

OIL AND GAS BOARD OF REVIEW

DIVISION OF OIL & GAS

DEPARTMENT OF NATURAL RESOURCES, STATE OF OHIO

COSHOCTON PIPE COMPANY  
6685 Doubletree Avenue  
Columbus, Ohio 43229

APPEAL NOS. 344 and 353

Appellants

vs.

J. MICHAEL BIDDISON, CHIEF  
Division of Oil & Gas  
Ohio Department of Natural Resources  
Fountain Square, Columbus Ohio 43224

Appellee

Appearances:

For Appellant: Mr. Jeffrey C. House, Esq.  
Arter & Hadden  
One Columbus  
10 West Broad Street  
Columbus, OH 43215

For Appellee: Anthony J. Celebrezze, Jr.  
Attorney General  
By: Laura Steffee, Esq.  
Assist. Attorney General  
Building A  
Fountain Square  
Columbus, OH 43224

### ENTRY

This matter came on for hearing before the Oil and Gas Board of Review on March 13, 1990 at the Department of Natural Resources, Building E Conference Room, Fountain Square, Columbus, Ohio pursuant to a timely Notice of Appeal filed by the Appellant. The appeal was taken from the Order of the Chief, Division of Oil and Gas, #89-16, dated February 24, 1989, and from Order No. 89-335, dated April 14, 1989. Both orders required the owner, Coshocton Pipe, to plug the specific wells cited in the order and to restore the premises. The appeals were combined in the hearing before the Board because they involved essentially the same issues. Counsel for the Appellant stipulated the correctness of the findings of the Chief in the referenced orders as to the condition of the wells.

### ISSUES

The question in this appeal is whether the Chief of the Division of Oil and Gas lawfully and reasonably issues to plug said wells, where as here, the owner is in Federal Court pursuant to the laws of bankruptcy, and where the plugging of the wells would constitute an act to exercise control over the bankruptcy estate, where it is alleged that in fact there was no harm resulting from the continued existence of the wells in their present condition and where it is alleged the order is vague?

### DISCUSSION

The thrust of the appeal of the two orders is that the enforcement of the orders would constitute the destruction of the bankruptcy estate which is contrary to the federal bankruptcy law. Counsel for the Appellee, Chief of the Division of Oil and Gas argues, however, that there is an exception to such provisions where, as here, the Chief is enforcing a valid law of the State.

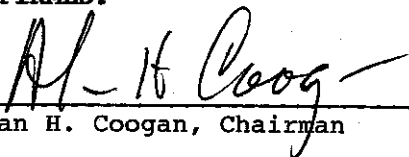
Thus, the sole question is one involving a conflict of laws.

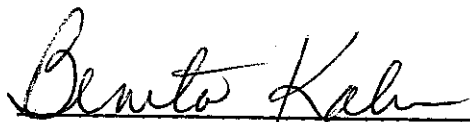
FINDINGS OF FACT AND CONCLUSIONS OF LAW


Based on the stipulations and arguments of counsel, the Board finds that the appeal is not based on a question of the lawfulness or reasonableness of the actions of the Chief, Division of Oil and Gas under Chapter 1509 of the Ohio Revised Code. Rather, the appeal is based on the contention that the Chief is prohibited from acting by virtue of the provisions of federal bankruptcy law, or otherwise.

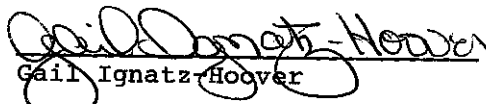
This issue has been considered by the Board in a similar appeal, to wit Gem Energy. The Board finds that the facts are not in dispute and that the Board has no authority to decide conflicts of law questions.

Therefore, the Board of Oil and Gas Review finds the Orders of the Chief, Nos. 89-16 and 89-335 to have been lawful and reasonable and the Board **ORDERS**, that Appeal 344 and 353 are hereby **DISMISSED**, and that the Adjudication Order No. 89-16 and 89-335 are hereby **AFFIRMED**.

  
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Alan H. Coogan, Chairman

  
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Benita Kahn

  
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Robert H. Alexander, Secretary

  
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Gail Ignatz-Hoover  
**ABSTAIN**  
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William G. Williams