

VIRGINIA DEPARTMENT OF MINES, MINERALS AND ENERGY

VIRGINIA GAS AND OIL BOARD HEARING

Tuesday, September 15, 2015

Lebanon, Virginia

BOARD MEMBERS:

Bruce Prather—Public Member

Donnie Ratliff—Coal Industry Representative

Donnie Rife— Public Member

Mary Quillen—Public Member

Rita Surratt— Public Member

APPEARANCES:

Mary Quillen—Chairman of the Virginia Gas & Oil Board

Rick Cooper—Director of the Division of Gas & Oil and
Principal Executive to the Staff of the Board

Paul Kugelman, Jr.—Senior Assistant Attorney General

Sarah Gilmer—Staff Member of the Division of Gas & Oil

Sally Ketron—Staff Member of the Division of Gas & Oil

Prepared by: Joanna Boyd

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Mary Quillen: It's now after 9:00 but the meeting will come to order and I will ask the Board Members to introduce themselves.

Rita Surratt: I'm Rita Surratt, public representative from Dickenson County.

Paul Kugelman, Jr.: Paul Kugelman, with the Attorney General's Office.

Mary Quillen: Mary Quillen, public member. Acting Chair today in the absence of Chairman Lambert

Donnie Rife: Donnie Rife, Dickenson County.

Bruce Prather: Bruce Prather, I represent the Oil & Gas Industry on the board

Mary Quillen: If you have electronic devices, please put them on vibrate.

Item Number 1

Rick Cooper: No public comments.

Item Number 2

Mary Quillen: No public comments. Ok. We'll go to the second item on the agenda. A petition from CNX Gas Company, LLC, for disbursement of escrow funds deposited with the boards escrow's agent attributing to Tract 2C. As depicted upon the annexed Table and authorization to begin private paying royalties directly to the Harrison-Wyatt LLC, Betty Johnson McClanahan, Helen Johnson Faulkner, Blanche Johnson Dale, Agnes Johnson Bartee, Douglas W. Johnson, Phyllis Johnson Durland, Kathryn Johnson Webb, Lorene Coleman Lester, Peter Jacobson, John Arms, Ruby Arms Jenkins, Ella Mae Compton Deel, Lottie Jean Mullins. This is Unit BB8. Docket Number VGOB 90-1010-0033-08. Those wishing to speak to this item, please come forward.

Mark Swartz: Mark Swartz and Heidi Dilworth.

Sarah Gilmer: Anita, do you swear and affirm that your testimony is the truth, the whole truth and nothing but the truth?

Anita Duty: Yes.

Mark Swartz: Anita, would you state your name for us, please?

Anita Duty: Anita Duty.

1 **Mark Swartz:** Who do you work for?

2 **Anita Duty:** CNX Land, LLC.

3 **Mark Swartz:** And we're hear with regard to Unit BB8 requesting or petitioning for a
4 disbursement of the escrow account. Correct?

5 **Anita Duty:** Yes.

6 **Mark Swartz:** And what tract does that pertain to?

7 **Anita Duty:** Tract 2C.

8 **Mark Swartz:** OK. And will the escrow account be required to be maintained or continue in
9 existence after this disbursement or these disbursements?

10 **Anita Duty:** Yes.

11 **Mark Swartz:** Ok. And one of the reasons for that will be that we still lack quite a few W-9's
12 and you have identified that in your acceptance, correct?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** The reason for the request for a disbursement today or reasons or what?

15 **Anita Duty:** The...hold on, let me find my page.

16 **Mark Swartz:** Ok.

17 **Anita Duty:** This is all due to...a portion is the royalty's agreement and then another portion is
18 the house bill.

19 **Mark Swartz:** Ok. So there are actually two reasons. One is we have a 50/50 split agreement
20 involving some of the people that are going to be receiving disbursements, correct?

21 **Anita Duty:** Yes.

22 **Mark Swartz:** And then we have oil and gas owners who are going to be receiving
23 disbursements because of the change in the law that occurred or became effective July 1, correct?

24 **Anita Duty:** Yes.

25 **Mark Swartz:** And have you provided, in your application, your certificates with regard to
26 notice to everyone, and also your certificates, with regard to notice to the coal owner?

27 **Anita Duty:** Yes.

1 **Mark Swartz:** And, obviously you've lodged those with, well, have you lodged those online
2 with the Division of Gas and Oil?

3 **Anita Duty:** I have.

4 **Mark Swartz:** And they're in the application that the board has in front of them?

5 **Anita Duty:** Yes.

6 **Mark Swartz:** Ok. It looks like, when I was reviewing, it looks like there's a type in paragraph
7 5G of the application. So if you go down to the last, go ahead and find it. You see it? The
8 Virginia Code further provides the operator shall pay such royalties as may hereafter be payable
9 directly to the Gas claimant, and we should cross out CNX Gas Company, LLC and not escrow,
10 you've got it in there twice. Do you see that?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** Ok, but with that correction then that reads appropriately, correct?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** And to the extent that we are making some disbursements here, we do want to be
15 able to pay those people directly in the future?

16 **Anita Duty:** We do.

17 **Mark Swartz:** Let's look at then at Table 1. Is this a list of the folks that are to receive
18 disbursements the escrow account?

19 **Anita Duty:** Yes.

20 **Mark Swartz:** Ok. And it only pertains to Tract 2C?

21 **Anita Duty:** It does.

22 **Mark Swartz:** And have you identified each person who is to receive a check by name and
23 provided their address?

24 **Anita Duty:** Yes.

25 **Mark Swartz:** And in addition, if we look over to the second column, from the right, there's a
26 column with percentages, correct?

27 **Anita Duty:** Yes.

28 **Mark Swartz:** And are those the percentages that the escrow agent should use in calculating the
29 dollar amount of the check to be issued to each one of these folks?

1 **Anita Duty:** It is.

2 **Mark Swartz:** And that percentage should be applied to the escrow balance on hand at the time
3 of the disbursement?

4 **Anita Duty:** Yes.

5 **Mark Swartz:** So if between the preparation of this exhibit and the disbursement, additional
6 money comes in, then that percentage will account for that?

7 **Anita Duty:** Yes.

8 **Mark Swartz:** From today, though, you would request permission to not make any more
9 deposits with regards to these people?

10 **Anita Duty:** Yes.

11 **Mark Swartz:** Have you identified the wells that have paid money into the escrow account for
12 this unit?

13 **Anita Duty:** its BB8 and BB8A.

14 **Mark Swartz:** Have you provided us with Exhibit E that identifies the people whose money is
15 going to remain in escrow, pending receipt of their W-9's?

16 **Anita Duty:** Yes.

17 **Mark Swartz:** Have you provided us with an Exhibit E?

18 **Anita Duty:** Yes.

19 **Mark Swartz:** On that, have you given us a history of people who have split agreements and
20 who have received money in the past and are in direct pay at this point and also given us an
21 indication of the status of the folks who are going to receive payments today?

22 **Anita Duty:** Yes.

23 **Mark Swartz:** And the reason, for example, if we look at Page 10, there is a whole list of folks
24 and under their percentage you've got HB2058, and those are folks that are receiving payments
25 because of the new law.

26 **Anita Duty:** It is.

27 **Mark Swartz:** Lastly, have you provided an Exhibit J?

28 **Anita Duty:** Yes.

29 **Mark Swartz:** That starts at Page 24 of the pdf and, the page I'm interested in is, well, actually,
30 let's start with that. This Exhibit J was prepared through a date, I assume?

1 **Anita Duty:** Yes. May 31, 2015.

2 **Mark Swartz:** Did you identify all payments that the operator had made into the account,
3 royalty payments, and then compare those to the bank deposits?

4 **Anita Duty:** Yes.

5 **Mark Swartz:** And when you did that, were you able to locate a deposit for every check you
6 paid?

7 **Anita Duty:** We were.

8 **Mark Swartz:** Then, did you account for previous disbursements and the banks current balance
9 and try to determine what difference, if any, there was between the historical accounting and the
10 current balance?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** And what is the difference?

13 **Anita Duty:** \$889.86

14 **Mark Swartz:** And actually, the bank has more in that amount?

15 **Anita Duty:** Yes.

16 **Mark Swartz:** Which, presumably, as in the old days, when there was actually a decent rate of
17 return, this accounts been around for a while, the income has exceeded the cost?

18 **Anita Duty:** Yes.

19 **Mark Swartz:** That's probably the explanation.

20 **Anita Duty:** Most likely.

21 **Mark Swartz:** Ok. There is a dismissal of Harrison-Wyatt, LLC and, of course, we've talked
22 about that and you've given them notice and you've listed them as being dismissed?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** That's all I have.

25 **Mary Quillen:** Questions from the board?

26 **Bruce Prather:** Are these people that made the 50/50 split agreement. Is that 50/50 split
27 agreement going to continue throughout the contract or will the coal company quit getting their
28 50% on these 50/50 agreements?

1 **Mark Swartz:** As a lawyer, if I were representing Harrison-Wyatt, I mean, you're asking me
2 kind of a hypothetical question, but I would think they made a contract and they've been
3 receiving money for a long time without spending money on litigation. My opinion would be, as
4 a lawyer that they are bound by their contract and it would continue, but you know, I don't
5 represent those people and I don't represent Harrison-Wyatt either.

6 **Anita Duty:** Well, and I think I probably misspoke on those. Those are actually CBM deeds, so
7 they actually deed 50 percent of their interest, so those are actually deeds instead of just
8 agreements.

9 **Bruce Prather:** They went with the 50/50 contract?

10 **Anita Duty:** Yes. Harrison-Wyatt also does deeds.

11 **Bruce Prather:** That makes a big difference.

12 **Anita Duty:** Yes.

13 **Bruce Prather:** I was wondering if that was something arbitrarily done by the law and we don't
14 have a deed with the thing. Looks to me like these people would have recourse against the coal
15 company.

16 **Mark Swartz:** I'm sure, life being what it is, there will be litigation.

17 **Mary Quillen:** I noticed on several of these there are some 50/50 and those are the ones with
18 the deeds.

19 **Mark Swartz:** Harrison, as far as I know, correct me if I'm wrong, but Harrison-Wyatt has
20 always done a deed to split the interest on a 50/50 basis and that company I think is the only
21 situation that has used deeds as opposed to a contract to split the personal property revenue
22 stream. I think the only coal owner we're dealing with today is Harrison-Wyatt?

23 **Anita Duty:** It is.

24 **Mark Swartz:** So every one of the cases today on the docket is going to involve a deed but
25 we're going to be here at times with 50/50 split agreements that are contracts. My opinion would
26 be the same on that as a lawyer sitting here today being asked a hypothetical opinion, but I bet
27 there will be some litigation on that.

28 **Bruce Prather:** That's kind of what I was thinking about.

29 **Marek Swartz:** Right.

30 **Mary Quillen:** Thank you. Any other questions? Do I have a motion to approve?

31 **Donnie Rife:** Motion made for approval, Miss Chair.

1 **Bruce Prather:** Second.

2 **Mary Quillen:** We have a motion and a second. All those in favor of approval, say yes.

3 **Board:** Yes.

4 **Mary Quillen:** Opposed, no. [No response]. We have motion to carry.

5 **Item Number 3**

6 **Mary Quillen:** Next item on the agenda, No. 3 is a petition from CNX Gas Company, LLC, for
7 distribution of escrowed funds deposited with the Board's Escrow Agent, attributable to Tract 2,
8 as depicted upon the annexed table; and authorization to begin paying royalties directly to the
9 parties to the prevailing plaintiff Carson D. Austin. The Unit involved BE-101. Docket Number
10 VGOB 02 -0618-1032-01. Those wishing to speak to this item, please come forward.

11 **Mark Swartz:** Mark Swartz and Anita Duty.

12 **Mark Swartz:** Anita, would you state your name for us, please?

