLAND TX 79707

XTO ENERGY INC  
ATTN LAND MANAGER-LOC 115  
22777 SPRINGWOODS VILLAGE  
PKWY  
SPRING TEXAS 77389

ARABELLA OPERATING LLC  
509 PECAN ST STE 200  
FORT WORTH TX 76102-4070

BHP BILLITON PET (TXLA OP) CO  
1700 PLATTE SUITE 150  
DENVER CO 80202

BLUE DARTER ENERGY LLC  
325 OVERDALE CT  
SUNNYVALE TX 75182

BLUESTONE NATURAL RES II LLC  
2 WEST 2ND STREET SUITE 1700  
TULSA OK 74103

CAIRD OPERATING LLC  
P.O. BOX 100038  
FORT WORTH TX 76185

CAMBRIAN MANAGEMENT LTD  
P.O. BOX 272  
MIDLAND TEXAS 79702

CAPROCK FIELD SERVICES LLC  
P.O. BOX 5889  
MIDLAND TX 79704

CARRIZO (PERMIAN) LLC  
ATTN REGULATORY DEPT  
500 DALLAS ST STE 2300  
HOUSTON TX 77002

CENTENNIAL RESOURCE PROD,  
LLC  
1001 17TH STREET SUITE 1800  
DENVER CO 80202

CHEVRON U S A INC  
6301 DEAUVILLE BLVD  
MIDLAND TX 79706

CHI OPERATING INC  
PO BOX 1799  
MIDLAND TX 79702

COG OPERATING LLC  
600 W ILLINOIS AVE  
MIDLAND TX 79701

COLGATE OPERATING LLC  
303 W WALL STREET SUITE 700  
MIDLAND TX 79701

DIAMONDBACK E&P LLC  
500 W TEXAS AVE STE 1200  
MIDLAND TX 79701

DISCOVERY OPERATING, INC.  
2600 MOCKINGBIRD LANE  
MIDLAND TX 79705

ELK RIVER RESOURCES, LLC  
P.O. BOX 52070  
MIDLAND TX 79710

ENDEAVOR ENERGY RESOURCES  
LP  
110 N MARIENFELD ST STE 200  
MIDLAND TX 79701

ENERGY TRANSFER COMPANY  
ATTN KIMBERLY FITZHENRY  
1300 MAIN STREET  
HOUSTON TX 77002

EOG RESOURCES INC  
ATTN TIM VOGLER  
P.O. BOX 4362  
HOUSTON TX 77210

FLAT CREEK RESOURCES LLC  
777 MAIN ST SUITE 3600  
FORT WORTH TX 76102

GARY PERMIAN LLC  
1515 WYNKOOP ST STE 700  
DENVER CO 80202

GORDY OIL COMPANY  
100 WAUGH DR STE 400  
HOUSTON TX 77007

HALCON OPERATING CO INC  
1801 CALIFORNIA ST STE 3500  
DENVER CO 80202

JAGGED PEAK ENERGY LLC  
1401 LAWRENCE ST STE 1800  
DENVER CO 80202

KEM ENERGY INC.  
515 SOUTH FRY ROAD NO. 406  
KATY TX 77450

LUXE OPERATING LLC  
6500 RIVER PLACE BLVD.  
BLDG 5 SUITE 150  
AUSTIN TX 78730

MDC TEXAS OPERATOR LLC  
24 SMITH ROAD SUITE 501A  
MIDLAND TX 79705

NOBLE ENERGY INC  
1001 NOBLE ENERGY WAY  
HOUSTON TX 77070

OASIS PETROLEUM PERMIAN LLC  
1001 FANNIN STREET SUITE 1500  
HOUSTON TX 77002

OXY USA WTP LP  
ATTN KELLEY MONTGOMERY  
PO BOX 4294  
HOUSTON TX 77210

OXY USA INC  
ATTN KELLEY MONTGOMERY  
5 GREENWAY PLAZA STE 110  
HOUSTON TX 77046

PARSLEY ENERGY OPERATIONS  
LLC  
303 COLORADO SUITE 3000  
AUSTIN TX 78701

PEARL RESOURCES OPERATING  
CO LLC  
118 PAUL REVERE DRIVE  
HOUSTON TX 77024

PERISCOPE OPERATING LLC  
115 E. VIRGINIA ST STE 201  
MCKINNEY, TX 75069

PETROPLEX ENERGY INC.  
P.O. BOX 3082  
MIDLAND TX 79702

PRI OPERATING LLC  
110 WEST LOUISIANA STE 500  
MIDLAND TX 79701

PRIMEXX OPERATING  
CORPORATION  
4849 GREENVILLE AVE STE 1600  
DALLAS TX 75206

ROSEHILL OPERATING COMPANY  
LLC  
