

**BEFORE THE  
OIL & GAS COMMISSION**

LORI & ALVIN PERRY,

Appellants,

-vs-

DIVISION OF MINERAL RESOURCES  
MANAGEMENT,

Appellee,

and

OHIO VALLEY ENERGY SYSTEMS,

Intervenor

Appeal No. 738

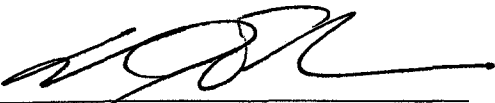
Review of Chief's Order 2004-43  
(Mandatory Pooling Order)

**ORDER OF THE  
COMMISSION DISMISSING  
APPEAL**

Appearances: Lori & Alvin Perry, Appellants *pro se*; Robert Eubanks, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management; John Keller, Counsel for Intervenor Ohio Valley Energy Systems.

Upon voluntary dismissal filed by the Appellants, the Commission hereby  
**DISMISSES** appeal no. 738, with prejudice.

Date Issued: 10/1/04



WILLIAM J. TAYLOR, Chairman



JOHN A. GRAY



JAMES H. CAMERON

RECUSED  
BENITA KAHN, Secretary



MARILYN ENNIS

**DISTRIBUTION:**

Lori & Alvin Perry  
Robert Eubanks  
John Keller

September 28, 2004

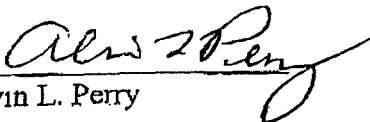
Attention: Linda Wilhelm Osterman  
Oil and Gas Commission  
1952 Belcher Drive  
Building C-2  
Columbus, Ohio 43224

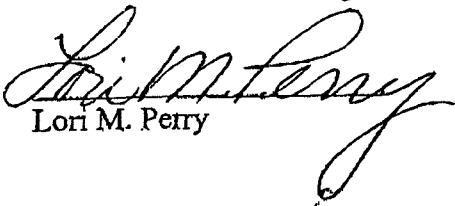
**RECEIVED**  
**SEP 28 2004**  
**OIL AND GAS**  
**COMMISSION**

Re: Appeal No. 738

Dear Ms. Osterman:

We hereby dismiss Appeal No. 738 before the Ohio Oil and Gas Commission.

  
Alvin L. Perry

  
Lori M. Perry

# BEFORE THE OIL & GAS COMMISSION

LORI & ALVIN PERRY,

Appellants,

-vs-

DIVISION OF MINERAL RESOURCES  
MANAGEMENT,

Appellee,

and

OHIO VALLEY ENERGY SYSTEMS,

Intervenor.

Appeal No. 738

Review of Chief's Order 2004-43  
(Mandatory Pooling Order)

**ORDER OF THE  
COMMISSION GRANTING  
INTERVENTION OF  
OHIO VALLEY ENERGY  
SYSTEMS, CORP.**

Appearances: Lori & Alvin Perry, Appellants *pro se*; Robert Eubanks, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management; John Keller, Counsel for Intervenor Ohio Valley Energy Systems.

On June 29, 2004, Appellants Lori & Alvin Perry filed with the Oil & Gas Commission a notice of appeal from Chief's Order 2004-43. This Chief's Order established mandatory pooling for the drilling unit requirements of the well to be known as Zion Methodist Church #1. The permit to drill this well was issued to Ohio Valley Energy Systems, Corp.

On September 8, 2004, Ohio Valley Energy Systems filed a Motion to Intervene into this appeal. Ohio Valley Energy Systems' motion is based upon the fact that Ohio Valley Energy Systems holds the permit, which is the subject of this appeal. Lori & Alvin Perry objected to the intervention of Ohio Valley Energy Systems.

O.R.C. §1509.36 articulates the procedures to be applied in appeals before the Oil & Gas Commission. This statute provides in pertinent part:

Either party to the appeal or any interested person who, pursuant to board rules and regulations has been granted permission to appear, may submit such evidence as the [commission] deems admissible.