13 **Anita Duty:** Anita Duty.

14 **Mark Swartz:** Let me remind you that you are still under oath.

15 **Anita Duty:** Yes.

16 **Mark Swartz.:** Who do you work for?

17 **Anita Duty:** CNX Land, LLC.

18 **Mark Swartz:** And you are here representing the operator with regard to a petition requesting a
19 disbursement, correct?

20 **Anita Duty:** Yes.

21 **Mark Swartz:** Pertaining to BE-101?

22 **Anita Duty:** Yes.

23 **Mark Swartz:** And what tract?

24 **Anita Duty:** Tract 2.

25 **Mark Swartz:** And if the motion or petition is granted, are we still going to need to maintain
26 this escrow account for the time being?

27 **Anita Duty:** Yes.

1 **Mark Swartz:** Ok, and it's a partial disbursement?

2 **Anita Duty:** It is.

3 **Mark Swartz:** And the reason for the disbursement request here is a Circuit Court decision,
4 correct?

5 **Anita Duty:** Yes.

6 **Mark Swartz:** In favor of Mr. Austin?

7 **Anita Duty:** Yes.

8 **Mark Swartz:** And you have prepared an exhibit for a Table 1 showing that he is to receive 100
9 percent interest as a result of the decision, right?

10 **Anita Duty:** Yes.

11 **Mark Swartz:** But that the payment out of escrow to Mr. Austin, would actually be 98.9142%
12 of the balance in the escrow account at the time the payment is made?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** Because there is some other money that needs to be accounted for that is going
15 to remain in escrow?

16 **Anita Duty:** Yes, there is another tract.

17 **Mark Swartz:** Okay. And you have provided the escrow agent not only with Mr. Austin's
18 name, but also his address?

19 **Anita Duty:** Yes.

20 **Mark Swartz:** The wells contributing to this escrow account, where?

21 **Anita Duty:** BE-101 and BE-101A.

22 **Mark Swartz:** Okay. And you have provided the Board with your notices?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** And you have filed those on the DGO website?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** Okay. You have provided in Exhibit E with regard to funds remaining in
27 escrow?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** And you have provided, sort of a historical Exhibit EE, with regard to prior
3 transactions out of this account, if any, and the current transaction?

4 **Anita Duty:** Yes.

5 **Mark Swartz:** Okay. We are going to want to dismiss Harrison-Wyatt as a respondent?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** And you gave them notice and got no response?

8 **Anita Duty:** We did get a response.

9 **Mark Swartz:** Oh, you did. Okay.

10 **Anita Duty:** He usually sends letters but he just makes us aware of royalty agreements he has
11 within the unit.

12 **Mark Swartz:** Okay.

13 **Anita Duty:** It doesn't apply to that tract.

14 **Mark Swartz:** Okay. So there was no objection?

15 **Anita Duty:** No objection, yes. Sorry.

16 **Mark Swartz:** I'm looking for Table J. Okay. Here we go. Recap is at Page 15 of the pdf. This
17 accounting was through what date?

18 **Anita Duty:** May 31, 2015.

19 **Mark Swartz:** Did you identify in doing this accounting, did you undertake to identify all
20 royalty checks that were issued by the operator with regard to this unit to the escrow agent?

21 **Anita Duty:** Yes.

22 **Mark Swartz:** Did you go looking for a corresponding deposit for each one of those?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** Did you find one?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** Okay, and when you compared what you paid in to the current balance, what
27 was the difference, if any?

1 **Anita Duty:** Well, we did have an adjustment that had to be made, a transfer, that was posted to
2 the account incorrectly, but it was corrected.

3 **Mark Swartz:** Okay.

4 **Anita Duty:** And then, once that was completed, there was a difference of \$5.35.

5 **Mark Swartz:** Okay, so there was money that found its way into this account that should have
6 gone somewhere else?

7 **Anita Duty:** Right. Yes.

8 **Mark Swartz:** Okay, and then when you got that squared away, the difference was \$5.35 and
9 that was actually the account was \$5.35 greater than what your numbers for what went in?

10 **Anita Duty:** Yes.

11 **Mark Swartz:** Okay. I think that's all I have Mr. Chairman...Ms. Chairman. Sorry.

12 **Mary Quillen:** Any questions from the Board?

13 **Donnie Rife:** I think you got it right, I think it was Mr. Chairman.

14 **Mary Quillen:** No questions from the Board? Do I hear a motion?

15 **Donnie Rife:** Motion made for approval, Mrs. Chair. [Second] We have a motion and a second.
16 All those in favor respond by saying yes.

17 **Board:** Yes.

18 **Mary Quillen:** Opposed. No. [No response]. Okay, motion carried. You have the petition
19 approved.

20 **Item Number 4**

21 **Mary Quillen:** Next item on the agenda...petition from CNX Gas Company, LLC, for
22 reimbursement of funds incorrectly deposited in unit BA100, to CNX Gas Company, LLC, the
23 disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent,
24 attributable to Tract 1E, as depicted upon the annexed table; and authorization to begin paying
25 royalties directly to the parties per House Bill 2058; Shirley J. Hess, and this is Unit BA100.
26 Docket Number VGOB 03-0916-1189-03. All those wishing to speak to this item, please come
27 forward.

28 **Mark Swartz:** Mark Swartz and Anita Duty.

29 **Mary Quillen:** You may proceed.

1 **Mark Swartz:** Would you state your name for us, please?

2 **Anita Duty:** Anita Duty.

3 **Mark Swartz:** Are you still under oath?

4 **Anita Duty:** Yes.

5 **Mark Swartz:** Who do you work for?

6 **Anita Duty:** CNX Land, LLC.

7 **Mark Swartz:** And, are you here representing that company with regard to this petition for
8 disbursement?

9 **Anita Duty:** Yes.

10 **Mark Swartz:** And the unit involved is BA-100?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** And it's from Tract 1E?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** Is it going to zero out the escrow account or will the account need to be
15 maintained?

16 **Anita Duty:** It will close.

17 **Mark Swartz:** Okay. And the reason for the relief here is what?

18 **Anita Duty:** Am I on the wrong unit?

19 **Mark Swartz:** BA-100. You got it. Okay.

20 **Anita Duty:** Okay.

21 **Mark Swartz:** The reason for the request for disbursements, or reasons, or what?

22 **Anita Duty:** The change in the law and we also have...we're asking for a refund due to an over-
23 payment.

24 **Mark Swartz:** Okay. So basically, we are looking for a refund, which occasionally we are
25 requesting, but the reason for the disbursement to an owner in the unit is the impact of the House
26 Bill...and it is a request that the Board disbursed to a gas and oil owner and dismissed a coal
27 owner, correct?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** And, once again, the coal owner is Harrison-Wyatt?

3 **Anita Duty:** It is.

4 **Mark Swartz:** And have you provided the board with copies of the notices that you sent out and
5 then filed on the DGO website?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** Okay, and with regard to the refund, is the refund a percentage that is to be paid
8 out or a specific dollar amount?

9 **Anita Duty:** A specific dollar amount.

10 **Mark Swartz:** Okay. What is the dollar amount that should be paid out of the escrow account?

11 **Anita Duty:** \$39,463.21

12 **Mark Swartz:** Okay, and that's Table 1 attached to your application or petition, correct?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** Okay. And should the escrow agent make that payment before using a
15 percentage to calculate the next payment?

16 **Anita Duty:** Yes.

17 **Mark Swartz:** Okay. So the \$39,463.21 should go to CNX first and then Table 2 gives the
18 escrow agent instructions to pay Shirley J. Hess, correct?

19 **Anita Duty:** Yes.

20 **Mark Swartz:** Provides her address?

21 **Anita Duty:** Yes.

22 **Mark Swartz:** And provides the...where's the...

23 **Anita Duty:** She gets the rest. The remainder.

24 **Mark Swartz:** She gets 100%...okay.

25 **Anita Duty:** Of what's left and then the account can be closed?

26 **Anita Duty:** Yes.

27 **Mark Swartz:** Okay. And, I think that's it.

1 **Mary Quillen:** And Shirley Hess is based on the percentage not that dollar amount that's
2 showing on our table.

3 **Mark Swartz:** Correct. She gets 100% of what's left. So, and based on this accounting, it's
4 roughly \$31,000, roughly, but it will be more, probably.

5 **Mary Quillen:** Any questions from the board?

6 **Bruce Prather:** I assume that new law is totally in effect now, isn't it?

7 **Mary Quillen:** Yes. As of July 1. Any other questions from the board? [No response] Do I hear
8 a motion for approval?

9 **Donnie Rife:** Motion made for approval, Ms. Chair.

10 **Bruce Prather:** Second.

11 **Mary Quillen:** We have a motion and a second. All those in favor respond by saying yes.

12 **Board:** Yes.

13 **Mary Quillen:** Opposed, no. [No response]. Motion is approved.

14 **Item Number 5**

15 **Mary Quillen:** Next item on the agenda is Number 5, a petition from CNX, LLC, the
16 distribution of escrowed funds heretofore deposited with the Board's Escrow Agent, attributable
17 to Tract 1B, as depicted upon the annexed table; and authorization to begin paying royalties
18 directly to the parties to the client Carson D. Austin. Unit BG-98. Docket Number VGOB 06-
19 0919-1714-01. All those wishing to speak on this item, please come forward.

20 **Mark Swartz:** Mark Swartz and Anita Duty.

21 **Mary Quillen:** You may proceed Mr. Swartz.

22 **Mark Swartz:** Okay. Anita, would you state your name for us, please?

23 **Anita Duty:** Anita Duty.

24 **Mark Swartz:** You're still under oath?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** Who do you work for?

27 **Anita Duty:** CNX Land, LLC.

1 **Mark Swartz:** And are you here on behalf of that company with regard to this petition?

2 **Anita Duty:** Yes.

3 **Mark Swartz:** This petition concerns which unit?

4 **Anita Duty:** BG-98.

5 **Mark Swartz:** Okay. And the reason for the disbursement request or reasons, or what?

6 **Anita Duty:** Court decision.

7 **Mark Swartz:** Okay. If favor of Carson D. Austin?

8 **Anita Duty:** Yes.

9 **Mark Swartz:** Okay. And have you provided the board with a Table 1 again?

10 **Anita Duty:** Yes.

11 **Mark Swartz:** That shows...gives Mr. Austin's name and his address, correct?

12 **Anita Duty:** Yes.

13 **Mark Swartz:** And it indicates...gives instructions to the escrow agent with regard to
14 calculating the amount due Mr. Austin, when the check is made?

15 **Anita Duty:** Yes.

16 **Mark Swartz:** And what percentage should the escrow agent apply to the escrow account when
17 it calculates the amount?

18 **Anita Duty:** 56.1126%.

19 **Mark Swartz:** Okay. And that will...using that percentage to calculate a dollar amount the
20 escrow agent will then make the check to Carson Austin and mail it to him, correct?

21 **Anita Duty:** Yes.

22 **Mark Swartz:** Will there be money remaining in escrow?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** And the escrow account will need to be maintained past that date?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** And you've provided an Exhibit E that deals with the folks who have claims
27 against the escrow account going forward?

1 **Anita Duty:** I have.

2 **Mark Swartz:** And you've also updated Exhibit EE?

3 **Anita Duty:** Yes.

4 **Mark Swartz:** And we are dismissing a respondent based on the court decision, I take it?

5 **Anita Duty:** Yes.

6 **Mark Swartz:** And you have identified that respondent, as well?

7 **Anita Duty:** Yes.

8 **Mark Swartz:** Harrison-Wyatt?

9 **Anita Duty:** Yes.

10 **Mark Swartz:** Okay. Did you do an account reconciliation?

11 **Anita Duty:** Yes, as of May 31, 2015.

12 **Mark Swartz:** Okay, and that's your Exhibit J?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** And the...did you identify all royalty checks that the operator had issued to the
15 escrow agent?

