

BEFORE THE OIL & GAS COMMISSION

ENERGEX OIL & GAS CORPORATION, ·

Appeal No. 695

Appellant, ·

Review of Chief's Order 2000-68

-vs- ·

DIVISION OF MINERAL RESOURCES ·
MANAGEMENT, :

**ORDER OF THE COMMISSION
DISMISSING APPEAL FOR
FAILURE OF THE APPELLANT
TO APPEAR**

Appellee. :

Date Issued: 5/13/02

BACKGROUND

This matter came before the Oil & Gas Commission upon appeal by Energex Oil & Gas Corporation from Chief's Order 2000-68. This Chief's Order required the plugging or production of a well in Vinton County, Ohio, known as the Venard No. 2 Well.

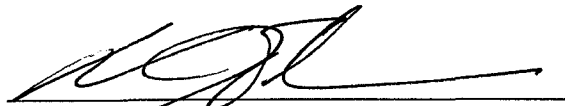
This appeal was set for hearing before the Oil & Gas Commission on April 10, 2002. Notice of the hearing date, location and time was sent to a representative of Energex, and to Energex's legal counsel. Notice of hearing to counsel was sent by Certified Mail and was received by counsel. Notice of hearing was also sent by Certified Mail to Energex. This mailing was returned unclaimed. The notice to Energex was then re-sent by Regular U.S. Mail. Counsel for Energex confirmed that Energex was aware of the scheduled hearing.

This appeal was originally set for hearing on October 25, 2000. Because of indications of possible settlement, the appeal was rescheduled for hearing on the following dates: February 28, 2001, May 30, 2001, August 29, 2001, October 24, 2001, December 12, 2001 and finally on April 10, 2002.

This matter came on for hearing at 9:30 a.m. on April 10, 2002. No representative of Energex appeared for hearing. The Division, citing Edmund Gallenz vs. Division [Oil & Gas Board of Review Appeal #28; Oct. 6, 1982], moved for the dismissal of this appeal for Energex' s failure to appear and prosecute.

ORDER

The Oil & Gas Commission has considered Appellee's Motion to Dismiss. The Commission **FINDS** the Division' s Motion well taken. Therefore, Energex' s appeal of Chief' s Order 2000-68, designated as appeal #695, is hereby **DISMISSED**, with prejudice.



WILLIAM J. TAYLOR, Chairman



JOHN A. GRAY



JAMES H. CAMERON



BENITA KAHN, Secretary



MARILYN ENNIS

Energex Oil & Gas
Appeal #695

INSTRUCTIONS FOR APPEAL

This decision may be appealed to the Court of Common Pleas of Franklin County, within thirty days of your receipt of this Order, in accordance with Ohio Revised Code Section §1509.37.

DISTRIBUTION:

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