ATTN ALEX BOLANOS  
16200 PARK ROW SUITE 300  
HOUSTON TX 77084

SARAGOSA FIELD SERVICES LLC  
4849 GREENVILLE AVE STE 1600  
DALLAS TX 75206

TALL CITY BRINE LLC  
203 W WALL STREET SUITE 700  
MIDLAND TEXAS 79701

TALL CITY OPERATIONS III LLC  
P.O. BOX 10729  
MIDLAND TX 79702

TEAKWOOD OPERATING LLC  
P.O. BOX 50272  
MIDLAND TX 79710

THRONE DELAWARE RESOURCES  
LLC  
2530 ELDORADO PARKWAY STE  
200  
MCKINNEY TX 75072

TRINITY ENVIRO SWD I LLC  
BLDG 2 SUITE 210  
6300 BRIDGEPOINT PKWY  
AUSTIN TEXAS 78730

VAQUERO OPERATING  
P.O. BOX 519  
FT STOCKTON TX 79735

WATERBRIDGE TEXAS  
OPERATING LLC  
840 GESSNER SUITE 100  
HOUSTON TX 77024

RICK JOHNSTON  
JOHNSTON & CLOUD  
940 E 51ST STREET SUITE 103  
AUSTIN TX 78751

DAVID GROSS  
GROSS & NELSON  
12400 HWY 71 W SUITE 350-230  
AUSTIN TX 78738

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
***Via Intra-Agency Email***

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL  
PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **24th** day of **February**, 2020.

***Melissa Stovall***

Docket Services, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR AT HEARING

A Copy of this Notice of Intent to Appear at Hearing must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least five business days in advance of the hearing date.

APPLICANT: XTO ENERGY INC. (945936)  
CASE/DOCKET NO.: OG-19-00001059  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as **(Check one of the referenced party status):**  
\_\_\_\_ **Applicant** \_\_\_\_ **Protestant** \_\_\_\_ **Observer** or \_\_\_\_ **In Support of Application** and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-19-00001068    § COMMISSION CALLED HEARING AT THE REQUEST  
   § OF HERITAGE ENERGY, INC. (379762) TO SHOW  
   § CAUSE WHY THE LOFTON WELL, RIDDLE FIELD,  
   § BASTROP COUNTY, SHOULD NOT BE PLUGGED  
February 26, 2020                                   § AND HERITAGE ENERGY, INC. HELD RESPONSIBLE  
   § FOR PLUGGING COSTS; DISTRICT 01

**NOTICE OF HEARING**

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at 1:30 p.m. on **Monday, March 23, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted and the nature of the Applicant's hearing request is in the attached Appendix A.
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**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.

**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

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**Service List-** The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

## APPENDIX A

This hearing is held at the request of Heritage Energy, Inc. to Show Cause why the Lofton Well, Riddle Field, Bastrop County, Texas, should not be plugged and Heritage Energy, Inc. held responsible for plugging costs.

