

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

APPLICANT: MEWBOURNE OIL)
COMPANY)
RELIEF SOUGHT: POOLING)
LAND COVERED: SECTION 1, TOWNSHIP 20)
NORTH, RANGE 24 WEST,)
ELLIS COUNTY,)
OKLAHOMA)

FILED
JUL 26 2017
CD 200604826
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CORPORATION COMMISSION
OF OKLAHOMA

REPORT OF THE ADMINISTRATIVE LAW JUDGE ON:

MEWBOURNE OIL COMPANY'S MOTION TO DISMISS THE MOTION TO REOPEN TO DETERMINE SANCTIONS AND RESTITUTION ARISING FROM APPLICANT'S ADJUDICATED MISCONDUCT FILED ON BEHALF OF OPTIMA OIL & GAS COMPANY, L.L.C.

DATE AND LOCATION:

July 21, 2017, Jim Thorpe Building, Courtroom 'F', 2101 N. Lincoln Blvd., Oklahoma City, OK.

ATTORNEY FOR APPLICANT/MOVANT:

Mr. Richard A. Grimes.

ATTORNEY FOR PROTESTANT:

Andrew J. Waldron and Russell J. Walker.

COURT REPORTER:

Ms. Susie Dennis

MOTION SUMMARY: The above-mentioned Cause was opened before Judge Andrew Dunn on July 21, 2017, for the purpose of hearing the following;

Mewbourne Oil Company's (hereinafter "Mewbourne") Motion to Dismiss the Motion to Reopen to Determine Sanctions and Restitution Arising from Applicant's adjudicated Misconduct Filed on Behalf of Optima Oil and Gas Company, LLC. (hereinafter "Optima").¹

REPORT ON ORAL RECOMMENDATION:

1. Synopsis: Mewbourne's Motion seeks to dismiss Optima's Motion to Reopen CD No. 200604826.

¹ Note: Optima filed a Motion to Reopen CD 200604826. Mewbourne has filed a Motion to Dismiss Optima's Motion to Reopen.

2. Relevant Rule: OAC 165:5-9-5. Joinder and consolidation of parties and proceedings. (Emphasis added).

(a) An application may join two or more separate requests for relief or Commission action, or may request two or more types of action or relief in the alternative. An application relating to oil and gas conservation or pollution shall seek only one type of relief.

(b) A complaint may join two or more grounds of complaint, whether or not arising out of the same transaction, but each separate action complained of shall be separately stated and numbered.

(c) Two or more complainants may join in one complaint if their respective complaints are against the same person or persons and involve substantially the same subject matter and grounds.

(d) The Commission or Administrative Law Judge may consolidate two or more causes for hearing where such action would be just.

(e) Upon motion of a person, or upon its own motion, with or without notice, the Commission may order a person to be joined as a party of record and to appear in a proceeding. The movant shall cause a copy of such order to be served by regular mail, facsimile, electronic mail or in person upon such party of record.

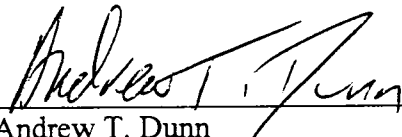
(f) Upon motion of a person, or upon its own motion with or without notice, the Commission may order a proceeding dismissed as to one or more parties of record.

[Source: Amended at 27 Ok Reg 2098, eff 7-11-10]

3. The ALJ withheld his decision on Mewbourne’s Motion to Dismiss with Optima’s Motion to Reopen CD No. 200604826 until hearing Optima’s Motion to Reopen, consolidating both motions. The ALJ recommended that the parties agree upon a date to set Optima’s Motion to Reopen and that the present motion be heard and continued until that date.

4. The ALJ believes that this decision will aid in the full development of the record and provide each party a full opportunity to present its arguments on whether the Commission must reopen the cause to apportion relief. Additionally, the ALJ based his recommendation on the belief that Optima’s Motion to Reopen will cover much of the same material as Mewbourne’s Motion to Dismiss. Finally, the ALJ made his oral recommendation to consolidate Mewbourne’s Motion to Dismiss with Optima’s Motion to Reopen CD No. 200604826 under OAC 165:5-9-5(d), which provides that; “The Commission or Administrative Law Judge may consolidate two or more causes for hearing where such action would be just.” For the aforementioned reasons, the ALJ finds that this “action is just” because it will limit the possibility of hearing redundant motions.

RESPECTFULLY SUBMITTED THIS 26 day of July 2017.



Andrew T. Dunn
Administrative Law Judge

cc:

Richard A. Grimes, Esq. Russell J. Walker, Esq. Andrew J. Waldron, Esq.	Commissioner Dana Murphy, Esq. Commissioner J. Todd Hiatt Commissioner Bob Anthony James Myles, Esq. Elizabeth Cates, Esq. Matt Mullins, Esq.	Director Maribeth Snapp, Esq. ALJ Mary Candler, Esq. ALJ Patricia MacGuigan, Esq. Office of General Counsel Court Clerks Oil Law Records Commission Files
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