

**BEFORE THE  
OIL & GAS COMMISSION**

A.W TIPKA OIL & GAS, INC ,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES  
MANAGEMENT,

Appellee.

Appeal No 760

Review of Chief's Order  
2006-76

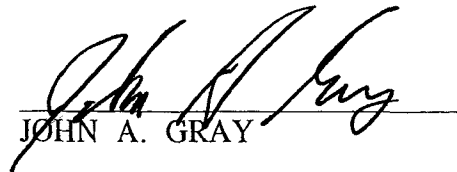
**ORDER OF THE  
COMMISSION DISMISSING  
APPEAL**

Appearances: John K. Keller, W Jonathan Airey, Gregory D. Russell, Michael J. Settineri, Counsel for Appellant A.W Tipka Oil & Gas, Inc., Mark G. Bonaventura, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management.

Upon Notice of Dismissal filed by Appellant, the Commission hereby  
**DISMISSES** appeal no. 760, with prejudice.


Date Issued: 8/28/06

  
WILLIAM J TAYLOR, Chairman

  
JOHN A. GRAY

\_\_\_\_\_  
JAMES H. CAMERON

RECUSED  
\_\_\_\_\_  
M. HOWARD PETRICOFF, Secretary

  
TIMOTHY C. McNUTT

**DISTRIBUTION:**

John K. Keller, W Jonathan Airey, Gregory Russell, Michael J. Settineri (Via Fax: [614-464-6350] & Regular Mail)  
Mark G. Bonaventura (Via Fax: [614-268-8871] & Regular Inter-Office Mail)

BEFORE THE STATE OF OHIO  
OIL AND GAS COMMISSION

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AUG 10 2006

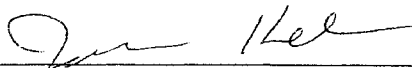
OIL AND GAS  
COMMISSION

In the Matter of the Application of )  
A.W. Tipka Oil and Gas, Inc. for ) Appeal No. 760  
Approval of Gas Well Drilling Permit )  
Nos. 8043, 8044, 8045 and 8046 )  
)

**NOTICE OF DISMISSAL OF APPEAL NO. 760  
FILED BY A.W. TIPKA OIL AND GAS, INC.**

Appellant A.W. Tipka Oil and Gas, Inc. ("Appellant") hereby gives notice of its voluntary withdrawal of this appeal, docketed as Appeal No. 760. Appellant's voluntary dismissal is the result of the Division of Mineral and Resources Management's ("Appellee") Chief's order vacating Order No. 2006-76. Accordingly, as Appellant is voluntarily dismissing Appeal No. 760, Appellee's Motion to Dismiss and Motion for Continuance in Appeal No. 760 filed with the Ohio Oil and Gas Commission (the "Commission") on August 7, 2006 is moot. This dismissal does not affect Appellant's appeal docketed as Appeal No. 761

Respectfully submitted,



VORYS, SATER, SEYMOUR AND PEASE LLP

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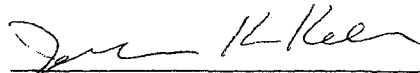
**RECEIVED**

AUG 10 2006

**CERTIFICATE OF SERVICE**

**OIL AND GAS  
COMMISSION**

I hereby certify that on August 9, 2006 a copy of the above Notice Of Dismissal Of Appeal No. 760 was served by certified U.S. mail, postage prepaid, upon Jim Petro, Attorney General of Ohio, c/o Mark G. Bonaventura, Assistant Attorney General, 2045 Morse Rd., Bldg. D-2, Columbus, Ohio 43229-6693 and Mark S. Stemm, Porter, Wright, Morris & Arthur, 41 South High Street, Columbus, Ohio 43215



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John K. Keller

# BEFORE THE OIL & GAS COMMISSION

A.W TIPKA OIL & GAS, INC ,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES  
MANAGEMENT,

Appellee.

Appeal No. 760

Review of Chief's Order  
2006-76

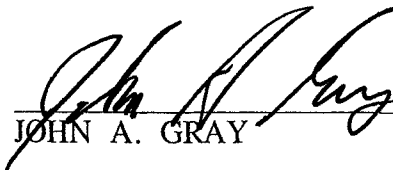
## ORDER OF THE COMMISSION DISMISSING APPEAL

Appearances: John K. Keller, W Jonathan Airey, Gregory D Russell, Michael J Settineri, Counsel for Appellant A.W Tipka Oil & Gas, Inc.; Mark G. Bonaventura, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management.

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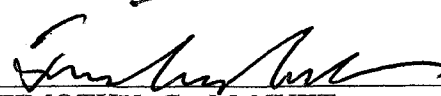
Date Issued: 9/28/06

  
WILLIAM Y TAYLOR, Chairman

  
JOHN A. GRAY

\_\_\_\_\_  
JAMES H. CAMERON

RECUSED  
\_\_\_\_\_  
M. HOWARD PETRICOFF, Secretary

  
TIMOTHY C. McNUTT

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Nos. 8043, 8044, 8045 and 8046 )  
)

OIL AND GAS  
COMMISSION

**NOTICE OF DISMISSAL OF APPEAL NO. 760  
FILED BY A.W. TIPKA OIL AND GAS, INC.**

Appellant A.W. Tipka Oil and Gas, Inc. ("Appellant") hereby gives notice of its voluntary withdrawal of this appeal, docketed as Appeal No. 760. Appellant's voluntary dismissal is the result of the Division of Mineral and Resources Management's ("Appellee") Chief's order vacating Order No. 2006-76. Accordingly, as Appellant is voluntarily dismissing Appeal No. 760, Appellee's Motion to Dismiss and Motion for Continuance in Appeal No. 760 filed with the Ohio Oil and Gas Commission (the "Commission") on August 7, 2006 is moot. This dismissal does not affect Appellant's appeal docketed as Appeal No. 761

Respectfully submitted,



VORYS, SATER, SEYMOUR AND PEASE LLP

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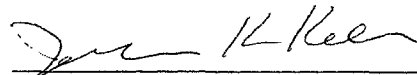
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COMMISSION**

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\_\_\_\_\_  
John K. Keller

September 1, 2006

Representatives of the parties to:

Dalton Smith vs. Division of Mineral Resources Management, #756

John C. Brown vs. Division of Mineral Resources Management, #758

A.W. Tipka Oil & Gas vs. Division of Mineral Resources Management, #760

You have received an Order from the Oil & Gas Commission dismissing your appeal. The Order was incorrectly dated 09/28/06. The correct date should have been 08/28/06. Attached is a corrected order. I apologize for any confusion or inconvenience. If you have questions or concerns, please contact me at 614-262-1269.

Linda Osterman  
Assistant to the Commission Secretary  
Oil & Gas Commission  
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614-262-1306 (fax)  
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**Distribution:**

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John C. Brown  
John K. Keller, W Jonathan Airey, Gregory Russell, Michael J. Settner  
Mark G. Bonaventura