16 **Anita Duty:** Yes.

17 **Mark Swartz:** And did you then find a deposit for each one of those?

18 **Anita Duty:** We did.

19 **Mark Swartz:** Okay, and when you compared what you paid in to what is currently on deposit,
20 what was the difference, if any?

21 **Anita Duty:** No difference. Zero.

22 **Mark Swartz:** You provided a copy of the court decision?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** That's all I have, Madam Chair.

25 **Anita Duty:** Well, I do want to put on record that we do know that Shea Cook represents them
26 but he didn't provide us anything telling us to direct payments to him...so. I just want to make
27 sure that was clear. I mean, I do know that he represents him, but...

1 **Mary Quillen:** Okay, so that he, Mr. Austin, the check will be written to Mr. Austin and mailed
2 directly to Mr. Austin?

3 **Anita Duty:** Yes.

4 **Mark Swartz:** We have nothing that we have been able to file to the contrary and that's true of
5 some other ones that we previously talked about this morning, as well. We don't have direction
6 to make a payment to anyone else.

7 **Mary Quillen:** Okay. Very good. Any other questions for Mr. Swartz or for Anita from the
8 board? [No response]. No questions. Do I have a motion?

9 **Donnie Rife:** Motion made for approval, Ms. Chair.

10 **Bruce Prather:** Second.

11 **Mary Quillen:** We have a motion and a second. All those in favor respond by saying yes.

12 **Board:** Yes.

13 **Mary Quillen:** Opposed, no. [No response] Motion is granted. The petition is granted.

14 **Mark Swartz:** Thank you.

15 **Item Number 6**

16 **Mary Quillen:** Next item on the agenda, Number 6, a petition from CNX Gas Company, LLC,
17 the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent,
18 attributable to Tract 1, as depicted upon the annexed table; and authorization to begin paying
19 royalties directly to Harrison-Wyatt LLC, Helen Johnson Faulkner, Blanche Johnson, Agnes
20 Johnson Bartee, Douglas Johnson, Phyllis Durland, Lorene Coleman Lester, Peter Jacobson,
21 John Arms, Ruby Arms Jenkins, Ella Mae Compton Deel, Lottie Jean Mullins. Unit BB9.
22 Docket Number VGOB 08-0520-2223-01. Those wishing to speak to this item, please come
23 forward.

24 **Mark Swartz:** Mark Swartz and Anita Duty.

25 **Mary Quillen:** You may proceed, Mr. Swartz.

26 **Mark Swartz:** Okay. Anita, state your name for us, please.

27 **Anita Duty:** Anita Duty.

28 **Mark Swartz:** You're still under oath?

29 **Anita Duty:** Yes.

1 **Mark Swartz:** Who do you work for?

2 **Anita Duty:** CNX Land, LLC.

3 **Mark Swartz:** And are you here on behalf of that company with regard to this petition?

4 **Anita Duty:** Yes.

5 **Mark Swartz:** The petition involves Unit BB-9?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** And the tract that it pertains to is Tract 1?

8 **Anita Duty:** Yes.

9 **Mark Swartz:** And if and when this disbursement occurs, will it zero out the escrow account or
10 will it need to be maintained?

11 **Anita Duty:** It will need to be maintained.

12 **Mark Swartz:** Okay. And the reasons for this request are the same as we saw, with regard to
13 Docket Item 2 today, I think?

14 **Anita Duty:** It is.

15 **Mark Swartz:** Okay. And we have the same typo at Paragraph 5G, where we need to strike
16 CNX Gas Co., LLC, after gas claimant.

17 **Anita Duty:** Okay.

18 **Mark Swartz:** Okay. And so basically, we have a situation where we have 50/50 deeds,
19 involving Harrison-Wyatt, and then we also have the application of the House Bill?

20 **Anita Duty:** Yes.

21 **Mark Swartz:** Okay. And have you prepared a table that identifies who receives 50/50
22 payments and who receives 100% payments, as gas owners?

23 **Anita Duty:** We have.

24 **Mark Swartz:** Okay. And that's Table 1?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** And on Table 1, with regard to Tract 1, have you identified by name, each
27 person who should receive a disbursement?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** And have you provided, as far as you know, their current address?

3 **Anita Duty:** Yes.

4 **Mark Swartz:** And then, lastly, have you given the escrow agent the percentage that it should
5 use when it is cutting the checks to these people?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** And that percentage appears in the column second from the right?

8 **Anita Duty:** It does.

9 **Mark Swartz:** And you have given a number for each recipient?

10 **Anita Duty:** Yes.

11 **Mark Swartz:** Okay. The wells contributing to this account?

12 **Anita Duty:** BB-9A.

13 **Mark Swartz:** Have you provided an updated Exhibit 3, with regard to continued escrow? I'm
14 sorry, Exhibit E, with regard to continued escrow?

15 **Anita Duty:** Yes.

16 **Mark Swartz:** Okay, and have you updated Exhibit EE to show any historical transactions and
17 the current transactions?

18 **Anita Duty:** Yes.

19 **Mark Swartz:** Okay. Did you provide notice to the coal owner?

20 **Anita Duty:** We did.

21 **Mark Swartz:** And to the other...to the people who are receiving disbursements?

22 **Anita Duty:** Yes.

23 **Mark Swartz:** And have you provided...is that part of the package that we have, that the board
24 should have in front of them and also part of what you filed online with the DGO?

25 **Anita Duty:** Yes.

26 **Mark Swartz:** Okay. And Table or Exhibit J was completed as of what date?

27 **Anita Duty:** May 31, 2015.

1 **Mark Swartz:** And in doing that did you located all the royalty checks that you sent to the
2 escrow agent?

3 **Anita Duty:** Yes.

4 **Mark Swartz:** And, then did you look for a deposit for each one?

5 **Anita Duty:** We did.

6 **Mark Swartz:** And when you did that, you found them?

7 **Anita Duty:** We did.

8 **Mark Swartz:** Okay, and then what difference, if any, is there between what went in and what
9 is currently on hand?

10 **Anita Duty:** No difference.

11 **Mark Swartz:** Okay. You are requesting that the board dismiss Harrison-Wyatt, LLC as a
12 respondent?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** That's all I have.

15 **Mary Quillen:** Any questions from the Board?

16 **Bruce Prather:** Is this a partial...

17 **Mark Swartz:** Partial.

18 **Mary Quillen:** Other questions? [No response] Do I have a motion for approval?

19 **Donnie Rife:** Motion for approval, Ms. Chair.

20 **Bruce Prather:** Second.

21 **Mary Quillen:** I have a motion and a second. All those in favor respond by saying yes.

22 **Board:** Yes.

23 **Mary Quillen:** No? Opposed? [No response] Motion is approved.

24 **Mark Swartz:** Thank you.

1 **Item Number 7**

2 **Mary Quillen:** A petition from CNX Gas Company, LLC, for reimbursement of funds
3 incorrectly deposited with the Board's Escrow Agent, attributable to Unit AY109, to CNX Gas
4 Company, LLC. Docket Number VGOB 11-0517-2941-01. Those wishing to speak to this item,
5 please come forward.

6 **Mark Swartz:** Mark Swartz and Anita Duty.

7 **Mary Quillen:** You may proceed.

8 **Mark Swartz:** Thank you. Anita, state your name for us, please.

9 **Anita Duty:** Anita Duty.

10 **Mark Swartz:** Who do you work for?

11 **Anita Duty:** CNX Land, LLC.

12 **Mark Swartz:** Are you here on behalf of that company in regard to this petition?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** And you recall that you're still under oath, right?

15 **Anita Duty:** Yes.

16 **Mark Swartz:** Okay. And what has transpired here that makes it appropriate to get a refund,
17 essentially?

18 **Anita Duty:** October 24, 2014, we...there was an order executed to vacate...well, it was a
19 vacated order for AY109, and at that time, there were funds that remained in escrow and this is
20 just kind of a clean up to a...a refund of the deposit.

21 **Mark Swartz:** Okay, with that in English [I'm sorry] to put that in English, this unit was
22 pooled.

23 **Anita Duty:** It was.

24 **Mark Swartz:** And then it became a voluntary unit so we didn't need a pooling order.

25 **Anita Duty:** Yes.

26 **Mark Swartz:** And we vacated the pooling order?

27 **Anita Duty:** Yes.

1 **Mark Swartz:** And when we did that, there was money in escrow that needs to go to the people
2 that are in the voluntary unit?

3 **Anita Duty:** Yes.

4 **Mark Swartz:** And that's why we're asking for this?

5 **Anita Duty:** Yes.

6 **Mark Swartz:** Okay.

7 **Mary Quillen:** And will this close this out, this account, or does it need removed?

8 **Anita Duty:** No, it will close. The orders vacated. We no longer need any board action related
9 to this unit

10 **Mark Swartz:** Okay.

11 **Anita Duty:** We previously brought it to the attention of Mr. Cooper and between, I think,
12 between you and, it would be Mr. Kugelman, decided we needed to bring it before the board and
13 just take care of it.

14 **Mark Swartz:** Yeah, because we're pulling money out of escrow, so it just makes sense to...

15 **Anita Duty:** Just in our review of going through all these units, we found that this one was still
16 remaining.

17 **Mary Quillen:** Continue?

18 **Mark Swartz:** That's it.

19 **Mary Quillen:** Any questions from the Board?

20 **Paul Kugelman:** I'm shocked. If you're her lawyer and you're shocked...

21 **Mark Swartz:** I am...totally.

22 **Donnie Rife:** That's not good.

23 **Anita Duty:** He's just kidding.

24 **Mary Quillen:** There are no other questions...Do I have a motion?

25 **Donnie Rife:** Motion made for approval, Miss Chair.

26 **Bruce Prather:** Second.

27 **Mary Quillen:** We have a motion and a second. All those in favor respond by say yes.

1 **Board:** Yes.

2 **Mary Quillen:** Opposed, no. [No response]. Motion carries. You have approval.

3 **Mark Swartz:** Thank you.

4 **Item Number 8**

5 **Mary Quillen:** A petition from CNX Gas Company, LLC, for Pooling and Dismissal of coal
6 claimants as conflicting for Unit K1. Docket Number VGOB 15-0915-4074. Those wishing to
7 speak to this item please come forward.

8 **Mark Swartz:** Mark Swartz and Anita Duty.

9 **Mary Quillen:** You may continue.

10 **Mark Swartz:** Thank you. Anita, state your name for us.

11 **Anita Duty:** Anita Duty.

12 **Mark Swartz:** You're still under oath, right?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** Who do you work for?

15 **Anita Duty:** CNX Land, LLC.

16 **Mark Swartz:** And are you there...are you here on behalf of that company with regard to this
17 application?

18 **Anita Duty:** Yes.

19 **Mark Swartz:** And, this is actually a pooling application?

20 **Anita Duty:** It is.

21 **Mark Swartz:** And since this unit has not been pooled before, we're not seeking to dismiss coal
22 claimants, correct?

23 **Anita Duty:** We are not.

24 **Mark Swartz:** So to the extent that it says that at 8, that's not something we're here to do?

25 **Anita Duty:** Correct

26 **Mark Swartz:** We are only pooling oil and gas people?

27 **Anita Duty:** Yes.

1 **Paul Kugelman, Jr.:** Okay, so that's going to be...petition should be amended to reflect that
2 that's what happened?

3 **Mark Swartz:** Well, the petition doesn't say that. I don't know how it got into the description of
4 the docket.

5 **Paul Kugelman, Jr.:** Perhaps, Mr. Cooper could help us with that.

6 **Anita Duty:** You should ignore that part. But it's there so I wanted to comment on it. I
7 appreciate that.

8 **Mark Swartz:** So this is a from-scratch pooling after the new law was passed, so we are only
9 pooling gas and oil people because of the terms of the new law.

