

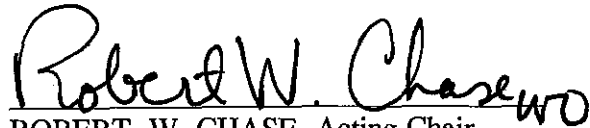
BEFORE THE OIL & GAS COMMISSION

CLARENCE TUSSEL, JR., *et al.*, :
: Appeal No. 818
Appellants, :
-vs- :
DIVISION OF MINERAL RESOURCES :
MANAGEMENT, : Review of Chief's Order 2010-01
: Appellee, :
and : **ORDER OF THE**
: **COMMISSION DISMISSING**
KASTLE RESOURCES ENTERPRISES, : **APPEAL**
: Intervenor. :

Appearances: Alan H. Coogan, Counsel for Appellants Clarence Tussel, Jr. and Clarence Tussel, Jr., LTD;
Mark G. Bonaventura, Molly Corey, Assistant Attorneys General, Counsel for Appellee Division of
Mineral Resources Management; John K. Keller, Michael J. Settineri, Counsel for Intervenor
Kastle Resources Enterprises.

Upon Notice of Withdrawal of Issues and Dismissal of Appeal (copy attached hereto), voluntarily filed by Appellants, the Commission hereby **ACCEPTS** Appellants' filing and **DISMISSES** appeal no. 818. The scheduled merit hearing is, therefore, **CANCELLED**.

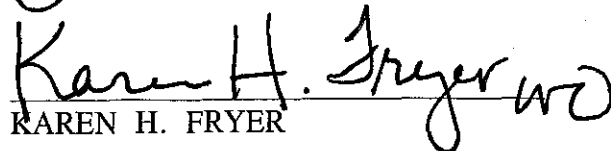
Date Issued: July 16, 2010


ROBERT W. CHASE, Acting Chair

RECUSED
TIMOTHY C. McNUTT, Secretary


JAMES H. CAMERON

RECUSED
M. HOWARD PETRICOFF, Chairman


KAREN H. FRYER

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John K. Keller, Michael J. Settineri, Via Fax [614-719-4794 & 614-719-5146] & Regular Mail
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BEFORE THE OHIO OIL AND GAS COMMISSION

RECEIVED

Claence Tussel, Jr, et al.

Appellant

vs

Chief, Division of Mineral Resources Management

Ohio Department of Natural Resources

Appellee

JUL 16 2010

OIL & GAS COMMISSION

APPEAL # 818

Notice of Withdrawal of Issues
and Dismissal of Appeal

Appellant, voluntarily withdraws from consideration the issues raised in the Appeal relating to the potential effects of local seismic activity and those addressing the potential composition of oilfield wastes generated by Devonian Marcellus Shale wells. The Commission's order granting Appellee's motion in *Limine* leaves the Appellant with no significant objections to the Chief's Order permitting the Class II SWIW, absent the ability to present the core property and lease issues.

Consequently, Appellant now dismisses its appeal

Alan H. Coogan
Attorney for Appellant

CERTIFICATE OF SERVICE

This is to certify that a true copy of this Notice was served upon following addressees below by regular U. S. Mail, postage paid this 17th of July, 2010 and electronically to the Commission, Mr. Bonaventura and Mr. Keller and that this Notice of Dismissal was sent to the L. Osterman, Director and to counsel for the Division and Intervenor by e-mail on this, the 16th of July, 2010.

Alan H. Coogan, Attorney for Appellant

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