

**BEFORE THE
OIL & GAS BOARD OF REVIEW**

TRANSCONTINENTAL OIL & GAS, :

Appeal No. 558

Appellant, :

Review of Chief's Order 94-86

-vs- :

DONALD L. MASON, CHIEF, :
DIVISION OF OIL & GAS, :

ORDER OF THE BOARD
DISMISSING APPEAL

Appellee. :

Upon Notice of Withdrawal filed by Appellant, the Board hereby
DISMISSES appeal no. 558, with prejudice.

Date Issued:

5/23/96


WILLIAM J. TAYLOR, Chairman

recused
BENITA KAHN, Secretary


JAMES H. CAMERON


JOHN A. GRAY


GAIL IGNATZ-HOOVER

DISTRIBUTION:

Susan Baker
Kenneth Gibson
Scott Salsbury
Ronald Kopp
Jeffrey Knoll
Daniel Plumly
Ray Studer

OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL AND GAS BOARD OF REVIEW

BRUCE DOOLITTLE, et al.,)	CASE NO: 94 CV 839
)	
Appellants,)	JUDGE
)	
-vs-)	NOTICE OF WITHDRAWAL
)	OF APPEAL
TRANSCONTINENTAL OIL & GAS,)	
INC., et al.,)	APPEAL NO. 558
)	CHIEF'S ORDER NO. 94-86
Appellees.)	

National City Bank, NE, trustee of the Gillum H. Doolittle trust, withdraws its appeal to the Oil and Gas Board of Review of the Order of the acting chief for the Division of Oil and Gas dated April 20, 1994, a copy of which is attached to the Notice of Appeal.

Respectfully Submitted,

ROETZEL & ANDRESS



Ronald S. Kopp - 0004950
Scott Salsbury - 0039287
75 E. Market Street
Akron, OH 44308
(216) 376-2700
ATTORNEYS FOR APPELLEE
NATIONAL CITY BANK

OIL AND GAS BOARD
OF REVIEW
SEP 06 1994

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by regular U.S. mail this 1 day of September 1994 to:

Kenneth L. Gibson, Esq.
234 Portage Trail
P.O. Box 535
Cuyahoga Falls, OH 44222
Attorney for Appellants

Susan Baker, Esq.
225 North Market Street
Wooster, OH 44691


Bonita Kahn, Secretary
Oil and Gas Board of Review
Vorys, Sater, Seymour and Pease
52 East Gay Street
P.O. Box 1008
Columbus, OH 43216-1008

Ray Studer, Esq.
Assistant Ohio Attorney General
Ohio Department of Natural Resources
Division of Oil and Gas
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Columbus, OH 43224

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P.O. Box 488
Wooster, OH 44691-0488
Attorney for Transcontinental Oil & Gas, Inc. & Cutter
Oil Co.

Jeffrey T. Knoll, Esq.
Leonard W. Stauffenger, Esq.
1512 Ohio Edison Building
75 S. Main Street
Akron, OH 44308

Attorney for Defendants, Jan A. Brandvold, Steven C.
Brandvold, Karen L. Cicirello, Salvatore J. Cicirello,
James V. McCann, Diana S. McCollum, Patrick H. McCollum,
Anthony Olivo, Daniel J. Vargo



Ronald S. Kopp
Scott Salsbury

BEFORE THE OIL AND GAS BOARD OF REVIEW
DIVISION OF OIL AND GAS
STATE OF OHIO

558

**TRANSCONTINENTAL OIL &
GAS, INC.**
173 CENTER ROAD
BEDFORD OH 44146

APPEAL NO.)
Chief's Order 94-86)

CUTTER OIL COMPANY
3680 W PLEASANT HOME ROAD
BURBANK OH 44214

NOTICE OF APPEAL

Appellants

vs.

**DONALD L. MASON, CHIEF
DIVISION OF OIL AND GAS
OHIO DEPARTMENT OF NATURAL
RESOURCES**
4435 FOUNTAIN SQUARE BLDG A
COLUMBUS OH 43224-1387

Appellee

BRUCE DOOLITTLE
211 HAMMETT ROAD
GREER SC 29650

PHILENE ENGEL
3605 FENLEY ROAD
CLEVELAND HEIGHTS OH 44121

Interested Parties)

Now comes Bruce Doolittle and Philene Engel "the interested parties" in the proceedings below and hereby give notice of their appeal to the Oil and Gas Board of Review Pursuant to Ohio R.C. 1509.36 from the Order of the Chief of the Division of Oil and Gas Entered April 20, 1994. This appeal is of a case originally heard by the Oil and Gas Review Board under Appeal No. 510 representing an appeal of the


AUG 18 1995

Chief's Order in 92-216. The decision of the Oil and Gas Board of Review has since been appealed to the Common Pleas Court and is pending therein. It is the intent of this appeal to preserve the issues raised therein and to raise an additional issue specifically related to the Chief's Order and failure to comply with the express directions of the Oil and Gas Board of Review. Specifically, the Board of Review directed that:

"The Chief shall issue a mandatory pooling order in compliance with the recommendations of the TAC effective as of the date of execution by the Chief. Such order shall include the following exception: the sharing of production and adjustment of the original costs of drilling, equipping and completing the Well shall be from the effective date of the mandatory pooling order issued."

