

BEFORE THE CORPORATION COMMISSION
OF THE STATE OF OKLAHOMA

FILED
MAR 07 2012

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CORPORATION COMMISSION
OF OKLAHOMA

APPLICANT: RONAL AND MARGUERITE)
McMURTREY JOINT)
REVOCABLE TRUST, DWIGHT)
WESSELS, CAROL WARD,)
JOHN & MARLYN KEIFFER)
TRUST, AND RUTH MATHIS)

RELIEF SOUGHT: DRILLING AND SPACING)
UNITS)

CAUSE CD NO.
201105586

LEGAL DESCRIPTION: SECTION 3, TOWNSHIP 26)
NORTH, RANGE 12 WEST,)
ALFALFA COUNTY,)
OKLAHOMA)

APPLICANT: CHESAPEAKE OPERATING,)
INC. AND CHESAPEAKE)
EXPLORATION, L.L.C.)

RELIEF SOUGHT: SPACING)

CAUSE CD NO.
201106723

LEGAL DESCRIPTION: SECTION 3, TOWNSHIP 26)
NORTH, RANGE 12 WEST OF)
THE IM, ALFALFA COUNTY,)
OKLAHOMA)

CORRECTED REPORT OF THE OIL AND GAS APPELLATE
REFEREE ON
AN ORAL APPEAL OF A MOTION TO PRODUCE

This Motion came on for hearing before **Susan R. Osburn**, Administrative Law Judge for the Oklahoma Corporation Commission, at 9 a.m. on the 22nd day of February, 2012, in the Commission's Courtroom, Jim Thorpe Building, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the

rules of the Commission for purpose of taking testimony and reporting to the Commission.

APPEARANCES: **Richard K. Books**, and **Emily P. Smith**, attorneys, appeared for Chesapeake Operating, Inc. and Chesapeake Exploration, L.L.C. ("Chesapeake"); **Gregory L. Mahaffey**, attorney, appeared for The Keiffer Living Trust dated May 27, 1993; Vera Ruth Mathis, The McMurtrey Joint Revocable Trust dated May 28, 1994; Carol Ward, Trustee of the Russell O. and Loren Rauh Family Trust; and The Wessels Living Trust dated May 21, 1999 (collectively "Movants"); **Richard A. Grimes**, attorney, appeared for Kirkpatrick Oil & Gas, LLC ("Kirkpatrick"); and **Jim Hamilton**, Assistant General Counsel for the Conservation Division, filed notice of appearance.

The Administrative Law Judge ("ALJ") issued her Oral Ruling on the Motion to Produce to which Oral Exceptions were timely lodged and proper notice given of the setting of the Exceptions.

The Appellate argument concerning the Oral Exceptions was referred to **Patricia D. MacGuigan**, Oil and Gas Appellate Referee ("Referee"), on the 2nd day of March, 2012. After considering the arguments of counsel and the record contained within these Causes, the Referee finds as follows:

The Referee filed her Report of the Oil and Gas Appellate Referee on the 6th day of March, 2012.

CORRECTION

The Referee issues this Corrected report to modify the first paragraph on page 3 under the Report of the Administrative Law Judge. Presently, in the original Report it reads:

(1) **ALJ SUSAN OSBURN** recommended denying the Movants Motion to Produce. Request #4 in Movant's Motion to Produce was: "All well logs, including but not limited to, neutron-density, sonic or acoustic, electric resistivity, micro logs, computer processed logs and mud logs." Said documents requested to be produced were what the Commission would normally consider "proprietary information" and the ALJ recommended denial of the confidential data.

This portion should be corrected to read:

(1) **ALJ SUSAN OSBURN** recommended denying the Movants Motion to Produce. Request #4 in Movant's Motion to Produce was: "All well logs, including but not limited to, neutron-density, sonic or acoustic, electric resistivity, micro logs, computer processed logs and mud logs."

In all other matters the Report should remain the same.

RESPECTFULLY SUBMITTED THIS 7th day of March, 2012.


PATRICIA D. MACGUIGAN
OIL & GAS APPELLATE REFEREE

PM:ac

xc: Commissioner Murphy
Commissioner Anthony
Commissioner Douglas
Jim Hamilton
ALJ Susan R. Osburn
Richard K. Books
Emily P. Smith
Gregory L. Mahaffey
Richard A. Grimes
Office of General Counsel
Michael L. Decker, OAP Director
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