

**BEFORE THE  
OIL & GAS COMMISSION**

TODD & CAROLYN KENNEDY,  
SHAKUNTAKA & DINKAR RAO,

Appellants,

-vs-

DIVISION OF MINERAL RESOURCES  
MANAGEMENT,

Appellee,

and

OHIO VALLEY ENERGY SYSTEMS CORP.,

Intervenor.

Appeal No. 784

Review of Chief's Order 2007-48  
(Ohio Valley Energy Systems)

**ORDER OF THE  
COMMISSION DISMISSING  
APPEAL**

Appearances: Robert J. Karl, Sherry L. Hesselbein, Counsel for Appellants Todd & Carolyn Kennedy, Shakuntaka & Dinkar Rao; Molly Corey, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management; John K. Keller, Michael J. Settineri, Counsel for Intervenor Ohio Valley Energy Systems Corporation.

Upon Notice of Withdrawal filed by Appellants, the Commission hereby

**DISMISSES** appeal no. 784.

Date Issued:

7/29/08

RECUSED

M. HOWARD PETRICOFF, Secretary

  
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JOHN A. GRAY

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

  
\_\_\_\_\_  
TIMOTHY McNUTT

**DISTRIBUTION:**

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Ohio Valley Energy Systems Corp. (Ben Funderburg) (Via Regular Mail)

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**OIL & GAS COMMISSION**

**BEFORE THE OIL & GAS COMMISSION**


TODD & CAROLYN KENNEDY	:	Appeal No. 784
SHAKUNTALA & DINKAR RAO	:	
	:	Review of Chief's Order 2007-48
Appellants,	:	
vs.	:	<b>NOTICE TO WITHDRAW</b>
	:	<b>APPEAL</b>
DIVISION OF MINERAL RESOURCES	:	
MANAGEMENT	:	
	:	
Appellee.	:	

Appellants Todd and Carolyn Kennedy and Shakuntala and Dinkar Rao (collectively, "Appellants") appealed Order No. 2007-48, issued to the Ohio Valley Energy Systems Corporation ("Ohio Valley") by Scott R. Kell, the Chief of the Division of Mineral Resources Management, on September 14, 2007. During the parties' discussion of this matter, Ohio Valley represented to this Commission and the parties that it would be withdrawing its application to install an oil and gas well on the residential property owned by Douglas A. Belknap and Shandra S. Belknap located at 980 Hill Creek Lane, Gates Mills, Ohio, 44040. On or about March 6, 2008, Ohio Valley sent correspondence to the Division of Mineral Resources Management ("Division") of the Ohio Department of Natural Resources requesting the withdrawal of its permit application for mandatory pooling order, thus nullifying Order No. 2007-48.

On or about April 24, 2008, the Division issued a Termination Order vacating Order No. 2007-48. Because Ohio Valley is not installing an oil and gas well on the Belknap's property, Ohio Valley's withdrawal of its permit application and the Division terminated Order No. 2007-48, and because the Appellants will not be pooled into a drilling unit for such well, the Appellants withdraw their Appeal of Order No. 2007-48.

The Appellants respectfully request that the Oil & Gas Commission dismiss the case without prejudice.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to be 'R. Karl', is written over a horizontal line.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on July 14<sup>th</sup>, 2008, a copy of the foregoing

Notice of Withdraw of Appeal was served by U.S. regular mail on the following:

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One of the Attorneys for Appellant