The Chief's order fails to include this language and, in fact, includes costs of drilling and expenses incurred substantially before the mandatory pooling order was issued nor was the order signed by the Chief or even the Acting Chief. Because the order fails to comply with the express directives of the Oil and Gas Review Board, the Oil and Gas Review Board should reserve the decision of the Chief and direct him to enter an appropriate order subject to the pending issues in the Franklin County Court of Common Pleas.

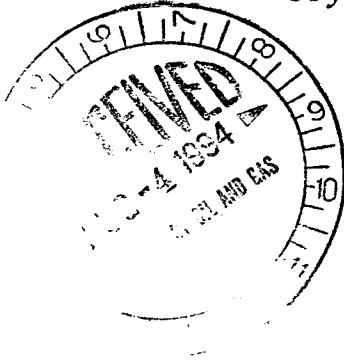
WEICK, GIBSON & LOWRY

By: 
KENNETH L. GIBSON
Attorney for Interested Parties
I.D. #0018885
234 Portage Trail
P.O. Box 535
Cuyahoga Falls, OH 44222
(216) 929-0507

COPY

Vorys, Sater, Seymour and Pease

52 East Gay Street
Post Office Box 1008
Columbus, Ohio 43216-1008



(614) 464-6487

August 2, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Kenneth L. Gibson, Esq.
Weick, Gibson & Lowry
234 Portage Trail
Cuyahoga Falls, Ohio 44221

RE: Chief's Order No. 94-86
Appeal No. 558

Dear Mr. Gibson:

I have received the Notice of Appeal filed by you. The appeal has been docketed as Appeal No. 558. A hearing on this matter probably will be scheduled in late 1994. You will receive at least fifteen (15) days notice of the date set for the hearing.

At the time of the hearing, you should be prepared to submit testimony and evidence upon any and all relevant facts upon which the parties cannot agree. All witnesses and counsel can expect to be asked questions by the Board members.

The appropriate statutes and the Rules of Practice and Procedure of the Oil and Gas Board of Review shall be complied with.

August 2, 1994
Page 2

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The appellant shall be responsible for notifying all interested persons of the date, time and place when the hearing will be held, as set forth in Rules 1509-1-06 and 1509-1-14. Notice to interested persons shall be given by registered or certified mail, return receipt requested, not less than ten (10) days in advance of the hearing unless otherwise determined by the Board of Review, at the hearing, return receipts or other sufficient proof of rendering such notice to all interested persons.

Pursuant to Rule 1509-1-07, a written application for a continuance must be received by the Secretary of the Board no later than five (5) days prior to the hearing date.

A determination shall then be made by the Board to grant the continuance request. An application for a continuance shall not otherwise be considered. The time limits are to be strictly enforced.

If you have any questions regarding procedure, please give me a call at 614-464-6487.

Notice of the exact hearing date, time and place will be mailed to you at a later date.

Very truly yours,

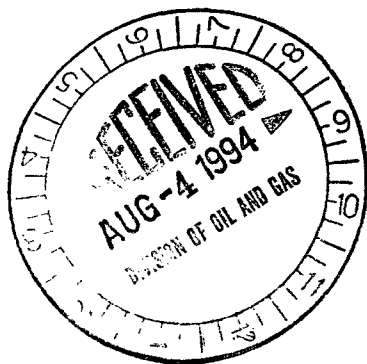
OIL AND GAS BOARD OF REVIEW

Benita Kahn
Secretary

BAK/tla
cc: Mr. Ray Studer

Vorys, Sater, Seymour and Pease

52 East Gay Street
Post Office Box 1008
Columbus, Ohio 43216-1008



(614) 464-6487

August 2, 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Ronald S. Kopp, Esq.
75 E. Market Street
Akron, Ohio 44308

RE: Chief's Order No. 94-86
Appeal No. 558

Dear Mr. Kopp:

I have received the Notice of Appeal filed by you. The appeal has been docketed as Appeal No. 558. A hearing on this matter probably will be scheduled in late 1994. You will receive at least fifteen (15) days notice of the date set for the hearing.

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The appropriate statutes and the Rules of Practice and Procedure of the Oil and Gas Board of Review shall be complied with.

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Very truly yours,

OIL AND GAS BOARD OF REVIEW

Benita Kahn
Secretary

BAK/tla
cc: Mr. Ray Studer

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DIVISION OF OIL AND GAS BOARD OF REVIEW

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Attorney for Appellants

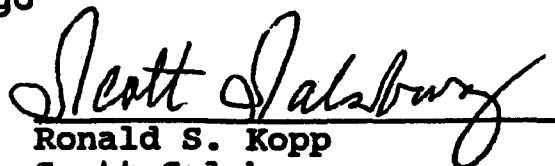
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