10 **Paul Kugelman, Jr.:** Right, under B. Got it. Thank you, because that caught my attention.

11 **Mark Swartz:** Okay. Anita, the, since...get into some of the predicates for the pooling, but
12 since you filed this, or after you filed this application, have there been some more leases
13 obtained?

14 **Anita Duty:** Yes.

15 **Mark Swartz:** Okay, and have you, let's look at the list of folks here, okay, if we go to
16 Paragraph 7 we have looks like five people were going to be respondents, correct?

17 **Anita Duty:** Yes.

18 **Mark Swartz:** Would you tell the Board, or identify for the Board, the people that we have
19 subsequently, after filing this application, obtain leases from?

20 **Anita Duty:** They have leased Carol Welch, Mark Welch, Al Remke and Margarete White.

21 **Mark Swartz:** Okay, so the only person we need to pool in this unit, that we don't have an
22 agreement from or with is George B. Harris, Jr., at this point?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** Okay, and so we can dismiss, Carol Welch, Mark Welch, Alfred Remke and
25 Margaret White as respondents as this point?

26 **Anita Duty:** Yes.

27 **Mark Swartz:** Okay...

28 **Anita Duty:** And I believe we've uploaded a revised...an Exhibit B2 and a revised B3.

29 **Mark Swartz:** And Exhibit B2 would pertain to the dismissals?

1 **Anita Duty:** Yes.

2 **Mark Swartz:** And B3 is the list of people that you're...?

3 **Anita Duty:** Yes.

4 **Mark Swartz:** Which is now down to one?

5 **Anita Duty:** It is.

6 **Mark Swartz:** Okay. Now, in general, since this is a pooling application we need some
7 different predicate testimony, the operator here is, would be, the proposed operator would be
8 what company?

9 **Anita Duty:** CNX Gas.

10 **Mark Swartz:** Okay. And the applicant is also CNX Gas, correct?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** Is CNX Gas, Company, LLC a Virginia Limited Liability company?

13 **Anita Duty:** Yes.

14 **Mark Swartz:** Is it authorized to do business in the Commonwealth?

15 **Anita Duty:** It is.

16 **Mark Swartz:** It is registered with DMME and the DGO?

17 **Anita Duty:** Yes.

18 **Mark Swartz:** Does it have a blanket bond on file?

19 **Anita Duty:** It does.

20 **Mark Swartz:** Okay. And with regard to...this unit is in what field?

21 **Anita Duty:** Being, Oakwood.

22 **Mark Swartz:** Okay, and how many well are we talking about?

23 **Anita Duty:** Two.

24 **Mark Swartz:** Okay, and have you provided the Board with cost estimates with regard to both
25 of those wells?

26 **Anita Duty:** Yes.

1 **Mark Swartz:** And the estimates are what?

2 **Anita Duty:** For K1, \$329,660. K1A, \$334,660.

3 **Mark Swartz:** And there are Deed of Ease with regard to both of those wells in this package?

4 **Anita Duty:** Yes.

5 **Mark Swartz:** What did you do to notify, now we're down to the one respondent. What did you
6 do to notify the respondent, and others, that we would have a hearing today?

7 **Anita Duty:** Mailed by Certified Mail, Return Receipt Requested on August 12, 2015;
8 published the Notice and Location Map in the Bluefield Daily Telegraph, on August 18, 2015.

9 **Mark Swartz:** And you've provided that information to the DGO that's on their system and it
10 should be in the packet that the Board has?

11 **Anita Duty:** Yes.

12 **Mark Swartz:** Okay. Do you want...we talked about dismissals today, do you want to add
13 anybody, besides the one remaining respondent that we talked about earlier?

14 **Anita Duty:** No.

15 **Mark Swartz:** Okay, so the list...the respondent list is correct at this point in time?

16 **Anita Duty:** Yes.

17 **Mark Swartz:** Okay. And, as we stated earlier, you are only seeking to pool or focusing on oil
18 and gas claimants, not coal claimants, correct?

19 **Anita Duty:** Correct.

20 **Mark Swartz:** Okay. Have you provided a Plat Map?

21 **Anita Duty:** I have.

22 **Mark Swartz:** And it demonstrates that, I think, both of the wells are in the drilling window, is
23 that correct?

24 **Anita Duty:** They are.

25 **Mark Swartz:** Okay. And it is an 80 acre unit?

26 **Anita Duty:** Yes.

27 **Mark Swartz:** Okay. What royalty or agreement have you offered to people who want to reach
28 an agreement with your company in terms of leasing their interest?

1 **Anita Duty:** A 1/8 royalty with a five-year paid up term...oh \$5 per acre.

2 **Mark Swartz:** Bonus?

3 **Anita Duty:** Bonus.

4 **Mark Swartz:** Okay. And are you proposing that the Board use those terms if anyone is deemed
5 to have been leased?

6 **Anita Duty:** Yes.

7 **Mark Swartz:** Okay. Have you provided the Board with an Exhibit B3 that now probably needs
8 to be revised?

9 **Anita Duty:** Yes, I think we loaded...

10 **Mark Swartz:** You've already loaded those...okay. So you think you've squared away the E
11 Forms?

12 **Anita Duty:** If we didn't, I'll double check to make sure. I think we did.

13 **Mark Swartz:** Okay. You've provided copies of the Notice and the Proof of Publication,
14 correct?

15 **Anita Duty:** Yes.

16 **Mark Swartz:** Is it your opinion that drilling two frack wells in the drilling windows 80 acre
17 unit, is a reasonable way to develop the CBM resource within and under the unit?

18 **Anita Duty:** Yes.

19 **Mark Swartz:** And, if you combine your, the agreements you've obtained from everyone
20 except for the one respondent with a pooling order, pooling that respondent with a corral...would
21 it be your opinion that correlative rights of all owners of the coal bed methane would be
22 protected?

23 **Anita Duty:** Yes.

24 **Mark Swartz:** And, obviously, given the change of the law, you would be paying the person
25 you are pooling, directly, and not escrowing?

26 **Anita Duty:** Yes. Correct.

27 **Mark Swartz:** So we don't need an escrow account here?

28 **Anita Duty:** No.

29 **Mark Swartz:** That's all I have.

1 **Mary Quillen:** Any questions from the Board? [No response] Do I hear a motion?

2 **Donnie Rife:** Motion made for approval, Ms. Chair.

3 **Bruce Prather:** Second.

4 **Mary Quillen:** We have a motion and a second. All those in favor respond by saying yes.

5 **Board:** Yes.

6 **Mary Quillen:** Opposed, no. [No response] Motion carries. You have approval.

7 **Mark Swartz:** Thank you very much.

8 **Mary Quillen:** Did we want to list all of these agenda items that we're carrying forward for
9 review?

10 **Mark Swartz:** Yes ma'am

11 **Mary Quillen:** Ok. We have some housekeeping that we need to do. Starting with Docket Item
12 17; VGOB 06-1219-1848-01 is being continued until the October meeting. Docket Item 21;
13 VGOB 09-1020-2601-01 continued until the October Board meeting. Docket Item 22; VGOB
14 09-1020-2603-01 will be continued until the October meeting. Docket Item 23; VGOB 09-1020-
15 2609-01 will be continued until the October Board meeting. Docket Item 27; VGOB 09-1020-
16 2775-01 continued until October meeting. Docket Item 28; VGOB 06-1114-2776-01 continued
17 until the October meeting.

18 **Tim Scott:** Madam Chairman, I would like to explain exactly what is going on with those
19 particular Docket Item Numbers. When we started working on the escrow, or the petitions to
20 disburse, we did that based on the information we had, but we also realized that the orders that
21 had been entered, had not gone through the election period, so they're ready to be disbursed once
22 those elections are made and that will be within a time frame for the October hearing, so they are
23 ready to go other than just to wait out that election period under the order. Thank you.

24 **Mary Quillen:** Ok. Very good. Now this is a new series of petitions that have come to us from
25 this company ARP Mountaineer Production and this is formally, GeoMet Properties?

26 **Tim Scott:** GeoMet Operating Company.

27 **Mary Quillen:** GeoMet Operating Company Properties, correct?

28 **Tim Scott:** Yes, ma'am. Inc.

29 **Mary Quillen:** Inc. Correct. And there were some issues with reconciliation that have been
30 addressed and we will be addressing today. Is that correct?

31 **Tim Scott:** Yes, ma'am.

1 **Mary Quillen:** These items that we are going to bring before the Board, these reconciliations
2 are in balance and that you will be testifying to that?

3 **Tim Scott:** Yes, ma'am

4 **Mary Quillen:** Good.

5 **Tim Scott:** One thing, Madam Chairman, as far as the reconciliations, I will alert the Board to
6 the fact that Ms. Shaver and Mr. Glubiak and I have had multiple conversations about the
7 disbursements, and all these have been provided both to the parties respondent as well as curtesy
8 copies to the attorneys for the Rogers cousins.

9 **Mary Quillen:** Is there anything else that you need to...

10 **Tim Scott:** Yes, ma'am. Once of the things I want to alert the Board to...I don't know how this
11 happened, have no idea, but when these accounts were originally set up, Wachovia, in its infinite
12 wisdom, dumped all these amounts into one account. So when you review these disbursements,
13 you're going to see that there are some negative and some positives, but when you get to the end
14 of the day, once those amounts are properly placed within those escrow accounts, I think we are
15 on target. So you'll see one of these escrow, Exhibit J that shows, the bank showing a negative
16 \$120,000, which of course, is not correct, because those monies were not properly placed in
17 those accounts. So they were showing no balance at all, but once those transfers were made, they
18 are now properly in balance. So...

19 **Mary Quillen:** And we will see those transfers today?

20 **Tim Scott:** Well, you'll see those on the, once you get to the bottom line figure, [right] you'll
21 see that the April reconciliations that we've used, will match the deposits that were made, both
22 by GeoMet and ATLAS. I have no ability to get the Wachovia reconciliations, at all, so...

23 **Mary Quillen:** I understand that has been a reoccurring problem, was the former escrow agent
24 in getting all of that transferred over to the current escrow agents.

25 **Tim Scott:** But if the Board will approve our petitions today, we anticipate disbursing, or
26 having available to disburse in excess of \$350,000, which is close, more than 60 percent of what
27 is on deposit. I think there is another \$104,000, I think, Jen, you would say that's about right,
28 isn't it? Around \$104,000?

29 **Jen Shaver:** I do not know.

30 **Tim Scott:** Okay. I talked to Mr. Glubiak, we're at around \$454,000 for the total, and so...

31 **Mary Quillen:** And so those differences on each of those individual accounts are within the
32 range of either fees or interests or...

1 **Tim Scott:** Well, at the very least, what the deposits are showing from GeoMet and from
2 ATLAS, match the balances that are shown with the April reconciliation for the escrow agent.
3 Those figures are identical.

4 **Mary Quillen:** They are? Excellent.

5 **Bruce Prather:** Who's certifying this?

6 **Donnie Rife:** Yeah, that's what I was...

7 **Bruce Prather:** I mean, you're telling us that you've got this information between three
8 companies, but who's certifying and verifying the information?

9 **Tim Scott:** We're doing it based on what was provided to us from ATLAS and GeoMet, and
10 based on what was before the escrow account, the escrow agent, the deposits that were made.

11 **Donnie Rife:** Madam Chairman, I don't think we ought to make, I don't think we ought to make
12 any decisions on this until the banks get their ducks in a row and give us the facts that we need.

13 **Tim Scott:** Well, I guess my question is...

14 **Donnie Rife:** We're just playing guesswork the way it is now.

15 **Tim Scott:** Well, if the escrow agent is making the, putting on file their escrow account
16 reconciliation, what other information can be provided?

17 **Donnie Rife:** How about detailed information?