(Emphasis added.) The rules of the Oil & Gas Commission also provide, at O.A.C. §1509-1-14:

Any person, partnership, corporation, board or other entity having a pecuniary or proprietary interest directly affected by an appeal is deemed an interested person in such appeal and may appear before the commission in person, or in the event the interested person is a partnership, then by a member of said partnership, or if an interested person is a corporation, then by an officer of said corporation, or if the interested person is a board or other entity, then by a member of said board or entity. In the event a question arises concerning whether a person, partnership, corporation, board or other entity is an interested person in an appeal, the commission may decide whether such person, partnership, corporation, board or other entity is an interested person in such appeal.

(Emphasis added.)

Ohio Valley Energy Systems, as the holder of the permit has a significant, direct and compelling interest in the outcome of this appeal. Clearly, the interests of Ohio Valley Energy Systems could be affected by this litigation.

**WHEREFORE**, the Commission **FINDS** that Ohio Valley Energy Systems has a pecuniary or proprietary interest in the matters to be addressed in appeal #738. Further, the Commission **FINDS** that the participation of Ohio Valley Energy Systems will assist the Commission in a full and fair review of the Chief's Order at issue. Therefore, the Commission hereby **GRANTS** Ohio Valley Energy Systems' Motion to Intervene, and Ohio Valley Energy Systems, Corp. shall be permitted to participate in this proceeding with the full status of a party.

Date Issued: 9/21/04

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WILLIAM J. TAYLOR, Chairman

  
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JAMES H. CAMERON

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JOHN A. GRAY

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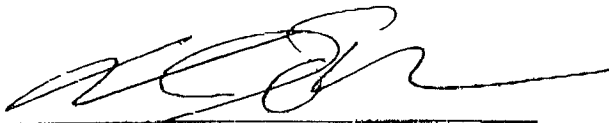
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MARILYN ENNIS

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Lori & Alvin Perry  
Robert Eubanks  
John Keller

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DIVISION OF MINERAL RESOURCES  
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and

OHIO VALLEY ENERGY SYSTEMS,

Intervenor.

Appeal No. 738

Review of Chief's Order 2004-43  
(Mandatory Pooling Order)

**ORDER OF THE  
COMMISSION DENYING  
APPELLANTS' MOTION  
FOR CONTINUANCE**

Appearances: Lori & Alvin Perry, Appellants *pro se*; Robert Eubanks, Assistant Attorney General, Counsel for Appellee Division of Mineral Resources Management; John Keller, Counsel for Intervenor Ohio Valley Energy Systems.

On June 29, 2004, Appellants Lori & Alvin Perry filed with the Oil & Gas Commission a notice of appeal from Chief's Order 2004-43. This Chief's Order established mandatory pooling for the drilling unit requirements of the well to be known as Zion Methodist Church #1. The permit to drill this well was issued to Ohio Valley Energy Systems, Corp. Ohio Valley Energy Systems, Corp. has been **granted** intervenor status in this appeal.

On June 30, 2004, the Commission informed the Perrys by letter that a hearing in their appeal would be held on September 29, 2004. The notice of this date was issued three months in advance of hearing. On September 14, 2004, the Perry requested that the hearing be continued due to scheduling conflicts. On September 15, 2004, Ohio Valley Energy Systems filed a memorandum in opposition to the requested continuance. On September 20, 2004, the Perry replied to the memorandum filed by Ohio Valley Energy Systems.

Lori & Alvin Perry  
Appeal #738

The Commission **FINDS** that the Appellants' request for continuance is not well-taken, and that the hearing should proceed as scheduled on **September 29, 2004**. If the Perrys are unable to attend the September 29, 2004 hearing, the Commission will accept their testimonies by affidavit, and will allow the live testimony of any persons who the Perrys intended to call as witnesses. If requested, the Commission will also arrange for Mr. or Mrs. Perry to participate in the hearing through a conference call, which call may be arranged with the Commission office.

Date Issued: 9/21/04

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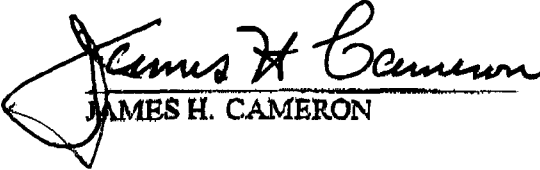
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