

**RAILROAD COMMISSION OF TEXAS
OFFICE OF GENERAL COUNSEL
HEARING SECTION**

**RULE 37 CASE NO. 0268098; APPLICATION OF CHESAPEAKE OPERATING, INC. FOR A
RULE 37 EXCEPTION FOR THE BC ASSOCIATES UNIT, WELL NO. 4H, NEWARK, EAST
(BARNETT SHALE) FIELD, TARRANT COUNTY, TEXAS**

**ORDER ON APPEAL OF CHESAPEAKE OPERATING, INC.
OF EXAMINER'S INTERIM RULING DATED JANUARY 31, 2011**

On February 10, 2011, Chesapeake Operating, Inc., filed an appeal pursuant to 16 TEX. ADMIN. CODE §1.30(c)(2) of the hearing examiner's interim ruling dated January 31, 2011, which determined that a preliminary hearing will be scheduled to consider protestants' standing to oppose the referenced Rule 37 application.

Having considered the pleadings of the parties and the examiner's report, the Commission has determined that the appeal has merit and the hearing examiner's interim ruling should be set aside.

Accordingly, it is **ORDERED** that the appeal of Chesapeake Operating, Inc. of the hearing examiner's interim ruling dated January 31, 2011, is **GRANTED**. Commission staff are directed to process the application in this docket administratively.

Done this 18th day of April, 2011.

RAILROAD COMMISSION OF TEXAS

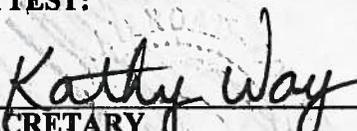


ELIZABETH AMES JONES, CHAIRMAN



DAVID PORTER, COMMISSIONER

ATTEST:



SECRETARY