18 **Tim Scott:** If that's the Boards pleasure, then that's what we'll have to do, but it's going to
19 delay it for months.

20 **Mary Quillen:** Could we ask the representative, Ms. Shaver, for input on this?

21 **Jen Shaver:** Sure. First of all, on behalf of my clients, they asked me to object to any further
22 continuances of any of these items that were listed earlier, 17, 21, 22, 23, 27, and 28 on the
23 docket. We notified, gave a final notification to GeoMet in May, that we had a court order, and
24 as you are probably aware, the Oil & Gas Act requires the operator to petition the Board for
25 disbursement within 30 days. That was in May. We're in September, pushing things already at
26 least 6th of October, it's in violation of the Act. My clients have been waiting on these royalties. I
27 understand we've been working with Tim Scott and I understand he's working, and our concern
28 is not what's been going on the last six months but what's been going on the past year. It looks
29 like ATLAS, once they took over these wells, they just dropped the ball and it's really just
30 inexcusable.

31 **Tim Scott:** I'm going to object to this because I've talked to Mr. Glubiak. He was perfectly fine
32 with us continuing these until October. I explained this to him last week and told him the finals

1 would be, the final escrow, the disbursement would be in October. So this is completely new to
2 me from Ms. Shaver. We discussed this at length on the phone no later than the 10th day of
3 September.

4 **Bruce Prather:** She has a court order.

5 **Tim Scott:** That's what we're doing, Mr. Prather.

6 **Bruce Prather:** Then what's the holdup?

7 **Tim Scott:** That's what we're doing. I've indicated earlier that these, some of the orders, they're
8 not ripe yet because these are original orders for which the election period has not expired.

9 **Jen Shaver:** Which the election period, I mean, I'm not blaming Mr. Scott [I know you're not]
10 this is a problem. That election period is 30 days. Even for when the supplemental orders had not
11 been entered and were late, they were notified in May that they needed to do that.

12 **Tim Scott:** These are not supplemental orders, these are original orders that were never entered.

13 **Jen Shaver:** The pooling orders.

14 **Tim Scott:** The pooling orders were not entered.

15 **Jen Shaver:** The pooling orders haven't even been entered?

16 **Tim Scott:** But now they have been entered and we're waiting for the election period to expire,
17 that's the reason we've asked these be continued until October, so that time will expire. They're
18 ready to go. We have the, the petitions have already been filed with the figures that are set out on
19 those petitions but they're not properly before the Board until the election period expires. I
20 mean, I'll do whatever the Board requests, but...

21 **Paul Kugelman, Jr.:** Alright, I've been asked some advice and I need to make sure I understand
22 the facts and I'd like to get Mr. Scott's view and then I'd like to get Ms. Shaver's view, just to
23 make sure council understands exactly what's going on.

24 **Tim Scott:** Yes sir.

25 **Paul Kugelman, Jr.:** Okay, so there is, there are some gas wells at issue here and for those
26 wells, a pooling order, where are we with respect that there's a court order and there's a pooling
27 order.

28 **Tim Scott:** Yes sir.

29 **Paul Kugelman, Jr.:** And they're distinct?

30 **Tim Scott:** Yes sir.

1 **Paul Kugelman, Jr.:** What's the posture of the court order and what does it say?

2 **Mark Swartz:** That Ms. Shaver's correct. The determination was made that LBR Holdings does
3 not own the CBM underlying these units. That is correct.

4 **Paul Kugelman, Jr.:** Okay.

5 **Tim Scott:** The pooling orders, cause they've still been forced pooled, because they've not
6 leased to either ATLAS or GeoMet, they still have the right to make the election, once the orders
7 have been delivered, based on what has been entered. So, once they've been delivered, and they
8 have, we're, the election period should expire, I think on the 12th, which will allow us to be heard
9 on the 20th.

10 **Paul Kugelman, Jr.:** Okay. So you have the court order, which basically triggered the contours
11 of the pooling order?

12 **Tim Scott:** No [No]

13 **Paul Kugelman, Jr.:** That's where I'm getting confused.

14 **Tim Scott:** No, the party that's not going to be pooled any longer will be the coal owner [Okay]
15 and we did not dismiss the coal owners, because the courts already made that determination, that
16 they're not the owner.

17 **Paul Kugelman, Jr.:** Right.

18 **Tim Scott:** So we've got the seven parties respondent. We have not leased to either of these
19 companies but they still have the right to make the election under the order that's been entered.
20 Notwithstanding the court order but from the Buchanan Circuit Court.

21 **Paul Kugelman, Jr.:** Okay so...

22 **Tim Scott:** We know who the owners are.

23 **Paul Kugelman, Jr.:** Right.

24 **Tim Scott:** So they are separate and distinct.

25 **Paul Kugelman, Jr.:** That's what I'm trying to understand. So with respect to the pooling order,
26 where are we with those? They've been entered and we're waiting for the election...

27 **Tim Scott:** We've already sent them out for the election period to run.

28 **Paul Kugelman, Jr.:** And the election period runs later?

29 **Tim Scott:** I think it's the 11th or 12th of October.

30 **Paul Kugelman, Jr.:** Okay.

1 **Tim Scott:** But they're going to be continued and heard in October once the...

2 **Paul Kugelman, Jr.:** The election period is concluded.

3 **Tim Scott:** It will have expired, yes sir.

4 **Paul Kugelman, Jr.:** Alright. Ms. Shaver, you disagree with that, I'm guessing?

5 **Jen Shaver:** I don't disagree with any of that. The problem is that these wells were pooled at
6 various times, quite some time ago. The pooling order was never entered, timely.

7 **Paul Kugelman, Jr.:** The election period runs as a function of when the pooling order is entered
8 though, right?

9 **Jen Shaver:** Right.

10 **Paul Kugelman, Jr.:** Okay.

11 **Jen Shaver:** So the pooling order was never timely entered and so now they've waiting until the
12 last minute to get those pooling orders entered to push these disbursement petitions back even
13 further.

14 **Rick Cooper:** Ms. Chairman, can I speak up here?

15 **Mary Quillen:** Yes, Mr. Cooper.

16 **Rick Cooper:** So these have been very complicated and they have been sitting out there for a
17 period of time and we, at the Division of Gas & Oil, as we prioritized a couple of years ago their
18 disbursements and their pooling orders everything lined up. We knew these had some
19 complications, several complications those, so Sarah worked on these all last year putting these
20 in order and putting these in priority to get these processed, and they have been pretty difficult, I
21 will admit, very difficult. And so that's where we are at today. So there are a lot of parties that
22 failed to get this processed corrected. So this is, I guess, the best defense to try to get this process
23 moving forward and flow and I cannot disagree with Ms. Shaver, that these were brought in
24 front of the Board several years ago, they were. Indeed, she is correct, but as we have prioritized,
25 we have got to these now and this is the last batch of any complications that we are aware of. So
26 it has been very complicated and very time consuming, and it probably be about six months to
27 actually put these in format after we present these. So, that's where we are today, trying to get
28 these well transferred and I think that's what underlying is these transfers and Mr. Scott is
29 correct, he sent out the pooling orders, he does have to do the elections on some of these six
30 years later.

31 **Donnie Rife:** Mr. Cooper, just seems to me like they've not finished their homework.

32 **Rick Cooper:** Well, the previous people that were doing this work, may not have, but I think as
33 of today, Mr. Scott has caught all this homework up and I think he has processed these orders

1 and sent out the elections properly. Even though it's six years late, I think he's doing it correctly
2 now.

3 **Bruce Prather:** Ms. Shaver, do you agree with the total amount of money that the company
4 says is involved? Do you agree with what they say?

5 **Jen Shaver:** We are not agreeing to what, to the total that GeoMet may owe us. To the extent
6 that these accounts reconciled and Mr. Scott has provided statements of reconciliation with
7 what's in escrow, we're okay with that. We still have outstanding accounting claims but those
8 will be, those are not for the Board. It's a separate issue.

9 **Tim Scott:** And we are aware of that Madam Chairman, we're aware that that is the case. Ms.
10 Shaver and Mr. Glubiak have had long discussions about that, as well. As well as the companies.

11 **Jen Shaver:** To the extent that what's in escrow, what they've put in there and they have
12 statements to prove that, we're okay with that.

13 **Bruce Prather:** What I'm referring to, Miss, you've got a court order and if you agree with their
14 figures then we can cut you out of this thing and give you your money. You've got a court order.
15 If you agree with their figures.

16 **Jen Shaver:** We agree to the extent, we agree with the reconciliation statement, but we're not
17 agreeing to final figures, but like I said, that's a non-board...

18 **Paul Kugelman:** You're agreeing to the disbursement of what's in there as it represented but
19 you're not waiving any further claims?

20 **Jen Shaver:** Right.

21 **Paul Kugelman:** I just want to make sure we have that on the record.

22 **Tim Scott:** And we agree to that. We understand that. Very well.

23 **Jen Shaver:** So to the extent that the Board can disburse whatever's in escrow today, we ask
24 that the Board go forward with that.

25 **Mary Quillen:** This is excluding those that, those six or seven that still have the opportunity to
26 elect... [Indiscernible]

27 **Jen Shaver:** I understand. I just wanted the objection on the record.

28 **Mary Quillen:** Oh, okay, okay.

29 **Tim Scott:** But the remainder of the units that are to be heard, we'll complete this task in
30 October. 100 percent will be finished. Okay?

31 **Mary Quillen:** Do you agree to that, as well?

1 **Jen Shaver:** I accept his representation of that.

2 **Mary Quillen:** Okay.

3 **Tim Scott:** Unless I get in a car wreck, we'll have it done...or go to Tahiti [laughs]

4 **Mary Quillen:** Are there any other questions before we call this next agenda item?

5 **Item Number 9**

6 **Mary Quillen:** Okay, we will move on to the next item. A petition from ARP Mountaineer
7 Production, LLC, (ATLAS), requesting the Virginia Gas and Oil Board to enter an order,
8 transferring the right to operate all units listed in this application that were established by Board
9 Order, from GeoMet Operating Company, Inc., to ARP Mountaineer Production, LLC,
10 (ATLAS). Docket Number VGOB 15-0818-4073. All those wishing to speak to this please come
11 forward.

12 **Tim Scott:** Tim Scott and Heidi Dilworth for ARP Mountaineer Production, LLC. And Ms.
13 Dilworth has never testified before the Board and once she's sworn in, I'll get her to give you all
14 some of her educational and work history.

15 **Sarah Gilmer:** Do you swear and affirm that your testimony is the truth, the whole truth and
16 nothing but the truth?

17 **Heidi Dilworth:** I do.

18 **Tim Scott:** Ms. Dilworth, please state your name and just give the Board a brief narrative of
19 your experience in the oil & gas business.

20 **Heidi Dilworth:** Okay. My name is Heidi Dilworth. I've worked for ATLAS Energy for a little
21 over the last five and a half years. I've been an Accountant in the Oil & Gas Industry for the last
22 18 years. Some of that as a Public Accounting Firm Representative and the majority of it has
23 been with ATLAS or its predecessors. I am an Accounting Manager for the company. I work in
24 the operational, corporate and partnership accounting group.

25 **Tim Scott:** Okay. Thank you

26 **Heidi Dilworth:** You're welcome.

27 **Tim Scott:** You're familiar with this application, is that correct?

28 **Heidi Dilworth:** Yes.

29 **Tim Scott:** And we have applied to the Board to have the operatorship of these units transferred
30 from GeoMet to ARP, is that correct?

31 **Heidi Dilworth:** Yes.

1 **Tim Scott:** And we have provided, we have list of those units that are attached as Exhibit G to
2 our application, is that correct?

3 **Heidi Dilworth:** Yes.

4 **Tim Scott:** I would advise the Board that there are about nine units in...that are part of the
5 transfer for which there are no escrow accounts. They were LBR Holdings, 100 percent
6 ownership of the oil, gas, and coal, so you'll see some of those that are not going to appear on
7 any future docket items. There is a letter attached to the application requesting that the transfer
8 be made from GeoMet to ARP, is that correct?