If you have questions regarding this Application, please contact the Applicant's representative, Frances Bollinger, at (915) 275-5520. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the hearing to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket No. **OG-19-00001068** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

FRANCES BOLLINGER  
FOR HERITAGE ENERGY, INC.  
2615 FILLMORE AVE  
EL PASO TX 79930

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
***Via Intra-Agency Email***

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **26th** day of **February**, 2020.

***Melissa Stovall***

Docket Services, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-296

NOTICE OF INTENT TO APPEAR AT HEARING

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APPLICANT: HERITAGE ENERGY INC. (379762)  
CASE/DOCKET NO.: OG-19-00001068  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as **(Check one of the referenced party status):**  
\_\_\_\_ ***Applicant*** \_\_\_\_ ***Protestant*** \_\_\_\_ ***Observer*** or \_\_\_\_ ***In Support of Application*** and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-19-00001873	§ APPLICATION OF DOUBLE DROP SWD, LLC (224831)
	§ PURSUANT TO STATEWIDE RULE 9 FOR A PERMIT
	§ TO DISPOSE OF OIL AND GAS WASTE BY INJECTION
	§ INTO A POROUS FORMATION NOT PRODUCTIVE OF
February 26, 2020	§ OIL OR GAS FOR THE GRIZZLY SWD LEASE, WELL
	§ NO. 1, FLAT ROCK (SAN ANGELO) FIELD, UPTON
	§ COUNTY, TEXAS; DISTRICT 7C

**NOTICE OF PREHEARING CONFERENCE**

**Date, Location, and Place of Hearing and Prehearing Conference-** Notice is hereby given that a public prehearing conference will be held at **9:00 a.m.** on **Wednesday March 18, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the prehearing conference is not concluded on the day it commences, it will be continued from day to day until concluded. **Notice is hereby given that a public hearing on the merits, if necessary, will be held at a time and date to be confirmed at the prehearing conference.**

If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.

**Purpose of Prehearing Conference-** The purpose of the prehearing conference is to allow the parties to present evidence and to consider all issues of fact and law referenced in attached Appendix A.

**Purpose of Hearing on the Merits-** The purpose of the hearing on the merits is to allow the parties to present evidence and to consider all issues of fact and law referenced in attached Appendix B.

**Failure to Appear- All parties, protestants or persons intending to participate at the hearing must attend the prehearing conference and hearing.** Failure to appear at a prehearing conference and a hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Prehearing Conference and Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing or prehearing conference **must** complete and file with Docket Services the enclosed Notice of Intent to Appear form at least **five business days** prior to the hearing date and at least **five business days** prior to the prehearing conference date. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the Notice of Intent to Appear form should be served on the Applicant and any other parties of record. 16 TEX. ADMIN. CODE § 1.45(a)(1).

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Tex. Water Code, chapters 26, 27 and 29;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3; and
- Statutes and rules referenced in Appendix A and B, if any.

**Continuance of Prehearing Conference-** Any request for continuance of the hearing or prehearing conference must be filed in Docket Services **no later than five business days prior to the hearing or prehearing conference date.** 16 Tex. Admin. Code § 1.105(a)(2). Copies of such request must be served to all parties shown on the service list.

**Ex Parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing- If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing.** Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases. See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Exhibits-** All exhibits must be clearly marked and submitted in duplicate to the examiners. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the prehearing conference or hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** Requests for setting up a presentation need to be made in writing **no less than three business days prior to the hearing or prehearing conference date.** Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Prehearing Conference and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

## APPENDIX A

**Purpose of Prehearing Conference**-The purpose of the prehearing conference is to address matters preliminary to the hearing on the merits, including hearing any outstanding motions, establishing a hearing date and procedural schedule, and addressing other preliminary matters as determined by the examiners. Non-exclusive examples of motions that might be considered include motions to dismiss, motions regarding jurisdiction, motions regarding a party's standing and/or motions related to discovery. **All motions to be considered must be filed and served on all parties at least ten days before the prehearing conference.**

