

BEFORE THE OIL AND GAS BOARD OF REVIEW

STATE OF OHIO

COMMERCE OPERATING, INC.

Appellant,

v.

Case No. 73

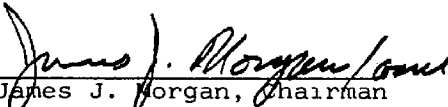
RENEE J. HOUSER,  
CHIEF OF THE DIVISION OF  
OIL AND GAS,

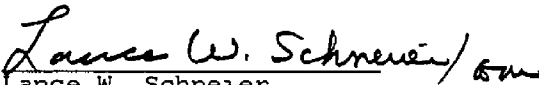
Appellee.

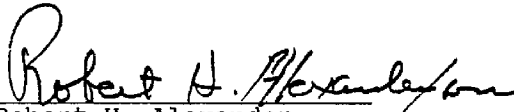
NOTICE OF DISMISSAL

On December 19, 1983 the parties submitted an agreed Settlement Stipulation to this Board. The Board hereby adopts and incorporates that Settlement Stipulation into this Notice and hereby dismisses without prejudice to either party.

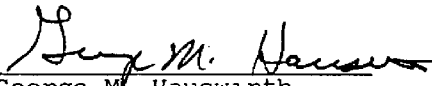
Dated this 18<sup>th</sup> day of January, 1984.

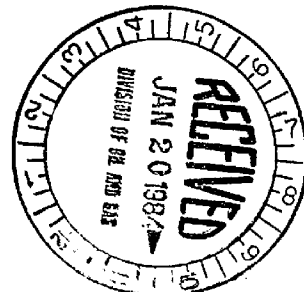
  
James J. Morgan, Chairman

  
Lance W. Schneier

  
Robert H. Alexander

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George M. Hauswirth,  
Secretary



# EMENS, HURD, KEGLER & RITTER

A LEGAL PROFESSIONAL ASSOCIATION

TIMOTHY J. BATTAGLIA  
JACK A. BJERKE  
STEPHEN E. CHAPPELEAR  
J. RICHARD EMENS  
LAWRENCE F. FEHELEY  
JOHN L. GRAY  
ALLEN L. HANDLAN  
EDWARD C. HERTENSTEIN  
THOMAS W. HILL  
DWIGHT I. HURD  
CHARLES J. KEGLER  
JOHN C. McDONALD  
WILLIAM W. MILLIGAN  
PAUL D. RITTER, JR.  
JOHN R. THOMAS  
JOHN B. TINGLEY

250 EAST BROAD STREET  
COLUMBUS, OHIO 43215

TELEPHONE: (614) 221-6527

TELECOPIER: 464-2634

CABLE: LAW EHKR

TELEX: 246671

JOHN I. CADWALLADER  
BEATRICE W. RAKAY  
MELVIN D. WEINSTEIN  
JOHN P. BRODY  
NANCY A. DONALDSON  
KEVIN L. SYKES  
BARBARA A. BELVILLE  
JEANNE WOODRUFF JONES  
DANIEL J. LUX  
MICHAEL J. McNULTY  
JOSEPH M. MILLIOUS  
S. NOEL MELVIN  
COUNSEL

December 19, 1983

George M. Hauswirth, Esq.  
Secretary  
Oil and Gas Board of Review  
37 West Broad Street  
Columbus, Ohio 43215

HAND DELIVERED

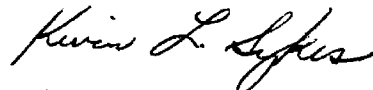
Re: Appeal No. 73

Dear Mr. Hauswirth:

I previously advised you by telephone that the parties to the above-captioned appeal had reached a tentative settlement. This settlement has now been formalized into a Settlement Stipulation, the original and four copies of which are being filed with you this day.

Please note that under Paragraph V of the Settlement Stipulation the parties have requested that Appeal No. 73 be withdrawn, as provided under Rule 1509-1-09 of the Ohio Administrative Code. I would appreciate your notifying both the undersigned and Rebecca Kimball, counsel for Appellee, Renee J. Houser, Chief of the Division of Oil and Gas that such voluntary dismissal is acceptable to the Board of Review, in order that my client and the Division may close their respective files on Appeal No. 73.

