

**DECISION SHEET OF THE OIL & GAS APPELLATE REFEREE**

**APPLICANT:** EQUAL ENERGY US INC. )  
)  
**RELIEF SOUGHT:** WELL LOCATION EXCEPTION )  
PARK CITY #3-32H )  
)  
**LEGAL DESCRIPTION:** SECTION 32, TOWNSHIP 14 )  
NORTH, RANGE 5 EAST, )  
LINCOLN COUNTY, )  
OKLAHOMA )

CAUSE CD NO.  
201403107

**FILED**  
OCT 09 2014

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OF OKLAHOMA

**ORAL APPEAL OF THE ADMINISTRATIVE LAW JUDGE'S  
RULING ON A MOTION TO CONTINUE**

**Michael Porter**, Administrative Law Judge, for Corporation Commission of the State of Oklahoma, heard the above motion on the 3<sup>rd</sup> day of October, 2014, at 9 a.m. 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 J. Gore**, attorney, appeared on behalf of applicant, Equal Energy US, Inc. ("Equal"); and **John E. Lee, III**, attorney, appeared on behalf of Montclair Energy, LLC ("Montclair").

The Oral arguments on the Oral Appeal/Exceptions were referred to **Patricia D. MacGuigan**, Oil and Gas Appellate Referee ("Referee"), on the 3<sup>rd</sup> day of October, 2014. After considering the arguments of counsel and the record contained within this Cause, the Referee finds as follows:

**REPORT OF THE ADMINISTRATIVE LAW JUDGE**

- 1) **ALJ Michael Porter** recommended granting Montclair's Motion to Continue the merit hearing to October 29, 2014.

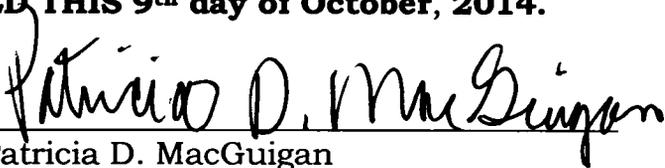
After listening to the arguments of counsel, as well as the testimony given by Jeanine Green, it was the ALJ's decision that he would recommend this matter be continued until October 29, 2014 on the basis that Ms. Green testified that she was the Manager of the Oklahoma City office and the principals of the company she works for, Montclair, are in Alabama and unable, for physical and health reasons, to travel to Oklahoma. Her testimony was such that she needed to be at the hearing to observe the proceedings and the trial. The ALJ felt that Ms. Green needed to be at the contested hearing as a corporate representative of the company. If she wasn't present then there would be a lack of due process to the protesting party that she represents. Ms. Green has a surgical operation scheduled on Thursday, October 9. Ms. Green's doctors have notified her that she is required to come in for the pre-opt procedures on Wednesday, October 8, 2014, the day of the protested hearing.

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- 1) The Referee finds the ALJ should be affirmed.
- 2) The Manager of Montclair's Oklahoma City Offices, Jeanine Green's testimony was as follows. Her pre-opt procedure requires her to come in at a certain time and then she could be there for a long period of time. Equal has three wells in Section 32. The proposed well will be their third or fourth well so they will not be losing reserves. No one will be harmed by a three week continuance. One of the owners in Alabama is elderly and does not travel by air as he is in need of a hip and knee replacement. The other owner was in a bad motorcycle accident, is effectively a quadriplegic and is wheelchair bound. He is in rehab and unable to get around. Therefore Ms. Green is the only corporate representative that is available. The testimony at the trial will not only be engineering testimony but also land testimony as to the royalty owner interest and land interest owned. The mineral ownership, the adverse affect or the nonadverse affect on mineral owners and working interest partners may want to be considered by the Commission and that testimony will be presented for Montclair by Ms. Green. Ms. Green, after the surgery, will not be able to come to work for two weeks. She believes that by the 29<sup>th</sup> of October she will be available. On that date, the 29<sup>th</sup>, the protest hearing would be heard as this case is #3 on the list.
- 3) The determination of whether to grant a Motion to Continue in a case pending before the Commission is discretionary. There is no abuse of discretion shown on the part of the ALJ in his recommendation. Equal could not show any prejudice caused by reason of the two week delay involved in granting the continuance.

4) It seems reasonable to the Referee to allow a short continuance for the above stated reasons and thus the ALJ's recommendation should be affirmed.

**RESPECTFULLY SUBMITTED THIS 9<sup>th</sup> day of October, 2014.**

  
Patricia D. MacGuigan  
OIL & GAS APPELLATE REFEREE

PM:ac

xc: Commissioner Anthony  
Commissioner Douglas  
Commissioner Murphy  
Deputy General Counsel for Deliberations  
John E. Lee, III  
Richard J. Gore  
ALJ Michael Porter  
Michael L. Decker, OAP Director  
Oil-Law Records