## APPENDIX B

**Purpose of Hearing on the Merits**- The purpose of this hearing is to consider the application of Double Drop SWD, LLC for a permit to dispose of oil and gas waste by injection for the Grizzly SWD Lease, Well No. 1, Flat Rock (San Angelo) Field, in Upton County, Texas, pursuant to 16 Tex. Admin. Code § 3.9. If granted, the permit will allow injection into a porous formation not productive of oil or gas. The proposed location is approximately 11 miles northeast of Rankin, Texas. The application seeks authority to inject a maximum volume of 25,000 barrels per day of saltwater, and other non-hazardous oil and gas waste into the subsurface depth interval from 3,800 to 4,700 feet within the San Andres formation.

If you have questions regarding this Application, please contact the Applicant's representative, Michael Brandon, at (432) 218-7318. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the prehearing conference process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the prehearing conference to confirm that it will go forward as scheduled.**



**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Prehearing Conference in Oil and Gas Docket No. **OG-19-00001873** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

DOUBLE DROP SWD, LLC  
PO BOX 51785  
MIDLAND TX 79710

HENRY RESOURCES LLC  
3525 ANDREWS HWY  
MIDLAND TX 79703

BILL HAYENGA  
FOR HENRY RESOURCES LLC  
PO BOX 12127  
AUSTIN TX 78711

DE3 OPERATING LLC  
3724 HULEN ST  
FT WORTH TX 76107

PIONEER NATURAL RESOURCES USA INC  
ATTN: WELDON PIERSON  
5205 N O'CONNOR BLVD #200  
IRVING TX 75039

UPTON COUNTY CLERK  
P.O. BOX 465  
205 EAST 10TH  
RANKIN, TEXAS 79778

MICHAEL BRANDON  
FOR DOUBLE DROP SWD, LLC  
PO BOX 51785  
MIDLAND TX 79710

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
***Via Intra-Agency Email***

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **26th** day of **February**, 2020.

***Melissa Stovall***

Docket Services, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR

A Copy of this Notice of Intent to Appear must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be *received* by Docket Services at least five business days in advance of the prehearing conference date and hearing date.

APPLICANT: DOUBLE DROP SWD, LLC (224831)  
CASE/DOCKET NO.: OG-19-00001873  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Prehearing Conference as **(Check one of the referenced party status):** \_\_\_\_\_ *Applicant* \_\_\_\_\_ *Protestant* \_\_\_\_\_ *Observer* or \_\_\_\_\_ *In Support of Application*  
and states he/she or his/her representative will appear and participate at the prehearing conference.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Case No. 0323143

Status No. 856884

February 26, 2020

§ APPLICATION OF SABINAL ENERGY OPERATING,  
§ LLC (742122) FOR AN EXCEPTION TO STATEWIDE  
§ RULE 37 FOR THE BLACKWATCH (SAN ANDRES)  
§ UNIT LEASE, WELL NO. 236H, BLACKWATCH (SAN  
§ ANDRES) FIELD, GAINES COUNTY, TEXAS

**NOTICE OF HEARING**

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at **1:30 p.m. on Tuesday, March 17, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted and the nature of the Applicant's hearing request is in the attached Appendix A.
2. Any other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

**Failure to Appear-** **All parties, protestants or persons intending to participate at the hearing must attend the hearing.** Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the hearing date in this Notice of Hearing. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record.

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.

**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing- If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing. Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases.** See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits-** All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

## APPENDIX A

This hearing is held to consider the application of Sabinal Energy Operating, LLC for a spacing exception permit under the provisions of 16 Texas Administrative Code § 3.37 (Railroad Commission Statewide Rule 37).

Applicant seeks an exception to the between well spacing requirement of the field rules for the Blackwatch (San Andres) Unit Lease, Well No. 236H, Blackwatch (San Andres) Field, in Gaines County, Texas, because the proposed well is closer than allowed by the field rules to an adjacent well in the same field on the same lease, being 601 feet to the adjacent well. A copy of the drilling permit application and the plat filed by the applicant is attached to this notice to provide additional information.