9 **Heidi Dilworth:** Yes.

10 **Tim Scott:** And as I indicated, we have notified all the parties required to be notified. Is that
11 correct?

12 **Heidi Dilworth:** Yes

13 **Tim Scott:** And how was that done?

14 **Heidi Dilworth:** A notice published in the newspaper, the Bluefield Daily Telegraph.

15 **Tim Scott:** And we provide that proof of publication to the Board, have we not?

16 **Heidi Dilworth:** Yes.

17 **Tim Scott:** Okay. Also, Ms. Dilworth, the proper filing have been made with the Director's
18 Office, is that correct?

19 **Heidi Dilworth:** Yes.

20 **Tim Scott:** With the blanket bond on file and so on?

21 **Heidi Dilworth:** Yes.

22 **Tim Scott:** Okay, and ARP Mountaineer Productions is authorized to conduct business in
23 Virginia, is that correct?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** That's all I have for Ms. Dilworth.

26 **Mary Quillen:** Okay, do you want to continue?

27 **Tim Scott:** That's all I have, Madam Chairman.

28 **Mary Quillen:** Do I hear a motion for approval?

1 **Bruce Prather:** Motion made for approval Madam Chair.

2 **Mary Quillen:** Is there a second?

3 **Rita Surratt:** I'll second that.

4 **Mary Quillen:** We have a motion and a second for approval of transfer. All in favor of approval
5 respond by saying yes.

6 **Board:** Yes.

7 **Mary Quillen:** Opposed, no. [No response] Any abstentions?

8 **Donnie Rife:** We will find out if we made a good decision in October, I guess.

9 **Bruce Prather:** Rick, do you have the records on all this information that we're talking about?

10 **Rick Cooper:** We do. We're working with Mr. Scott on this also so I think, as we do the
11 disbursements today and October, most of all these tied into [Indiscernible] should be addressed.

12 **Bruce Prather:** What exactly was the problem in GeoMet in their original pooling?

13 **Rick Cooper:** It was a bit complicated. They had some pooling orders to expire and they came
14 back and got some second pooling orders and some of those expired, then there were some third
15 pooling orders on top of that and through the process, some of the money was being deposited
16 into expired accounts and then we had to clean all that up, and then going into expired accounts
17 and then some of this paperwork that we were trying to work with GeoMet's attorneys, we
18 contacted them numerous times over a period of two years and go zero feedback from them. And
19 so we were at a stalemate, we couldn't get the processing done we [Indiscernible] would not
20 actually respond to any phone calls or emails and it just got very frustrating and when we came
21 to this point, I think when ATLAS purchased GeoMet, they made a firm commitment that they
22 would actually assure that this process was conducted timely and as fast as they could do it. So
23 that's where we are at today. But there was a lot of errors in their documentation that was
24 summited five, six, seven years ago. And for the Boards information, I don't believe that any of
25 this stuff has been brought before the Board since 2010, so again, we're cleaning up so old
26 account here.

27 **Tim Scott:** Mr. Rife, one of the, this is just, I guess can be on the record, but there were a
28 number of different applications and orders where the quadrangle was wrong, the magisterial
29 district was incorrect, we had to go back and fix those. There were, some of those we had to get
30 proof that the election letters had actually gone out and that took me two months to get the Street
31 Law Firm to actually provide that information to me, to know whether or not the election period
32 had ever run and that was on, at least, eight or nine of these orders. So this has been very, very
33 difficult to get to where we are today on actually having the orders entered, have then recorded,

1 the election periods have begun. There, I would say eight or nine orders, original orders, that
2 were never entered by the Board and some of those went back to 2007, some went back to 2006,
3 so you know, I apologize this is a mess, but we're just doing the best we can to get it cleaned up.

4 **Donnie Rife:** Well, I'm going to suggest you stay healthy and stay out of car accidents between
5 now and October [laughs].

6 **Rick Cooper:** And I would like to say, Ms. Gilmer worked on this significantly to put this in a
7 format that we could actually understand. I just can't express how complicated and how bad
8 some of these were. We made a committed at Gas & Oil that we would try our best to never have
9 this happen again, because there were probably a lot of reasons...

10 **Donnie Rife:** My feeling is that the Gas & Oil Board employees have worked harder on this
11 than some other people.

12 **Rick Cooper:** Well, we have, but you know it's just part of a continuing effort to get us where
13 we need to be, so even though it's past history, we just need to worry about moving forward and
14 if we can get to that point, we're good.

15 **Donnie Rife:** That's the reason for the motion.

16 **Bruce Prather:** Rick, from what I understand from you, this has more to do with accounts than
17 it does with royalty owners?

18 **Rick Cooper:** I'm not sure what that question is.

19 **Bruce Prather:** Well, you said that there were accounts you didn't know about, some of these
20 royalty payments were in [yeah] currently with GeoMet.

21 **Rick Cooper:** Yeah, actually there were some depositing errors that had occurred and I guess a
22 lot of this was through Wachovia, and as you all know, it's been brought through in front of the
23 Board many times before that Wachovia had made many errors and they were very difficult to
24 track and find. So they've pretty much removed themselves from anything to do with the gas and
25 oil.

26 **Bruce Prather:** As far as the original pooling is concerned, the individuals involved aren't the
27 problem?

28 **Rick Cooper:** It's not the individuals. I guess the problem was, our department, or our division
29 never did get the appropriate paperwork to process these orders and they were never processed
30 and that's what Mr. Scott is saying, even though it's taken five or six years, we're to that point
31 now. We think we have everything pretty much corrected. All the elections either have been sent
32 or are being sent out. The election options are sent out so we think moving forward, we have
33 everything where it should be and I think most of these accounts closed through the courts...

1 **Tim Scott:** Probably five or six out of the 32 that may have some unknowns. Mary Lou
2 Bowman, and several others, but there are a very slim minority units and, honestly, some of
3 those accounts may have even 0.35 percent of a unit. So it's a minimal amount of money at issue
4 for these un-locatables, so, but as Mr. Cooper has said, I believe that for all of the units that have
5 been file, the petitions that have been files before the Board, every order has been completed and
6 entered. So since 2004, everything has now been entered and these last ones are the ones that we
7 are waiting on the election period to expire.

8 **Donnie Rife:** It's still clear as mud to me but hopefully by October, we'll get to see the bottom
9 of the pool.

10 **Bruce Prather:** Well, the ones we're working on today, are ones in which this time period has
11 elapsed and so we can work on those.

12 **Tim Scott:** Yes, sir, oh yes, sir. And these all, all of these units also have, all of them have
13 supplemental orders that have been ordered, so, and I'll be honest with you, my haste to get this
14 done, and I'm very, very sensitive to the issue that, for the parties respondent. I know that this
15 has been a long time and I have worked very diligently to get this done, but I didn't really look, I
16 was looking at disbursement petitions and not at the issue of whether orders had been entered
17 and/or election periods had run, and I didn't realized that until Amanda, who is my office
18 manager, and I, were going over these about a week ago, and then it suddenly hit me that I
19 documents on, or documents items for matters for which the election period had not expired, and
20 at that point, several of the orders had not even been entered. So, that was clearly my fault, for
21 having done that. Otherwise, they shouldn't have been on the docket, but once that time period
22 runs, the monies are there and we're ready to go for the disbursements.

23 **Donnie Rife:** Let's hope this motion makes a difference and we'll see the results, I would
24 imagine, in October.

25 **Tim Scott:** I certainly think so.

26 **Bruce Prather:** Is GeoMet responsible for any of this?

27 **Tim Scott:** Not on the record. I mean it's...

28 **Donnie Rife:** Thank you, Ms. Chair.

29 **Mary Quillen:** I believe we called for a vote, correct? And the motion carried? You have
30 approval.

31 **Tim Scott:** Thank you. Thank you, Madam Chairman.

32 **Donnie Rife:** Make us look good.

1 **Tim Scott:** Yes sir.

2 **Item Number 10**

3 **Mary Quillen:** A petition from ARP Mountaineer Production, LLC, for the disbursement of
4 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tract 1, as
5 depicted upon the annexed table; and, (2) authorization to begin paying royalties directly to the
6 parties to the prevailing plaintiffs. Unit C-46. Docket Number VGOB 04-1214-1376-01. All
7 those wishing to speak to this item, please come forward.

8 **Tim Scott:** Tim Scott and Heidi Dilworth for ARP Mountaineer Production.

9 **Jen Shaver:** Jen Shaver, on behalf of the Poulos-Rogers Cousins.

10 **Tim Scott:** Ms. Dilworth, state your name again, please. By whom you're employed and your
11 job description.

12 **Heidi Dilworth:** Heidi Dilworth, ATLAS Energy. Accounting Manager.

13 **Tim Scott:** Okay. Who operates this unit?

14 **Heidi Dilworth:** ARP.

15 **Tim Scott:** And GeoMet has previously operated this unit, is that right?

16 **Heidi Dilworth:** Yes.

17 **Tim Scott:** And when did ARP assumed operatorship of this unit?

18 **Heidi Dilworth:** May 2014.

19 **Tim Scott:** And, between May 2014 and August 2014, there was a transition agreement in
20 place, is that correct?

21 **Heidi Dilworth:** Yes.

22 **Tim Scott:** And as a result of that agreement, GeoMet continued to deposit monies in the
23 escrow account, is that correct?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** And when was the first deposit made by ATLAS into the escrow accounts?

26 **Heidi Dilworth:** October 2014.

27 **Tim Scott:** Now you've reviewed the disbursement petition, is that correct?

28 **Heidi Dilworth:** Yes.

1 **Tim Scott:** And we've notified all the parties required to be notified? Is that correct?

2 **Heidi Dilworth:** Yes.

3 **Tim Scott:** And we did that by certified mail?

4 **Heidi Dilworth:** Yes.

5 **Tim Scott:** And we've provided proof of mailing to the Board, is that right?

6 **Heidi Dilworth:** Yes.

7 **Tim Scott:** And, there's an Exhibit J attached to the petition, is that correct?

8 **Heidi Dilworth:** Yes.

9 **Tim Scott:** And we also have Exhibit E and EE also included, is that right?

10 **Heidi Dilworth:** Yes.

11 **Tim Scott:** And the Exhibit J is actually two part, is that correct?

12 **Heidi Dilworth:** Yes.

13 **Tim Scott:** One for the GeoMet deposits and one for the ATLAS deposits, is that correct?

14 **Heidi Dilworth:** Yes.

15 **Tim Scott:** And, the disbursement today is based on the court order that was in Buchanan
16 Circuit Court, is that right?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** And we've also included a copy of that final order with our petition, is that also
19 correct?

20 **Heidi Dilworth:** Yes.

21 **Tim Scott:** And what tract or tracts are going to be disbursed today?

22 **Heidi Dilworth:** Tract 1.

23 **Tim Scott:** Is this a complete disbursement?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** And once it's disbursed, when this account be closed?

26 **Heidi Dilworth:** Yes.

1 **Tim Scott:** And you have reviewed the Exhibit J that shows the deposits and expenses, is that
2 right?

3 **Heidi Dilworth:** Yes.

4 **Tim Scott:** And you've also reviewed the escrow reconciliation that is on file with the DMME,
5 is that right?

6 **Heidi Dilworth:** Yes.

7 **Tim Scott:** And do those figures jive?

8 **Heidi Dilworth:** Yes.

9 **Tim Scott:** What's the effective date of the reconciliation?

10 **Heidi Dilworth:** April 30, 2015.

11 **Tim Scott:** And the, that matches the reconciliations with GeoMet and ARP, is that correct?

12 **Heidi Dilworth:** Yes.

13 **Tim Scott:** Are you then asking the sums on deposit be disbursed?

