

BEFORE THE OIL & GAS COMMISSION

BERNARD BUSSON,

Appellant,

-vs-

DIVISION OF MINERAL RESOURCES
MANAGEMENT,

Appellee.

Case No. 726

Review of Chief's Issuance of
API Well No. 34-153-2-2930-00-00

ORDER OF THE COMMISSION DISMISSING APPEAL

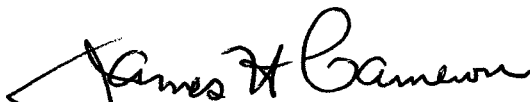
Appearances: David L. Firestine, Counsel for Appellant Bernard Busson; Mark G. Bonaventura, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management; John Keller, Counsel for Interested Party Ohio Valley Energy Systems.

Upon Notice of Withdrawal filed by Appellant, the Commission hereby
DISMISSES appeal no. 726, with prejudice.

Date Issued: October 27, 2003


WILLIAM J TAYLOR, Chairman


JOHN A. GRAY


JAMES H. CAMERON

RECUSED
BENITA KAHN, Secretary


MARILYN ENNIS

DISTRIBUTION:

David L. Firestine
Mark G. Bonaventura
John K. Keller

Witschey & Witschey Co., L.P.A.

Common Wealth Square
300 North Cleveland-Massillon Road
Suite 104
Akron, Ohio 44333

Frank J. Witschey, Esq.
Jeffrey T. Witschey, Esq.
David L. Firestine, Esq.
Kelly A. Molnar, Esq.
Timothy G. Teresczuk, Esq.

Phone 330-665-5117
Fax 330-665-7615
office email: witschey@witscheylaw.com.

VIA FACSIMILE AND REGULAR U.S. MAIL
September 10, 2003

Benita A. Kahn, Esq.
Vorys, Sater, Seymour and Pease LLP
52 East Gay Street
Columbus, Ohio 43215

RECEIVED

SEP 15 2003

OIL AND GAS
COMMISSION

Dear Ms. Kahn:

**Subject: *Bernard Busson v. Division of Mineral Resources Management*
*Appeal No. 726***

I am writing this letter on behalf of my client, Bernard Busson, owner of the real property located at 3030 Round Hill Drive, Akron, Ohio 44333. Insofar as the parties have reached an agreement respecting the subject appeal, Mr. Busson hereby dismisses the appeal requested through my letter dated August 19, 2003. In light of the foregoing, the telephone pre-hearing conference scheduled for September 15, 2003 will no longer be required.

If you have any questions or comments, please do not hesitate to contact me.

Very truly yours,

WITSCHHEY & WITSCHHEY CO., LPA


David L. Firestine

pc: John Keller, Esq.
Bernard Busson
cli.busson.ohiovalley.ltr.oilcommissionappeal-4