If you have questions regarding this Application, please contact the Applicant's representative, Kelli Kenney, at (512) 327-8111. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the hearing to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket No. **0323143** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

SABINAL ENERGY  
1780 HUGHES LANDING BLVD  
STE 1200  
THE WOODLANDS TX 77380

KELLI KENNEY  
FOR SABINAL ENERGY OPERATING, LLC  
PO BOX 12127  
AUSTIN TX 78711

MARK PITTMAN MARSHALL  
PO BOA 832407  
DALLAS TX 75283

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

ZEPH JACK FOGERSON  
PO BOX 51368  
MIDLAND TX 79701

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

ZEPH JACK FOGERSON  
1205 BRECKENRIDGE CT  
MIDLAND TX 79705

MCCOY FAMILY  
LIMITED PARTNERSHIP  
C/O TERRY G MCCOY  
209 CALADIUM DR  
SAN ANTONIO TX 78213

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
***Via Intra-Agency Email***

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **26th** day of **February**, 2020.

***Melissa Stovall***

Docket Services, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR AT HEARING

A Copy of this Notice of Intent to Appear at Hearing must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least five business days in advance of the hearing date.

APPLICANT: SABINAL ENERGY OPERATING, LLC (742122)  
CASE/DOCKET NO.: 0323143  
STATUS NO.: 856884

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as **(Check one of the referenced party status):**  
\_\_\_\_ ***Applicant*** \_\_\_\_ ***Protestant*** \_\_\_\_ ***Observer*** or \_\_\_\_ ***In Support of Application*** and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code





# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.

RAILROAD COMMISSION OF TEXAS  
HEARINGS DIVISION

Oil and Gas Docket No. OG-20-00002402

§ APPLICATION OF HILCORP ENERGY  
§ COMPANY (386310) TO AMEND FIELD RULES  
§ FOR THE TOM O'CONNOR (5800) FIELD,  
§ REFUGIO COUNTY, TEXAS

February 26, 2020

**NOTICE OF HEARING**

**Date, Location, and Place of Hearing-** Notice is hereby given that a public hearing will be held at **1:30 p.m. on Friday, March 27, 2020**, at the offices of the Railroad Commission of Texas (Commission) located in the William B. Travis State Office Building, at 1701 N. Congress Avenue, Austin, Texas, in a room number to be posted on the bulletin board in the first-floor lobby. If the hearing is not concluded on the day it commences, it will be continued from day to day until concluded.

**If you are planning to attend the hearing, please be aware of changes to traffic patterns and the availability of metered parking in the area due to the Capitol Complex Construction project. There is limited metered parking in the capitol complex area. You may find paid parking at the Bob Bullock Museum across the street from the William B. Travis State Office Building or there is also a Capitol Visitors Parking Garage at 1201 San Jacinto Blvd. For access to the building, you can enter through the ground level from Brazos St. You may want to consider the additional time for parking and entering the building. Map and additional information is available on the RRC website at <https://www.rrc.texas.gov/about-us/organization-activities/visiting-the-railroad-commission-in-the-william-b-travis-state-office-building/>.**

**Purpose of Hearing-** The purpose of the hearing is to allow the parties to present evidence and consider all issues of fact and law raised in or relevant to the Application. The issues that may be addressed at the hearing include, but are not limited to, the following:

1. A statement of the matters asserted and the nature of the Applicant's hearing request is in the attached Appendix A.
2. Any other issues raised in the pleadings, evidence, or argument that are necessary for the Commission to render a final decision on the merits of this case.

**Failure to Appear-** **All parties, protestants or persons intending to participate at the hearing must attend the hearing.** Failure to appear at any prehearing conference or the hearing in this case may result in **dismissal of that party's claim or protest**, or default against that party/protestant and claims. See, e.g., Tex. Gov't Code § 2001.056, 16 Tex. Admin. Code § 1.107.

