

**RAILROAD COMMISSION OF TEXAS
HEARINGS DIVISION**

OIL & GAS DOCKET NO. 20-0323087

IN RE: P-5 ORGANIZATION REPORT OF 1849 ENERGY PARTNERS OPRTNG, LLC

FINAL ORDER

The Commission finds that after notice and an opportunity for hearing regarding the captioned matter, the Operator failed to request a hearing and pay the hearing fee as required by 16 TEX. ADMIN. CODE §3.15(g)(4) and TEX. NAT. RES. CODE §89.022(f). This matter having been 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. 1849 Energy Partners Oprtng, LLC [Operator #623073] (the "Operator"), is the record operator or one or more inactive wells in the State of Texas and is required to file Organization Report (Form P-5) with the Commission. Operator's most recent P-5 was due on or before April 1, 2019.
2. After filing its most recent Organization Report (Form P-5) with the Commission, the Operator was notified they were deficient and had failed to comply with the requirements of 16 TEX. ADMIN. CODE § 3.15 (Surface Equipment Removal Requirements and Inactive Wells) and provided with a written statement of the reasons for the determination and allowed ninety (90) days from the date its P-5 was due to comply with the requirements of 16 TEX. ADMIN. CODE § 3.15 and TEX. NAT. RES. CODE §§89.021 - 89.030.
3. After the expiration of ninety (90) days and pursuant to 16 TEX. ADMIN CODE §3.15(g)(4), an authorized Commission employee determined that the Operator's Organization Report still could not be renewed because the Operator continued to fail to comply with the requirements of 16 TEX. ADMIN. CODE §3.15 (Surface Equipment Removal Requirements and Inactive Wells).
4. The Commission sent the Operator a letter by certified mail giving notice to the Operator of the determination of continued non-compliance regarding specified inactive wells, attached as Exhibit A to this order, and advising the Operator of the right to request a hearing to show compliance. The letter notified the Operator that the hearing request must be received in docket services no later than 30 days after the date of the letter. The letter also notified the Operator that a final order denying renewal of the Operator's

Organization Report (Form P-5) would result in the cancellation of all P-4 Certificates of Compliance and the severance of all pipeline or other carrier connections.

5. All notices and letters from the Commission to the Operator on this matter were addressed and mailed to the Operator's most recently reported address on the Form P-5 Organization Report.

6. The Operator did not timely request a hearing and pay the hearing fee on these issues as required under 16 TEX. ADMIN. CODE §3.15(g)(4) (Surface Equipment Removal Requirements and Inactive Wells).

7. Statewide Rule 15 (16 TEX. ADMIN. CODE §3.15) is a Commission rule that relates to safety or the prevention or control of pollution.

CONCLUSIONS OF LAW

1. The Operator received proper notice and an opportunity for hearing regarding compliance with 16 Tex. Admin. Code §3.15 and Tex. Nat. Res. Code §§89.021 - 89.030.

2. All things necessary to the Commission attaining jurisdiction over the subject matter and the parties in this matter have been performed or have occurred.

3. The Operator is in violation of Commission Statewide Rule 15 and did not timely request a hearing to contest the determination that it was in violation.

4. The Operator's P-5 Organization Report should not be renewed and all the Operator's P-4 Certificates of Compliance should be cancelled, with all related pipeline or other carrier connections severed. 16 Tex. Admin. Code §3.15 (g)(4) and Tex. Nat. Res. Code §§89.022(f), 91.704 - 91.706.

5. The Operator's P-5 Organization Report cannot be renewed until the operator brings the inactive wells shown on the attached Exhibit A into compliance with the requirements of 16 Tex. Admin. Code §3.15 and Tex. Nat. Res. Code §§89.021 - 89.030.

IT IS ORDERED that renewal of 1849 Energy Partners Oprtng, LLC's P-5 Organization Report is hereby **DENIED**.

It is further ORDERED that all P-4 Certificates of Compliance issued to 1849 Energy Partners Oprtng, LLC as operator of record are hereby **CANCELLED** and all related pipeline or other carrier connections are hereby **SEVERED**.

It is further ORDERED that 1849 Energy Partners Oprtng, LLC shall bring the wells on Exhibit A into compliance with Statewide Rule 15 (16 TEX. ADMIN. CODE §3.15) and that the Operator's P-5 Organization Report shall not be renewed until the wells on Exhibit A have been brought into compliance as required by this order.

It is further ORDERED that 1849 Energy Partners Oprtnng, LLC and each person who held a position of ownership or control in the Operator at the time the Operator's most-recent P-5 Organization Report was filed shall be subject to the terms of TEX. NAT. RES. CODE §91.114.

It is further ORDERED by the Commission that this order shall not be final and effective until 25 days after the Commission's Order is signed, unless the time for filing a motion for rehearing has been extended under Tex. Gov't Code §2001.142, by agreement under Tex. Gov't Code §2001.147, or by written Commission Order issued pursuant to Tex. Gov't Code §2001.146(e). 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 100 days from the date the Commission Order is signed.

All requested Findings of Fact and Conclusions of Law which are not expressly adopted herein are **DENIED**. All pending motions and request for relief not previously granted or granted herein are **DENIED**.

