

BEFORE THE OIL & GAS COMMISSION

OHIO VALLEY ENERGY SYSTEMS,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES
MANAGEMENT,

Appellee.

Appeal No. 814

Review of Chief's Order 2009-19

ORDER OF THE COMMISSION DISMISSING APPEAL

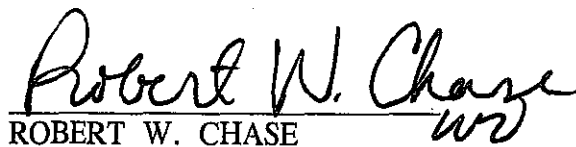
Appearances: John K. Keller, Michael J. Settineri, Counsel for Appellant Ohio Valley Energy Systems; Molly Corey, Megan DeLisi, Dan Martin, Assistant Attorneys General, Counsel for Appellee Division of Mineral Resources Management.

Upon Notice of Withdrawal filed by Appellant, and pursuant to Commission Rule §1509-1-22(E), the Commission hereby **DISMISSES** appeal no. 814.

Date Issued: 3/3/2011

RECUSED
M. HOWARD PETRICOFF, Chairman


JAMES H. CAMERON


ROBERT W. CHASE


KAREN H. FRYER

DISTRIBUTION:

John K. Keller, Michael J. Settineri (Via Fax [614-719-4794] & [614-719-5146] & Regular Mail)
Molly Corey, Megan DeLisi, Dan Martin (Via Fax [614-268-8871] & Inter-Office Mail)

BEFORE THE STATE OF OHIO OIL AND GAS COMMISSION

OHIO VALLEY ENERGY SYSTEMS,)
)
 Appellant,)
)
 vs.)
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 DIVISION OF MINERAL)
 RESOURCES MANAGEMENT,)
)
 Appellee.)

Appeal No. 814

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OIL & GAS COMMISSION

NOTICE OF WITHDRAWAL OF APPEAL

Now comes Appellant, Ohio Valley Energy Systems Corp. ("Appellant"), by and through its undersigned counsel, and hereby gives notice of the withdrawal of its appeal in the above-captioned matter. On February 24, 2011, the Division of Mineral Resources Management issued a Status of Chief's Order - Order Termination ("Order Termination") noting that Order 2009-19 has been resolved and that Order 2009-19 has been terminated. A copy of the Order Termination is attached hereto. To the extent necessary, this notice shall constitute an application by the Appellant to withdraw the appeal pursuant to Commission Rule 1509-1-22(E).

Respectfully submitted,



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Attorneys for Ohio Valley Energy Systems Corp.

CERTIFICATE OF SERVICE

I hereby certify that on March 2, 2010, a copy of the foregoing document was served by U.S. Mail postage prepaid upon:

Molly Corey
Assistant Attorney General
Building D-2
2045 Morse Road
Columbus, Ohio 43229-6693



Michael J. Settineri

STATUS OF CHIEF'S ORDER - ORDER TERMINATION

OPERATOR: Ohio Valley Energy Systems Corp PERMIT NO. 34-055-2-1983-00-00

ORDER NO.: 2009-19 DATE ISSUED: April 16, 2009

ORDER SUBJECT: Replacement of Public Water Supply

THE FOLLOWING ACTION HAS BEEN TAKEN WITH REGARD TO THE ABOVE REFERENCED ORDER BY THE CHIEF:

The Order was hand delivered to:

Person: _____ Title: _____

Date: _____ Time: _____ AM _____ PM

Compliance of The Order cannot be completed within the time frame specified and therefore has been **EXTENDED**.

Extended to: _____ By: _____
Division Representative/Date

The Order **HAS BEEN Resolved** pursuant to R.C. 1509.22(F) by payment and acceptance of compensation to the Bainbridge Township Board of Trustees for the difference between the fair market value of the Township's interest in real property before damage occurred to the water supply and the fair market value after the damage occurred, and therefore the order has been **TERMINATED**.

The Order **HAS NOT** been complied with within the time specified. Further administrative actions may be forthcoming.

The Order has been **MODIFIED**.

The Order has been **VACATED**.

This action has been authorized by: Thomas G. Tugend 02/24/11 *Thomas G. Tugend*
Division Representative/Date

- xc: Columbus
- Inspector Thomas Hill
- Richard Simmers
- Jay Cheslock
- TomTomastik