**Appearance at Hearing-** All persons or parties supporting, opposing or protesting this Application and intending to participate in the hearing must complete and file with Docket Services the enclosed Notice of Intent to Appear at Hearing Protest form at least **five business days** prior to the hearing date in this Notice of Hearing. **This form is required even if a prior written response was submitted to the previously issued "Notice of Application."** A copy of the form should be served on the Applicant and any other parties of record.

**Legal Authority and Jurisdiction-** The Commission has jurisdiction over Applicant and over the matters at issue in this proceeding pursuant to Tex. Nat. Res. Code title 3, subtitles A, B and C, Tex. Water Code chapters 26, 27 and 29, and Tex. Gov't Code chapter 2001.

**Particular Statutes and Rules Involved-** The statutes and rules applicable to this proceeding include but are not limited to the following:

- Tex. Nat. Res. Code, title 3, subtitles A, B and C;
- Commission rules in 16 Tex. Admin. Code chapters 1 and 3;
- Tex. Water Code chapters 26, 27 and 29; and
- Statutes and rules referenced in Appendix A, if any, of this Notice of Hearing.

**Continuance of Hearing-** Any request for continuance of this hearing must be filed in Docket Services **no later than five business days prior to the hearing date**. Copies of such request must be served to all parties shown on the service list. 16 Tex. Admin. Code § 1.45(a)(1).

**Ex parte Communications Prohibited-** Ex parte communications (e.g. phone calls and emails) with the examiners and Commissioners are prohibited. Tex. Gov't Code § 2001.061, 16 Tex. Admin. Code § 1.7.

**Written Transcript of the Hearing-** **If a case is protested or becomes protested, the party requesting commission action in this case will need to obtain a court reporter no later than 21 days before the hearing.** Typically, this would include the applicant, complainant, and similarly situated parties in other types of cases. See 16 Tex. Admin. Code § 1.111. If an examiner or party requests a written transcript, the Commission may assess the cost to one or more parties. This includes paying the court reporter's fees for the preparation of the original transcript for the Commission's official records and one copy for use by the examiners in preparing their written recommendation. To obtain a court reporter, contact Dave Howard & Associates Court Reporters at 512-282-0313 or [dave@howardreporters.com](mailto:dave@howardreporters.com).

**Hearing Exhibits-** All exhibits must be clearly marked and submitted in duplicate. If a party wants to offer an exhibit admitted in a prior proceeding, the party must provide a properly identified copy as an exhibit for the record in this proceeding. Additionally, if a court reporter is used, a copy of all exhibits must be given to the court reporter at the time of the hearing.

**Auxiliary Aids or Services for Persons with a Disability-** Any individual with a disability who needs auxiliary aids and services to have an equal opportunity to effectively communicate and participate in the hearing must request such aids or services at least two weeks prior to the hearing by notifying the Commission's Docket Services by mail at P. O. Box 12967, Austin, Texas 78711-2967 or by telephone at (512) 463-6848 or TDD No. (800) 735-2989.

**Audio/Visual Computer Presentations-** All requests for setting up a presentation need to be made in writing no less than three business days prior to the hearing date. Please contact Docket Services to complete a Presentation Setup Help Desk Questionnaire Form.

**Service List-** The Applicant shall review this Notice of Hearing and the attached Certificate of Service for accuracy and completeness and shall immediately notify Docket Services of any discrepancy or omission.

## APPENDIX A

This hearing is held to consider the application of Hilcorp Energy Company to amend Field Rules for the Tom O'Connor (5800) Field, Refugio County, Texas.

