

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

OIL AND GAS DOCKET NO. 7B-0270007

ENFORCEMENT ACTION FOR ALLEGED VIOLATIONS COMMITTED BY ALEXANDER RASBURY, SOLE PROPRIETOR, QUANTUM INVESTMENTS (684533), AS TO THE PATTERSON, J.D. (04226) LEASE, WELL NOS. 1 AND 2, CARLIE FIELD, STONEWALL COUNTY, TEXAS

FINAL ORDER

The Commission finds that after statutory notice the captioned enforcement proceeding was heard by the examiner on April 4, 2013, and that the respondent, Alexander Rasbury, Sole Proprietor, Quantum Investments (684533), failed to appear or respond to the Notice of Opportunity for 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. Alexander Rasbury, Sole Proprietor, Quantum Investments (684533), ("Respondent"), was given Notice of Opportunity for Hearing by certified mail, addressed to the most recent Form P-5 (Organization Report) address, which was signed and returned to the Commission.
2. The returned certified receipt containing the Original Complaint and the Notice of Opportunity for Hearing, was signed and returned to the Commission on March 6, 2013. The certified receipt has been on file with the Commission for 15 days, exclusive of the day of receipt and day of issuance.
3. On October 23, 2012, Respondent, filed an Organization Report (Form P-5) with the Commission reporting that its sole proprietor consisted of the following individual(s): Alexander Moore Rasbury.
4. Alexander Moore Rasbury, as Sole Proprietor, was a person 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.

5. The violations of Commission rules committed by respondent are related to safety and the control of pollution.
6. Respondent designated itself to the Commission as the operator of Well Nos. 1 and 2 on the Patterson, J.D. (04226) Lease ("subject wells"/"subject lease") by filing a Form P-4 (Producers Transportation Authority and Certificate of Compliance), effective August 1, 2010.
7. Respondent's P-5 (Organization Report) became delinquent on July 1, 2013. Respondent had a \$50,000 cash as its financial assurance at the time of its last P-5 renewal.
8. The subject wells ceased production in July 2001.
9. The Statewide Rule 14(b)(2) plugging extensions for Well Nos. 1 and 2 on the Patterson, J.D. (04226) Lease were denied on August 6, 2003 for failure to file H-15's (Test On An Inactive Well More Than 25 Years Old).
10. The subject wells have not been properly plugged in accordance with, and are not otherwise in compliance with Statewide Rule 14.
11. Usable quality groundwater is likely to be 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 potential for pollution.
12. The estimated cost to the State for plugging Well Nos. 1 and 2 is \$31,400.00.
13. Commission District inspections were conducted on December 29, 2010, January 25, 2011 and March 7, 2011 for the Patterson, J.D. (04226) Lease. The signs or identification required to be posted at the lease entrance, the well sites and at the tank, displayed incorrect information. A Commission District inspection conducted on April 3, 2013 showed the sign posted at the lease entrance displayed incorrect information and the signs at Well Nos. 1 and 2 and the Tank Battery showed the correct information.
14. Failure to properly identify a well by the posting of the sign required by Statewide Rule 3 has the potential for causing confusion and delay in remedying a violation or emergency and poses a threat to the public health and safety.
15. Commission District inspections were conducted on December 29, 2010, January 25, 2011 and March 7, 2011 for the Patterson, J.D. (04226) Lease. Well No. 1 has tubing and casing valves open to the atmosphere, with no wellhead control. The inspection of April 3, 2013 shows the tubing and casing valve closed for Well No. 1. The well was open to the atmosphere from December 29, 2010 to April 3, 2013.

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16. Maintenance of surface control by wellhead assemblies is necessary to prevent the discharge of oil and gas wastes on the subject lease constituting a hazard to public health and safety because the discharges of oil and gas wastes onto land surface can migrate into surface or subsurface waters.
17. Commission District inspections were conducted on December 29, 2010, January 25, 2011, March 7, 2011 and April 3, 2013 for the Patterson, J.D. (04226) Lease. The firewalls are weathered down and not in place with the tank battery on a hill above an active fresh water spring.
18. The Respondent has not demonstrated good faith since it failed to timely plug or otherwise place the subject lease and subject 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 is in violation of Commission Statewide Rules 3, 13(b)(1)(B), 14(b)(2) and 21(j).
4. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 3, which requires that each property that produces oil, gas or geothermal resources and each oil, gas or geothermal resource well and tank, or other approved crude oil measuring facility shall post signs or identification.
5. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 13(b)(1)(B), which requires that surface control of all wells be maintained with wellhead assemblies.
6. Respondent is responsible for maintaining the subject lease in compliance with Statewide Rule 21(j), which requires that firewalls must be erected and kept around all permanent oil tanks, or battery of tanks, where such tanks are so located as to be deemed by the Commission to be an objectionable hazard.
7. Respondent is responsible for maintaining the subject lease 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.

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8. 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©.
9. 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, Alexander Moore Rasbury, 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. Alexander Rasbury, Sole Proprietor, Quantum Investments (684533), shall plug the Patterson, J.D. (04226) Lease, Well Nos. 1 and 2, Carlie Field, Stonewall County, Texas in compliance with applicable Commission rules and regulations; and
2. Alexander Rasbury, Sole Proprietor, Quantum Investments (684533), shall pay to the Railroad Commission of Texas, for disposition as provided by law, an administrative penalty in the amount of **EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500.00)**.

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. 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.

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.

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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 10th day of September 10, 2013.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Default Master Order dated September 10, 2013)

MFE/sa