RAILROAD COMMISSION OF TEXAS

(Signatures affixed by Rule 15 Inactive Well Master Order dated October 1, 2019.)

| API Number | District | ID Number | Lease Name | Well Number |
|--|----------|-----------|------------------------|-------------|
| 121 30637 No approved W-3X on file | 09 | 160651 | MERRITT, MARCIA | 5 |
| 121 30640 No approved W-3X on file | 09 | 160449 | MERRITT, MARCIA | 6 |
| 121 30661 No approved W-3X on file | 09 | 167807 | POTTER, H. M. GAS UNIT | 8 |
| 121 30684 No approved W-3X on file | 09 | 173249 | MCRAE | 4 |
| 121 30733 No approved W-3X on file | 09 | 177699 | DUNN, CLARA UNIT | 5 |
| 121 30739 No approved W-3X on file | 09 | 179492 | MERRITT, MARCIA | 8 |
| 121 30740 No approved W-3X on file | 09 | 177703 | DUNN, CLARA UNIT | 6 |
| 121 30784 No approved W-3X on file | 09 | 181604 | DUNN, CLARA UNIT | 8 |
| 121 30838 No approved W-3X on file | 09 | 181708 | MERRITT, W. A. | 6 |
| 121 30940 No approved W-3X on file | 09 | 185036 | MCRAE | 14 |
| 121 31001 No approved W-3X on file | 09 | 185492 | DOWNE | 1 |
| 121 31055 Production fluids must be purged (certify on Form W-3C) No approved W-3X on file | 09 | 185067 | MCRAE | 16 |
| 121 31091 No approved W-3X on file | 09 | 188067 | DOWNE | 2 |
| 121 31125 No approved W-3X on file | 09 | 188566 | DUNN-JACKSON | 6 |
| 121 31152 Electricity must be disconnected (certify on Form W-3C) No approved W-3X on file | 09 | 188070 | POTTER, H. M. GAS UNIT | 11 |
| 121 31196 No approved W-3X on file | 09 | 188550 | TALLY, ONETA | 2 |
| 121 31207 No approved W-3X on file | 09 | 188560 | MCRAE | 24 |
| 121 31225 No approved W-3X on file | 09 | 187945 | MCRAE | 27 |

Docket No. 20-0323087

Exhibit A

| API Number | District | ID Number | Lease Name | Well Number |
|---|----------|-----------|-------------------|-------------|
| 121 31254 | 09 | 190945 | THOMPSON | 2 |
| Electricity must be disconnected (certify on Form W-3C) No approved W-3X on file | | | | |
| 121 31264 | 09 | 191572 | DUNN-JACKSON | 5 |
| No approved W-3X on file | | | | |
| 121 31315 | 09 | 190950 | TALLY, ONETA | 3 |
| No approved W-3X on file | | | | |
| 121 31374 | 09 | 189358 | DOWNE | 7 |
| No approved W-3X on file | | | | |
| 121 31434 | 09 | 190942 | GIBBS, BERT | 2 |
| No approved W-3X on file | | | | |
| 121 31440 | 09 | 191569 | GIBBS UNIT | 2 |
| No approved W-3X on file | | | | |
| 121 31450 | 09 | 190954 | MERRELL "A" | 5 |
| No approved W-3X on file | | | | |
| 121 31488 | 09 | 190946 | BLAIR | 3 |
| No approved W-3X on file | | | | |
| 121 32457 | 09 | 209490 | DOWNE | 4 H |
| No approved W-3X on file | | | | |
| 121 32475 | 09 | 209313 | BARNETT | 8 |
| Electricity must be disconnected (certify on Form W-3C) No approved W-3X on file | | | | |
| 121 32476 | 09 | 208637 | BARNETT | 7 |
| Electricity must be disconnected (certify on Form W-3C) No approved W-3X on file | | | | |
| 121 32525 | 09 | 210430 | GIBBS UNIT | 3 H |
| No approved W-3X on file | | | | |
| 121 32725 | 09 | 215659 | GIBBS, HOMER | 3H |
| No approved W-3X on file | | | | |
| 121 33553 | 09 | 250445 | STRICKLAND | 31H |
| No approved W-3X on file | | | | |
| 121 33680 | 09 | 250446 | STRICKLAND | 32H |
| No approved W-3X on file | | | | |
| 251 30308 | 09 | 210089 | ATLAS | 1 H |
| No approved W-3X on file | | | | |
| 497 34173 | 09 | 164093 | POTTER, H. M. "B" | 5 |
| Production fluids must be purged (certify on Form W-3C) No approved W-3X on file | | | | |

Docket No. 20-0323087

Exhibit A

| API Number | District | ID Number | Lease Name | Well Number |
|------------|----------|-----------|---|-------------|
| 497 34176 | 09 | 164094 | POTTER, H. M. GAS UNIT Electricity must be disconnected (certify on Form W-3C) No approved W-3X on file | 6 |
| 497 34323 | 09 | 173231 | POTTER "A" No approved W-3X on file | 4 |
| 497 34334 | 09 | 173752 | POTTER "A" No approved W-3X on file | 5 |
| 497 34354 | 09 | 177224 | STRICKLAND Production fluids must be purged (certify on Form W-3C) No approved W-3X on file | 7 |
| 497 34373 | 09 | 177089 | POTTER, H. M. "B" Production fluids must be purged (certify on Form W-3C) No approved W-3X on file | 9 |
| 497 34508 | 09 | 180405 | CLAY HILL CATTLE CO. "A" No approved W-3X on file | 4 |
| 497 34623 | 09 | 185039 | POTTER-STRICKLAND UNIT No approved W-3X on file | 1 |
| 497 34792 | 09 | 210740 | STRICKLAND No approved W-3X on file | 15 |
| 497 34793 | 09 | 191576 | STRICKLAND No approved W-3X on file | 16 |
| 497 35739 | 09 | 206700 | POTTER "A" Electricity must be disconnected (certify on Form W-3C) No approved W-3X on file | 6 |
| 497 36581 | 09 | 244548 | STRICKLAND No approved W-3X on file | 22H |

Docket No. 20-0323087

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