Applicant seeks the following:

**RULE 1:** No well for oil or gas shall hereafter be drilled nearer than ONE HUNDRED AND FIFTY (FIFTY) feet to any property line, lease line, or subdivision line. There is no minimum between well spacing requirement. The aforementioned distances in the above rule are minimum distances to allow an operator flexibility in locating a well; and the above spacing rule and the other rules to follow are for the purpose of permitting only one well to each drilling and proration unit. Provided however, that the Commission will grant exceptions to permit drilling within shorter distances and drilling more wells than herein prescribed, whenever the Commission shall have determined that such exceptions are necessary either to prevent waste or to prevent the confiscation of property. When an exception to these rules is desired, application therefor shall be filed and will be acted upon in accordance with the provisions of Commission Statewide Rules 37 and 38, which applicable provisions of said rules are incorporated herein by reference.

In applying this rule, the general order of the Commission with relation to the subdivision of property shall be observed.

Provided, however, that for purposes of spacing for horizontal wells, the following shall apply:

- a. No horizontal drainhole well for oil or gas shall hereafter be drilled such that the first and last take points are nearer than ONE HUNDRED (100) feet to any property line, lease line or subdivision line.
- b. For each horizontal drainhole well, the perpendicular distance from any take point on such horizontal drainhole between the first take point and the last take point to any point on any property line, lease line, or subdivision line shall be a minimum of ONE HUNDRED AND FIFTY (150) feet.

If you have questions regarding this Application, please contact the Applicant's representative, Bill Hayenga, at (512) 327-8111. If you have any questions regarding the hearing procedure, please contact Docket Services at (512) 463-6848 or at Room 12-123. Additional information about the hearing process can be found at [www.rrc.texas.gov/hearings](http://www.rrc.texas.gov/hearings).

To access the Commission's Statewide Rules, start from the Commission's Home Page, click on "General Counsel" (upper right side of page) and follow the path: Rules, Current Rules, T.A.C. Chapter 3, Rule Number.

**Check the Weekly Hearing Schedule on the Commission website at: <http://www.rrc.texas.gov/hearings/hearing-schedules/> the day prior to the hearing to confirm that it will go forward as scheduled.**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Notice of Hearing in Oil and Gas Docket No. **OG-20-00002402** was served on each of the persons named below by depositing same in the United States Mail, Inter-Agency Mail, or Inter-Agency E-Mail, as follows:

HILCORP ENERGY COMPANY  
P O BOX 61229  
HOUSTON, TX 77208-1229

T-C OIL COMPANY, LLC  
427 FM 774  
REFUGIO, TX 78377

BILL HAYENGA  
FOR HILCORP ENERGY COMPANY  
PO BOX 12127  
AUSTIN TX 78711

LORENZO GARZA  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

JOE STASULLI  
ASSISTANT DEPUTY DIRECTOR  
ADMINISTRATIVE COMPLIANCE  
RRC - AUSTIN  
***Via Intra-Agency Email***

OLIN MACNAMARA  
GEOLOGIST  
FIELD OPERATIONS  
RRC - AUSTIN  
***Via Intra-Agency Email***

PAUL DUBOIS  
ASSISTANT DIRECTOR  
O&G DIVISION TECHNICAL PERMITTING  
RRC - AUSTIN  
***Via Intra-Agency Email***

On this the **26th** day of **February**, 2020.

***Melissa Stovall***

Docket Services, Hearings Division  
Railroad Commission of Texas

HEARINGS DIVISION  
PO Drawer 12967  
Austin, TX 78711-2967

NOTICE OF INTENT TO APPEAR AT HEARING

A Copy of this Notice of Intent to Appear at Hearing must be mailed to the Applicant and to Docket Services, P.O. Drawer 12967, Austin, TX 78711-2967. It must be received by Docket Services at least five business days in advance of the hearing date.

APPLICANT: HILCORP ENERGY COMPANY (386310)  
CASE/DOCKET NO.: OG-20-00002402  
STATUS NO.:

\_\_\_\_\_, representing \_\_\_\_\_,  
(Print Name) (Print Name)  
hereby enters this Notice of Intent to Appear at Hearing as **(Check one of the referenced party status):**  
\_\_\_\_ ***Applicant*** \_\_\_\_ ***Protestant*** \_\_\_\_ ***Observer*** or \_\_\_\_ ***In Support of Application*** and states he/she  
or his/her representative will appear and participate at the hearing.

