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BEFORE THE CORPORATION COMMISSION
OF THE STATE OF OKLAHOMA

FILED
AUG 16 2006

COURT CLERK'S OFFICE - OKC
CORPORATION COMMISSION
OF OKLAHOMA

APPLICANT: MEWBOURNE OIL COMPANY

RELIEF SOUGHT: POOLING) CAUSE CD NO. 200604826
)
LEGAL DESCRIPTION: SECTION 1, TOWNSHIP 20)
NORTH, RANGE 24 WEST,)
ELLIS COUNTY, OKLAHOMA)

MOTION TO SET APPEAL AND FOR EXPEDITED APPELLATE PROCESS
AND ENTRY OF FINAL ORDER

COMES NOW Optima Oil & Gas Company and respectfully moves the Commission for an Order setting argument on the Appeal to the recommendation of the Administrative Law Judge on two post-Order Motions filed in this cause, for an expedited Appellate process and the entry of an expedited Order on the Merits of said Motions, and in support would state:

1. On August 9, 2006, Optima Oil & Gas Company filed a Motion to Stay Issuance of Order and to Reopen this Cause for the taking of additional evidence which Motion was set before the Administrative Law Judge on the Motion and Emergency Docket of the Oklahoma Corporation Commission for August 14, 2006. On the date that this Motion was filed no Order had issued in this matter.

2. On August 10, 2006, the Commission entered Order No. 528230 despite the request of Optima Oil & Gas Company that it be stricken from the signing agenda and not be entered by the Commission, but to await the final disposition of the Motion.

3. On August 10, 2006, Optima Oil & Gas Company filed a Motion to Vacate Order No. 528230 which was set before the Administrative Law Judge on the Motion and Emergency Docket on August 15, 2006.

4. The entry of Order No. 528230 rendered the Motion to Stay Issuance of Order previously filed *moot*.

5. On August 14, 2006, the parties presented evidence and argued the Motion to Reopen before Michael Decker, Administrative Law Judge who took the Motion under advisement.

6. On August 15, 2006, evidence was presented and argument made before Michael Decker, Administrative Law Judge on the Motion to Vacate Order No. 528230 who, after the close of the record, recommended on the record that both the Motion to Reopen and the Motion to Vacate Order No. 528230 be sustained and granted; that Order No. 528230 be vacated in its entirety and that this matter be reopened and remanded to the Administrative Law Judge who initially heard the case for the taking of additional evidence as a protested case and processed in accordance with accepted and established Oklahoma Corporation Commission procedures for contested matters.

7. On August 15, 2006, after the Administrative Law Judge issued his recommendation to the Commission, counsel for Mewbourne Oil Company announced notice of an Oral Appeal to such recommendation.

8. Administrative Law Judge Michael Decker is not available on Wednesday, August 16, 2006, and Randolph Specht, Oil & Gas Appellate Referee is not available on Thursday or Friday, August 17th and 18th, 2006.

**THIS MOTION IS SET FOR HEARING
ON MONDAY, AUGUST 21ST, 2006.**

9. Order No. 528230 is a Pooling Order with a 15-day election period, 11 days of which will have expired on Monday, August 21, 2006.

10. Given the status of these Motions; the fact that no date for argument of the announced Appeal has been set and the fact that the time period for election is running requires the Commission to immediately set the Appeal for Argument with an expedited Appellate process and the entry of a decision and Order on the issues raised by both Motions as quickly as possible.

WHEREFORE, premises considered, Optima Oil & Gas Company respectfully requests the Commission to issue an Order setting the Appeal to these matters as quickly as possible with an expedited Appellate process and thereafter entering a final Order prior to the running of the 15-day election period under Order No. 528230.

Respectfully submitted,

MORICOLI, MATULA, SCHOYANEC & HICKMAN

By 

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ATTORNEYS FOR OPTIMA OIL & GAS COMPANY

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the above and foregoing Motion to Set Appeal and for Expedited Appellate Process and Entry of Final Order and Notice Setting Motion has been mailed, this 16th day of August, 2006, to the parties set out below, at their respective mailing addresses shown, to-wit:

Mr. Michael Porter
Administrative Law Judge
Oklahoma Corporation Commission
Jim Thorpe Building
Oklahoma City, OK 73105

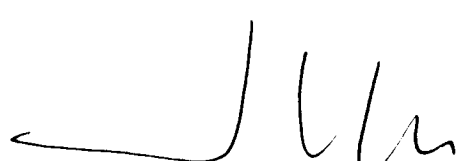
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