

RAILROAD COMMISSION OF TEXAS
OFFICE OF GENERAL COUNSEL
HEARINGS SECTION

OIL & GAS DOCKET NO. 03-0238763

ENFORCEMENT ACTION AGAINST KELLY H. BAXTER, SOLE PROPRIETOR, BAXTER, KELLY H. OIL AND GAS COMPANY (OPERATOR NO. 056536) FOR VIOLATIONS OF STATEWIDE RULES ON THE NEBLETT (23361) LEASE, WELL NO. 1, MARTIN PRAIRIE (WILCOX 4900) FIELD, GRIMES COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner who has circulated a Proposal for Decision containing Findings of Fact and Conclusions of Law. Having been duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas, Findings of Fact Nos. 1-5, 7, 9, 11, 14, and 16-17 and Conclusions of Law Nos. 1-2, 4-5, 7 and 9-10 in the Proposal for Decision are hereby adopted and made a part hereof by reference.

It is accordingly **ORDERED** that, within 30 days from the day immediately following the date this order becomes final:

1. Kelly H. Baxter, Sole Proprietor, Baxter, Kelly H. Oil and Gas Company shall plug, in compliance with Commission Statewide Rule 14 [Tex. R.R. Comm'n, 16 TEX. ADMIN. CODE §3.14] and Chapter 89 of the Texas Natural Resources Code, the Neblett (23361) Lease, Well No. 1, Martin Prairie (Wilcox 4900) Field, Grimes County, Texas; and
2. Kelly H. Baxter, Sole Proprietor, Baxter, Kelly H. Oil and Gas Company shall remit to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **TWO THOUSAND DOLLARS (\$2,000.00)**.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 20 days after a party is notified of the Commission's order. A party is presumed to have been notified of the Commission's order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party of 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 90 days from the date the parties are notified of the order.

Each exception to the examiner's proposal for decision not expressly granted herein is overruled. All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not previously granted or granted herein are denied.

Noncompliance with the provisions of this order is subject to enforcement by the Attorney General and subject to civil penalties of up to \$10,000.00 per day per violation.

Done this ____ day of _____, 2005, in Austin, Texas.

RAILROAD COMMISSION OF TEXAS

CHAIRMAN VICTOR G. CARRILLO

COMMISSIONER MICHAEL L. WILLIAMS

COMMISSIONER ELIZABETH A. JONES

ATTEST:

SECRETARY