

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

OIL AND GAS DOCKET NO. 7B-0264980

ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY GREAT NORTHERN ENERGY, INC. (328645) AND JERRY R. PATERSON, OWNER, WILDHORSE ENERGY CO. (923446), AS TO THE GNE (31620) LEASE, WELL NO. 1S (PERMIT NO. 621883), AND THE GNE SCHOLTZ LEASE, WELL NO. 1H (356389), NEWARK, EAST (BARNETT SHALE) FIELD, ERATH COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner on June 14, 2012 and that the respondent, Great Northern Energy, Inc. (328645) and Jerry R. Paterson, Owner, Wildhorse Energy Co. (923446), failed to appear or respond to the Second Notice of Hearing. Pursuant to § 1.49 of the Commission's General Rules of Practice and Procedure [Tex. R. R. Comm'n, 16 TEX. ADMIN. CODE § 1.49] and after being 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. Great Northern Energy, Inc. (328645) and Jerry R. Paterson, Owner, Wildhorse Energy Co. (923446), ("Respondent") was given a Second Notice of Hearing by certified mail, addressed to the most recent P-5 address on the Form P-5 Organization Report.
2. The returned certified receipt containing the Original Complaint and the Second Notice of Hearing mailed to Great Northern Energy, Inc.'s (328645) most recent P-5 address, was returned marked "unclaimed" on May 15, 2012. The returned certified receipt containing the Original Complaint and the Second Notice of Hearing mailed to Jerry R. Paterson, Owner, Wildhorse Energy Co.'s (923446) most recent P-5 address, was returned marked "unclaimed" on May 15, 2012. The returned certified mail has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. On July 18, 2008, Respondent, Great Northern Energy, Inc. (328645), a Corporation, filed an Organization Report (Form P-5) with the Commission reporting that its officers consisted of the following individual(s): Jerry R. Paterson; President.
4. On March 10, 2010, Respondent, Jerry R. Paterson, Wildhorse Energy Co. (923446), filed an Organization Report (Form P-5) with the Commission reporting that its sole proprietor consisted of the following individual(s): Jerry R. Paterson.
5. Jerry R. Paterson, was in a position of ownership or control of respondent, as defined by Texas Natural Resources Code Section 91.114, during the time period of the violations of Commission rules committed by respondent.
6. The violations of Commission rules committed by respondent are related to safety and the control of pollution.

7. Respondent designated itself to the Commission as the operator of Well No. 1S (Permit #621883) on the GNE (31620) Lease and Well No. 1H (356389) on the GNE Scholtz Lease ("subject wells"/"subject leases") by filing a Form W-1 (Application to Drill, Re-Enter or Re-Completion) approved on July 3, 2006 for Well No. 1S (Permit #621883) and July 5, 2006 for Well No. 1H (356389).
8. On March 10, 2010 a name change was processed from Great Northern Energy Inc. (328645) to Wildhorse Energy Co. (923446).
9. Commission records indicate that Respondent's Form P-5 (Organization Report) is inactive. Respondent had a \$25,000.00 Letter of Credit and \$25,000.00 cash as its financial assurance at the time of its last P-5 renewal.
10. Well No. 1S on the GNE (31620) Lease never produced and was plugged on August 29, 2011.
11. Well No. 1H (356389) on the GNE Scholtz Lease never produced and was plugged on August 25, 2011.
12. The subject wells were out of compliance with Statewide Rule 14, from July 20, 2009 to August 29, 2011.
13. Usable quality groundwater in the area could have been contaminated by migrations or discharges of saltwater and other oil and gas wastes from the subject wells. Unplugged wellbores constitute a cognizable threat to the public health and safety because of the probability of pollution.
14. The Respondent did not demonstrate good faith since it failed to plug or otherwise place the subject leases and wells in compliance after being notified of the violations by the District Office and failed to appear at the hearing to explain its inaction.

CONCLUSIONS OF LAW

1. Proper notice was issued by the Railroad Commission to Respondent and to all other appropriate persons legally entitled to notice.
2. All things necessary to the Commission attaining jurisdiction over the subject matter and the parties in this hearing have been performed or have occurred.
3. Respondent was responsible for maintaining the subject leases in compliance with Statewide Rule 14(b)(2).
4. Respondent was responsible for maintaining the subject leases and subject wells in compliance with all applicable Commission rules according to Statewide Rules 14, 58, and 79 and Chapters 89 and 91 of the Texas Natural Resources Code.
5. The documented violations committed by the respondent constitute acts deemed serious, a hazard to the public health, and demonstrate a lack of good faith pursuant to TEX. NAT. RES. CODE ANN. §81.0531.

6. As a person in a position of ownership or control of respondent at the time respondent violated Commission rules related to safety and the control of pollution, Jerry R. Paterson, and any other organization in which he may hold a position of ownership or control, shall be subject to the restrictions of Texas Natural Resource Code Section 91.114(a)(2) for a period of no more than seven years from the date the order entered in this matter becomes final, or until the conditions that constituted the violations herein are corrected or are being corrected in accordance with a schedule to which the Commission and the organization have agreed; and all administrative, civil, and criminal penalties and all cleanup and plugging costs incurred by the State relating to those conditions are paid or are being paid in accordance with a schedule to which the Commission and the organization have agreed, whichever is earlier.

IT IS ORDERED THAT within 30 days from the day immediately following the date this order becomes final:

1. Great Northern Energy, Inc. (328645) and Jerry R. Paterson, Owner, Wildhorse Energy Co. (923446), shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **FOUR THOUSAND DOLLARS (\$4,000.00)**.

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 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. GOVT. 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.

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 21st day of August 2012.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Default Master Order dated August 21, 2012)

TJ/sa