14 **Heidi Dilworth:** Yes.

15 **Tim Scott:** And there has been a request by the party's respondent, the Poulos and the Roger's
16 that escrow sums be delivered to their attorney Don Barrett, is that correct?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** That's all I have for Ms. Dilworth.

19 **Mary Quillen:** Just one question. These checks will be made, written to each of the individuals
20 but they will be sent to the attorney, Mr. Barrett. Is that correct?

21 **Tim Scott:** That is correct, yes.

22 **Jen Shaver:** There has, I don't know if we got lost in communication or if the escrow agent
23 determined it wasn't possible, the last round of checks...we have affidavits from Poulos-Rogers
24 cousins, stating that the checks should be made payable to Don Barrett's Trust Account. The
25 benefit spoke with the DGO staff and they said the checks could be made in care of Don
26 Barrett's Trust Account but would be made, would have their names on them, the Rogers and
27 Poulos names on them. So the checks arrived, they actually weren't made in care of Mr. Barrett's
28 Trust account, so I don't know if that was a miscommunication or the escrow agent determined
29 that wasn't possible, but if it's possible, we have affidavits requesting that the checks be made
30 payable to Don Barrett's Trust Account or in care of Don Barrett's Trust Account.

1 **Bruce Prather:** If they have, Madam, I'm sorry...

2 **Paul Kugelman, Jr.:** Alright, I mean, specifically speaking, if y'all have an affidavit from your
3 client saying make it payable to whomever and mail it to whomever, unless there is something,
4 some banking regulation that I'm not aware of as a personal injury or former life as a personal
5 injury attorney, I lived that way, checks were made payable to my trust account and I would
6 deposit them and make the disbursements based on the contract I have with my client. So I don't
7 see any problem with that. I think the problem that we had previously that we were addressing
8 was a different attorney who, kind of had affidavits that were a little bit squirrely, and we had to
9 address that issue so the way we addressed that was, we'd have it made payable to the client and
10 send it to the attorney. We don't have that here. What we have here is a clear affidavit that says
11 make it payable to Mr. Barrett and mailed to Mr. Barrett.

12 **Jen Shaver:** Correct. It is my understanding that in working with Ms. Gilmer earlier, our
13 conversation with the escrow agent, was that there was a tax issue, a 1099.

14 **Sarah Gilmer:** Apparently, the banking [Indiscernible] will not allow them to at least pick up
15 [Indiscernible] so the social security number of the land owner, there system would not allow
16 this [Indiscernible]

17 **Mary Quillen:** Okay, so it is with the escrow agent and the banking system itself? I can see that
18 because of the 1099 that we have to have with that.

19 **Jen Shaver:** Right. And it was my understanding that the checks would still be written to the
20 original owner but they would be written in care of Don Barrett and that....

21 **Paul Kugelman, Jr.:** Couldn't that be resolved by just y'all providing the Tax ID Number for
22 your business?

23 **Jen Shaver:** It could.

24 **Paul Kugelman, Jr.:** I think that would probably take care...

25 **Donnie Rife:** It seems to me like that would be the most simplified thing you could do, just to
26 get it done.

27 **Mary Quillen:** But do they agree to do that?

28 **Donnie Rife:** Why would they not?

29 **Jen Shaver:** We could go back and do that. I think for simplicity sake, today, we'll just ask that
30 the checks be made payable to the gas owner, in care of Don Barrett, if that's possible.

31 **Rick Cooper:** We will take care of that.

32 **Jen Shaver:** Okay, and if not, we'll revise next month.

1 **Tim Scott:** We also included those affidavits with each of the petitions that we filed, so that's
2 part of the record.

3 **Mary Quillen:** The affidavits are on file...

4 **Tim Scott:** Yes ma'am, and they're with each of these petitions.

5 **Mary Quillen:** For each petition?

6 **Tim Scott:** Yes ma'am.

7 **Jen Shaver:** I do have one additional matter to address with Mr. Scott. Talmage G. Rogers, on
8 these documents, it's misspelled. Talmage does not have a 'd' in it, so, to the extent that any
9 checks from the escrow agent are written, that that name spelling be corrected.

10 **Tim Scott:** That's the only problem, it just needs to have the 'd' removed [the 'd' removed].
11 That's it...okay.

12 **Mary Quillen:** T.A.L.M.A.G.E.?

13 **Jen Shaver:** Yes, ma'am.

14 **Mary Quillen:** Can you take care of that, Mr. Cooper?

15 **Rick Cooper:** We will take care of that.

16 **Donnie Rife:** Well, that seems like a minor issue compared to what we've been through so far,
17 don't it? [laughs]

18 **Mary Quillen:** Okay, since we, help me here, Mr. Cooper. [Yes] Since we don't actually know
19 if they're going to be able to include the Don Barrett Trust Account on those checks...

20 **Rick Cooper:** We will write these checks to the names and the people listed here, in care of Don
21 Barrett, and that's the way they will be mailed to them.

22 **Paul Kugelman, Jr.:** And do y'all have all the information you need to be able to get the checks
23 cut?

24 **Rick Cooper:** We do. And the bank has that information also, and I'm not sure how they
25 messed the last one up but we're sure they will go correctly this time.

26 **Mary Quillen:** Okay, so it will be the individual names on the checks and they will be sent to
27 the Don Barrett Trust.

28 **Rick Cooper:** In care of Don Barrett, yes. You are correct.

29 **Bruce Prather:** 1099's, they will resolve itself?

1 **Rick Cooper:** The 1099's will be named through all the other people that listed in here. They
2 would be responsible

3 **Rick Cooper:** The first person on the check...

4 **Mary Quillen:** So what about, the thing that seems to be the issue was the, either the Tax ID
5 Number or Social Security Number that was missing from Mr. Barrett, that seems to be what the
6 issue was, the reason why they couldn't do it, so is that, can we go ahead and do this before we
7 get that, I mean....

8 **Jen Shaver:** We're not asking that they be made out to, we are satisfied with the checks being
9 made to the client and in care of Don Barrett. We're satisfied with that.

10 **Mary Quillen:** Okay. Very good. You may continue.

11 **Heidi Dilworth:** That's all I have, Madam Chairman.

12 **Mary Quillen:** Ms. Shaver? Okay. Do I have a motion for approval?

13 **Bruce Prather:** I'll make a motion for approval, Ms. Chair, I would really like to see this thing
14 get finished.

15 **Donnie Rife:** I'll second.

16 **Mary Quillen:** Okay, we have a motion and a second. All those in favor of approval, respond
17 by saying yes.

18 **Board:** Yes.

19 **Mary Quillen:** Opposed, no. [No response] Motion carries. You have approval.

20 **Tim Scott:** Thank you, ma'am.

21 **Item Number 11**

22 **Mary Quillen:** A petition from ARP Mountaineer Production, LLC, for the disbursement of
23 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tracts 1 and
24 2, as depicted upon the annexed table and authorization to begin paying royalties directly to the
25 parties to the prevailing plaintiffs. Unit C-47. Docket Number VGOB 04-1214-1377-01. All
26 those wishing to speak to this item, please come forward.

27 **Tim Scott:** Tim Scott and Heidi Dilworth for ARP Mountaineer Production, LLC.

28 **Jen Shaver:** Jen Shaver, on behalf of the Poulos, Rogers's cousins.

29 **Mary Quillen:** You may proceed.

1 **Tim Scott:** Madam Chairman, I would like to incorporated Ms. Dilworth's testimony regarding
2 her name, job description, and her employment, please.

3 **Mary Quillen:** That will be incorporated.

4 **Tim Scott:** Ms. Dilworth, who operates this unit?

5 **Heidi Dilworth:** ARP.

6 **Tim Scott:** And again, GeoMet has previously operated this unit, is that right?

7 **Heidi Dilworth:** Yes.

8 **Tim Scott:** And when was the, when did ARP assume operatorship?

9 **Heidi Dilworth:** May 2014.

10 **Tim Scott:** And again, between May 2014 and August 2014, there was a transition agreement
11 between GeoMet and ARP, is that right?

12 **Heidi Dilworth:** Yes.

13 **Tim Scott:** Amended ARP, and as a result of that transition agreement, the escrow deposits
14 were continued to be made by GeoMet, is that right?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** And ARP began depositing sums in the escrow account on what date?

17 **Heidi Dilworth:** October 2014.

18 **Tim Scott:** And, are you familiar with the disbursement petition?

19 **Heidi Dilworth:** Yes.

20 **Tim Scott:** And have we notified all the parties required to be noticed?

21 **Heidi Dilworth:** Yes.

22 **Tim Scott:** Okay. How was that done, please?

23 **Heidi Dilworth:** Via Certified Mail.

24 **Tim Scott:** Okay. And we have provided our proof of mailing to the Board, is that correct?

25 **Heidi Dilworth:** Yes.

26 **Tim Scott:** The petition we filed includes an Exhibit J, is that correct?

1 **Heidi Dilworth:** Yes.

2 **Tim Scott:** And it includes deposits made my both GeoMet and ARP?

3 **Heidi Dilworth:** Yes.

4 **Tim Scott:** The petition also includes an Exhibit E and an Exhibit EE, is that correct?

5 **Heidi Dilworth:** Yes.

6 **Tim Scott:** And again, the basis for this disbursement is to file adjudication as to ownership of
7 the Coalbed Methane underlying this unit, is that right?

8 **Heidi Dilworth:** Yes.

9 **Tim Scott:** And we've provided a copy of that final order has been included in our petition, is
10 that also correct?

11 **Heidi Dilworth:** Yes.

12 **Tim Scott:** As to the disbursements today for Unit C-47, what Tracts will be disbursed?

13 **Heidi Dilworth:** Tract 1 and 2.

14 **Tim Scott:** Is this a complete disbursement?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** And will this account now be closed?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** And you reviewed the combined Exhibit J that we filed with our petition and it
19 shows the costs and expenses, at least in part, is that correct?

20 **Heidi Dilworth:** Yes.

21 **Tim Scott:** And then, have you also reviewed the escrow agents account reconciliation that's on
22 file with the Board?

23 **Heidi Dilworth:** Yes.

24 **Tim Scott:** And between those two, do we have, do those figures, are they consistent?

25 **Heidi Dilworth:** Yes.

26 **Tim Scott:** And what's the date of the reconciliation?

27 **Heidi Dilworth:** April 30, 2015.

1 **Tim Scott:** Okay, and you're asking the Board to, that the sums on deposit be disbursed, is that
2 correct?

3 **Heidi Dilworth:** Yes.

4 **Tim Scott:** And again, as previously stated, the parties have asked that the sums be disbursed to
5 Don Barrett's Trust Account, is that correct?

6 **Heidi Dilworth:** Yes.

7 **Tim Scott:** That's all I have for Ms. Dilworth.

8 **Jen Shaver:** I asked that the spelling of Talmage be corrected [Indiscernible].

9 **Tim Scott:** Where's that come from Jen? Is that, it's not on my application or petition, is it?

10 **Jen Shaver:** It's on the docket.

11 **Tim Scott:** I was trying to find it.

12 **Mary Quillen:** Any questions from the Board? Do I have a motion for approval?

13 **Donnie Rife:** Motion made for approval, Madam Chair.

14 **Bruce Prather:** Second.

15 **Mary Quillen:** We have a motion and a second. All those in favor of approval, respond by
16 saying yes.

17 **Board:** Yes.

18 **Mary Quillen:** Opposed, no. [No response] Motion carries. You have approval.

19 **Tim Scott:** Thank you.

20 **Item Number 12**

21 **Mary Quillen:** A petition from ARP Mountaineer Production, LLC, for the disbursement of
22 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tracts 1, 2, 3
23 and 4, as depicted upon the annexed table and authorization to begin paying royalties directly to
24 the parties to the prevailing plaintiffs for Unit B-45. Docket Number VGOB 04-1214-1378-01.
25 All those wishing to speak to this item, please come forward.