I further certify that, as of today's date, I have mailed or delivered a copy of this Notice of Intent to Appear at Hearing form to the Applicant at the address shown in the Certificate of Service.

\_\_\_\_\_  
Signature Date  
Telephone: Area Code: (\_\_\_\_) \_\_\_\_\_

Email Address: \_\_\_\_\_  
(OPTIONAL - If provided, e-mail address will become part of this public record; See TEX. GOV'T CODE § 552.137)

TIME ESTIMATE (total required for your presentation at the hearing): \_\_\_\_\_

ADDRESS TO WHICH NOTICE WAS SENT:

\_\_\_\_\_ Is correct \_\_\_\_\_ Is incorrect and should be corrected to:

\_\_\_\_\_  
Street City State Zip Code

ADDITIONAL NOTICE SHOULD BE SENT TO THE REPRESENTATIVE SHOWN BELOW:

\_\_\_\_\_  
(Print Name)  
\_\_\_\_\_  
Street City State Zip Code



# RAILROAD COMMISSION OF TEXAS

## HEARINGS DIVISION

### **CONSENT TO ELECTRONIC SERVICE AND NOTIFICATION OF DOCUMENTS, RULINGS, DECISIONS, AND ORDERS**

Effective September 1, 2015, Section 2001.142 (Notification of Decisions and Orders) of the Texas Government Code was amended to allow a state agency to notify each party to a contested case of any decision or order of the agency, if agreed to by the party to be notified, by electronic means sent to the current e-mail address of the party's attorney of record or of the party if the party is not represented by counsel. Tex. Gov't Code § 2001.142(a)(2).

Current rules of the Railroad Commission of Texas ("Commission") require the Commission to serve "a pleading or document" by "hand-delivering a copy to the person to be served, or by first class, certified, or registered mail, commercial delivery service, fax, email, or by such other manner as the Commission may require." Commission Practice and Procedure rules, §1.45(e)(2) and §1.45(b). According to §1.45(b)(1)(D), "Service by email may be used if the person to be served consents to be served by email pursuant to §1.27 or §1.32 of this title (relating to Parties and Authorized representatives, and Form and Content of Pleadings, respectively). If the person consents to be served by email, the person affirmatively consents to the release and disclosure of the email address. Email service is complete on the date of the email transmission. An email received after 5 p.m. local time of the recipient shall be deemed served on the following business day."

#### **Completion of this form is optional**

In lieu of service and notification by mail, \_\_\_\_\_ (party name or attorney) on behalf of \_\_\_\_\_ hereby agrees and consents to electronic service and notification of all documents, rulings, decisions, and orders from the Railroad Commission of Texas in Docket No. \_\_\_\_\_ by the following electronic means:

[        ] E-mail at: \_\_\_\_\_

Authorized by:

\_\_\_\_\_ (signature)

\_\_\_\_\_ (print name)

\_\_\_\_\_ (firm)

By requesting electronic service, all orders, proposals for decision, and other documents and communications to me in this docket will be provided to me by e-mail at the address set forth above. I will no longer receive paper copies of any documents in this docket. I also understand and agree that it is my responsibility to inform Docket Services and other parties of any changes to my e-mail address. By accepting the terms of this service my e-mail address will be shown on the service list of this docket and available to the Commission, other parties and will become part of this public record; See Tex Gov't Code §552.137. I am responsible for ensuring that my e-mail filters and settings allow the delivery of e-mails from the RRC and all other parties to this case. **If the pleading contains 10 or fewer pages including exhibits, it may be filed by fax, email, or other approved electronic transmission with the Docket Services Section.** If a party or authorized representative elects to file a pleading by email, the party or authorized representative agrees to be served by email and affirmatively consents to the release and disclosure of the email address.