

# BEFORE THE OIL & GAS COMMISSION

SUMMITCREST, INC.,

Appellant,

-vs-

DIVISION OF OIL & GAS RESOURCES  
MANAGEMENT,

Appellee,

and

CHESAPEAKE EXPLORATION, LLC,

Intervenor.

Appeal No. 843

Review of Permit Issuance;  
Chesapeake Exploration, LLC

**ORDER OF THE**  
**COMMISSION VACATING**  
**ALL COMMISSION DECISIONS**  
**IN APPEAL #843**

Appearances: Nancy A. White, Steven A. Friedman, Counsel for Appellant Summitcrest, Inc.; Megan DeLisi, Assistant Attorney General, Counsel for Appellee Division of Oil & Gas Resources Management; John K. Keller, Robert J. Krummen, David W. Hardymon, Counsel for Intervenor Chesapeake Exploration, LLC.

On September 21, 2011, Appellant Summitcrest, Inc. ["Summitcrest"] filed with the Oil & Gas Commission, a notice of appeal from a decision of the Division ["DOGRM"] Chief granting to Chesapeake Exploration, LLC ["Chesapeake"] a permit to drill an oil & gas well on property owned by Summitcrest. This matter was designated as appeal #843. Upon motion, Chesapeake was **granted** intervenor status. On July 23, 2012, the Commission conducted a hearing in this appeal. On August 8, 2012, the Commission rendered a decision upon the merits of this matter.

On July 19, 2012, Chesapeake (the intervenor in appeal #843) filed an original prohibition action in the Ohio Supreme Court (*Chesapeake Exploration, LLC v. Oil & Gas Commission, et al.*, case #2012-1207). Through this action, Chesapeake sought to prevent the Oil & Gas Commission, and its members, from proceeding in appeal #843. Chesapeake asserted that the Commission lacked jurisdiction in appeal #843.

On January 30, 2013, the Supreme Court **granted** Chesapeake a *writ* of prohibition, finding that the Commission lacked jurisdiction in the *Summitcrest* appeal, #843. The Supreme Court issued an Entry, commanding the Commission to vacate all decisions rendered in appeal #843 (see attached Entry).

Prior to the Supreme Court's ruling, the Commission had rendered the following decisions in appeal #843:

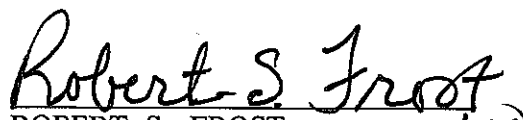
1. Order of the Commission Granting Intervention of Chesapeake Exploration, LLC - July 5, 2012.
2. Order of the Commission Denying Appellee's Motion to Dismiss - July 10, 2012.
3. Order of the Commission Denying Intervenor's Motion to Stay - July 20, 2012.
4. Order of the Commission on Appellee's Motion in *Limine* - July 21, 2012.
5. Findings, Conclusions and Order of the Commission, (decision upon the merits) - August 8, 2012.

## ORDER

Pursuant to order of the Ohio Supreme Court, the Commission hereby **VACATES** all decisions rendered in the matter of *Summitcrest, Inc. vs. Division & Chesapeake Exploration, LLC*, appeal #843.

Date Issued: 2/6/2013

  
KAREN H. FRYER, Acting Chairman *wro*

  
ROBERT S. FROST *wro*

  
DOUGLAS W. GONZALEZ *DWG*

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FILED

JAN 30 2013

CLERK OF COURT  
SUPREME COURT OF OHIO

# The Supreme Court of Ohio

Chesapeake Exploration, LLC

v.

Oil and Gas Commission, Karen H. Fryer,  
Jerry D. Jordan, and Douglas W. Gonzalez

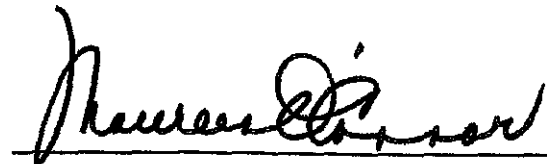
Case No. 2012-1207

IN PROHIBITION

ENTRY

This cause originated in this Court on the filing of a complaint for a writ of prohibition and was considered in a manner prescribed by law.

Upon consideration thereof, it is ordered by the Court that a writ of prohibition is granted to prevent the Ohio Oil and Gas Commission from exercising further jurisdiction in Summitcrest Inc.'s appeal from the chief's issuance of a permit to Chesapeake Exploration, L.L.C. for the oil and gas well and to compel the commission to vacate its decisions rendered in the appeal, including its August 8, 2012 decision on the merits, consistent with the opinion rendered herein. Costs assessed to respondents.



Maureen O'Connor  
Chief Justice

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FEB - 4 2013

OIL & GAS COMMISSION