Sincerely yours,



Kevin L. Sykes

KLS:jb

Enclosures

cc: Rebecca Kimball, Esq. (w/ copy of enclosure) ✓  
Timothy J. Battaglia, Esq. (w/ copy of enclosure)  
Mr. Gary L. Wahlgren (w/ copy of enclosure)



BEFORE THE OIL AND GAS BOARD OF REVIEW

STATE OF OHIO

COMMERCE OPERATING, INC.	:	
	:	
Appellant,	:	
	:	
v.	:	Case No. 73
	:	
RENEE J. HOUSER,	:	
CHIEF OF THE DIVISION OF	:	
OIL AND GAS,	:	
	:	
Appellee.	:	

SETTLEMENT STIPULATION

On October 12, 1983, Commerce Operating, Inc. ("Appellant") filed a Notice of Appeal with the Oil and Gas Board of Review contesting a plugging and abandonment order issued to Appellant by Renee J. Houser, Chief of the Division of Oil and Gas ("Division"), Department of Natural Resources ("Appellee"). This Order, referred to as Adjudication Order No. 83-69, required Ralph H. Bauman, his successors, assignees, and agents to plug and abandon the Henry-Koleszar Unit No. 1 Well drilled in Southington Township, Trumbull County, Ohio, pursuant to Permit No. 642, which was issued to Ralph H. Bauman by the Division on July 27, 1977. Prior to hearing, and without any determination of any contested

issues of fact or law, Appellant and Appellee have agreed to a settlement of Appeal No. 73 by way of this Settlement Stipulation, the terms of which are as follows:

I.

The Oil and Gas Board of Review has jurisdiction over the subject matter and the parties to Appeal No. 73.

II.

The provisions of this Settlement Stipulation shall apply to and be binding upon the parties to this appeal, their officers, directors, agents, servants, employees, assigns or successors and to all persons, firms, corporations, or other entities having notice of this Settlement Stipulation and acting in concert or in privity with the parties to this appeal.

III.

Without admitting any interest in or responsibility for the plugging and abandonment of the Henry-Koleszar Unit No. 1 Well, Appellant has agreed to plug and abandon such Well in accordance with the terms and provisions of this Settlement Stipulation.

IV.

Appellant and Appellee agree that Appellant shall plug and abandon the Henry-Koleszar Unit No. 1 Well by cementing same to the surface from a depth sufficient to reach the top of the salt formation, or from such lesser depth as Appellee, through its Oil and Gas Well Inspector, and Appellant shall in good faith determine to be appropriate to effectuate the purposes of Section 1501:9-11-03, Ohio Administrative Code. Appellant and Appellee further agree that Appellant shall notify the Oil and Gas Well Inspector when plugging operations will commence in sufficient time to enable said Inspector to be present, in accordance with Section 1501:9-11-04, Ohio Administrative Code, and that Appellant will complete such plugging and abandonment procedures, as well as the restoration of any land surfaces disturbed thereby, no later than June 30, 1984.

V.

Appellant and Appellee hereby request, pursuant to Section 1509-1-09, Ohio Administrative Code, that Appeal No. 73 be withdrawn without prejudice to either party.

VI.

This Settlement Stipulation shall not be construed as an acknowledgment of any error or any liability on the part of either party and is executed solely in settlement of Appeal No. 73.

Respectfully submitted,

ANTHONY J. CELEBREEZE  
Attorney General Of Ohio

December 16, 1983

Date

By: Rebecca Kimball

REBECCA KIMBALL  
Assistant Attorney General

Attorney for Appellee,  
Renee J. Houser, Chief of the  
Division of Oil and Gas

12/12/83  
Date

By: Timothy J. Battaglia

TIMOTHY J. BATTAGLIA  
EMENS, HURD, KEGLER & RITTER  
A Legal Professional Association  
250 East Broad Street  
Columbus, Ohio 43215

Attorney for Appellant,  
Commerce Operating, Inc.

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