26 **Tim Scott:** Tim Scott and Heidi Dilworth for ARP Mountaineer Production, LLC.

27 **Jen Shaver:** Jen Shaver on behalf of the Poulos-Roger's cousins.

1 **Tim Scott:** Again, Madam Chairman, I would request that Ms. Dilworth's testimony regarding
2 her employment and job description be incorporated from prior testimony.

3 [Indiscernible]

4 **Tim Scott:** Who operates this unit, Ms. Dilworth?

5 **Heidi Dilworth:** ARP.

6 **Tim Scott:** GeoMet was the previous operator, is that right?

7 **Heidi Dilworth:** Yes.

8 **Tim Scott:** And when was operatorship assumed by ARP?

9 **Heidi Dilworth:** May 2014.

10 **Tim Scott:** And between May and August 2014, the deposits that were made into the escrow
11 account were continued to be made by GeoMet, is that correct?

12 **Heidi Dilworth:** Yes.

13 **Tim Scott:** Pursuant to your transition agreement?

14 **Heidi Dilworth:** Yes.

15 **Tim Scott:** And when did ARP begin making deposits in the escrow accounts?

16 **Heidi Dilworth:** October 2014.

17 **Tim Scott:** And you're familiar with the petition we filed, is that right?

18 **Heidi Dilworth:** Yes.

19 **Tim Scott:** And we've notified the parties who are affected by this petition by Certified Mail, is
20 that correct?

21 **Heidi Dilworth:** Yes.

22 **Tim Scott:** And we've provided proof of mailing to the Board, is that right?

23 **Heidi Dilworth:** Yes.

24 **Tim Scott:** Now, the petition includes several Exhibits, and one of those is an Exhibit J, is that
25 correct?

26 **Heidi Dilworth:** Yes.

27 **Tim Scott:** And that it reflects deposits made by GeoMet and ARP, is that right?

1 **Heidi Dilworth:** Yes.

2 **Tim Scott:** The petition also includes Exhibits E and EE?

3 **Heidi Dilworth:** Yes.

4 **Tim Scott:** And those two Exhibits are, reflect what is left as far as the conflicting claimants,
5 and then how those sums will be disbursed, is that correct?

6 **Heidi Dilworth:** Yes.

7 **Tim Scott:** Okay. And the basis of this requested disbursement is based on the adjudication by
8 the Buchanan Circuit Court, is that right?

9 **Heidi Dilworth:** Yes.

10 **Tim Scott:** And we've filed a copy of that final order with our petition, is that correct?

11 **Heidi Dilworth:** Yes.

12 **Tim Scott:** As to Unit B-45, what Tracts are affected by this disbursement?

13 **Heidi Dilworth:** Tracts 1, 2, 3, and 4.

14 **Tim Scott:** And, this is a complete disbursement. Is that correct?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** And the escrow account will now be closed, is that right?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** Now, you've looked at Exhibit J and you've looked at the escrow agent's account
19 reconciliation. Are those figures consistent with one another?

20 **Heidi Dilworth:** Yes.

21 **Tim Scott:** Okay, and you're asking the Board to disburse the sums that are now on deposit with
22 the escrow agent. Is that right?

23 **Heidi Dilworth:** Yes.

24 **Tim Scott:** And that pursuant to the request to those parties respondent, the payments should be
25 made to Don Barrett Trust Account, is that correct?

26 **Heidi Dilworth:** Yes.

27 **Tim Scott:** That's all I have for Ms. Dilworth.

1 **Mary Quillen:** What was the reconciliation date?

2 **Tim Scott:** I'm sorry, what was that date?

3 **Heidi Dilworth:** April 30, 2015.

4 **Tim Scott:** I'm sorry, Madam Chairman.

5 **Mary Quillen:** Any questions for them? Okay. Do I have a motion for approval?

6 **Donnie Rife:** Motion for approval, Ms. Chair.

7 **Bruce Prather:** Second.

8 **Mary Quillen:** We have a motion for approval and a second. All those in favor, respond by
9 saying yes.

10 **Board:** Yes.

11 **Mary Quillen:** Opposed, no. Motion carries. You have approval.

12 **Tim Scott:** Thank you, Madam Chair.

13 **Mary Quillen:** I think we're at a point where we'll take just a brief little break and be back here
14 in about 10 minutes and we will pick up with Agenda Item 13.

15 **Item Number 29**

16 **Mary Quillen:** We're going to make some adjustments to the agenda and if you will go to Items
17 29, 30, and 31 for Range Resources. Mr. Scott has kindly relinquished his time to allow Mr.
18 Kaiser to present his three items, and then we will go back with ARP. A petition from Range
19 Resources-Pine Mountain, Inc., to disburse funds from the escrow account for Unit VC-3047, to
20 all known owners in Tracts 2 and 5. Docket Number VGOB 99-0420-0719-03. All those
21 wishing to speak to this item, please come forward.

22 **Jim Kaiser:** Madam Chairman, Board Members, Jim Kaiser and Larry Reeves, on behalf of
23 Range Resources.

24 **Sarah Gilmer:** Mr. Reeves, do you swear and affirm that your testimony is the truth, the whole
25 truth and nothing but the truth?

26 **Larry Reeves:** I do.

27 **Mary Quillen:** You may continue.

28 **Jim Kaiser:** Mr. Reeves, if you would state your name for the Board, who you're employed by
29 and what capacity.

1 **Larry Reeves:** Larry Reeves, Range Resources, Finances.

2 **Jim Kaiser:** You have all that? Alright. And this is disbursement filed by Range Resources?

3 **Larry Reeves:** Yes.

4 **Jim Kaiser:** And can you, before we go into the standard testimony, could you sort of explain
5 what's going on with this unit?

6 **Larry Reeves:** The disbursement 0719-03 per disbursement, there was a...

7 **Jim Kaiser:** Madam Chairman, did you call the, did you read out the docket thing?

8 **Mary Quillen:** Oh the docket number is VGOB 99-0420-0719-03. 29.

9 **Larry Reeves:** Item Number 29, thank you.

10 **Mary Quillen:** Item Number 29.

11 **Larry Reeves:** A previous disbursement was done with EQT, on behalf of a, someone had
12 elected to participate that amount had been paid and done, escrow mistakenly. EQT had done a
13 previous disbursement to withdraw that amount but had mistakenly been put into escrow. At that
14 time, it was 2013. More or less, we just wanted to bring this in front of the Board to show that
15 there was a discrepancy in accounting. If you'll notice, the difference on Exhibit J, the
16 reconciliation is roughly \$2,200, which only \$100 of that, well, less than \$100 of that has
17 increased since the 2013 disbursement. No money has been paid into escrow since 2013 when
18 the distribution for the, when the election for the participation ran out. No money at all has been
19 paid in, all this has [Indiscernible].

20 **Mary Quillen:** So, the disbursement that we're showing here, it would be the full disbursement?

21 **Jim Kaiser:** It would close out this unit, yeah.

22 **Mary Quillen:** And it will close out? Okay. And that's in Tract 2 and Tract 5? [Indiscernible]
23 Okay. So it would be complete.

24 **Jim Kaiser:** Okay. And have all parties been notified as required by statute?

25 **Larry Reeves:** They have.

26 **Jim Kaiser:** And this disbursement concerns the unit for Well VC-3047?

27 **Larry Reeves:** Yes, it does.

28 **Jim Kaiser:** And it affects Tract 2 and 5?

29 **Larry Reeves:** Yes sir.

1 **Jim Kaiser:** And it's the full disbursement?

2 **Larry Reeves:** Yes.

3 **Jim Kaiser:** And, have the figures been reconciled between the escrow agent and Range
4 Resources?

5 **Larry Reeves:** Yes, they have.

6 **Jim Kaiser:** And as of what date was that disbursement, was those figures calculated?

7 **Larry Reeves:** May 2015.

8 **Jim Kaiser:** Okay, and would you direct the Board to Table 1 of our petition and as so the
9 percentage of escrowed funds to be disbursed, the next to last column to the right of that
10 schedule, would you ask that they use those percentages going forward?

11 **Larry Reeves:** Yes.

12 **Jim Kaiser:** And do you agree with Table 1 as to who should receive the disbursements and
13 what amount?

14 **Larry Reeves:** Yes we do.

15 **Jim Kaiser:** And have we provided the Board with Exhibits E and EE to reflect the facts of this
16 unit going forward?

17 **Larry Reeves:** Yes.

18 **Jim Kaiser:** And would you ask that these parties, listed in Table 1, be paid any royalty due
19 them directly going forward?

20 **Larry Reeves:** Yes I would.

21 **Jim Kaiser:** Nothing further of this witness at this time, Madam Chairman.

22 **Mary Quillen:** Any questions from the Board? [No response] Do we have a motion for
23 approval?

24 **Donnie Rife:** Motion for approval, Madam Chair.

25 **Bruce Prather:** Second.

26 **Mary Quillen:** We have a motion and a second. All in favor of approval, respond by saying yes.

27 **Board:** Yes.

28 **Mary Quillen:** Opposed, no. [No response] Motion carries, you have approval.

1 **Jim Kaiser:** Thank you.

2 **Item Number 30**

3 **Mary Quillen:** A petition from Range Resources-Pine Mountain, Inc. (formerly brought before
4 the Board by EQT Production Company), for the disbursement of funds and authorization for
5 direct payment on behalf of the known owners on Tracts 1 and 3 in Well VC-505241. Docket
6 Number VGOB 04-0817-1325-04. All those wishing to address this item, please come forward.

7 **Jim Kaiser:** Again, Madam Chairman, Jim Kaiser and Larry Reeves for Range.

8 **Mary Quillen:** You may proceed.

9 **Jim Kaiser:** Again, this is a disbursement request filed by Range?

10 **Larry Reeves:** Yes.

11 **Jim Kaiser:** And, it is again, involves one that was previously brought up by EQT. Can you
12 explain kind of what we're doing here?

13 **Larry Reeves:** Everyone on the previous disbursement had sent in W-9's, with the exception of
14 two individuals. We're just bringing this in front of the Board to remove those individuals from
15 the EE and disbursement and place them back in escrow.

16 **Jim Kaiser:** And have all parties been notified, as required by statute?

17 **Larry Reeves:** Yes they have.

18 **Jim Kaiser:** And this is for the unit that is, contains Well VC-505241?

19 **Larry Reeves:** Yes.

20 **Jim Kaiser:** And it affects Tract 3, is that correct?

21 **Larry Reeves:** Yes.

22 **Jim Kaiser:** And have the figures been reconciled between the bank and Range?

23 **Larry Reeves:** They have.

24 **Jim Kaiser:** And that's as of what date?

25 **Larry Reeves:** From the previous disbursement, which is [Indiscernible].

26 **Jim Kaiser:** Okay, and again, we direct the Board to Table 1 and the next to the last column on
27 the right as far as percentage of escrow funds to be disbursed?

1 **Larry Reeves:** Yes.

2 **Jim Kaiser:** And who should receive those?

3 **Larry Reeves:** Yes sir.

4 **Jim Kaiser:** And, as you stated, we did provide the Board with updated Exhibit E and EE, to
5 reflect the true facts of the status of this unit at this time?

6 **Larry Reeves:** We did.

7 **Jim Kaiser:** And again, you'd want any of these parties, listed in Table 1, to be paid any
8 royalties due them directly going forward?

9 **Larry Reeves:** Yes.

10 **Jim Kaiser:** Nothing further for this witness, at this time, Ms. Chairman.

11 **Mary Quillen:** Any questions from the Board? [No response] I'd like to make a correction
12 before we call for the motion. I believe that on the agenda, it says Tracts 1 and 3, when in fact, it
13 should only be Tract 3. I would like to correct that, on the record. That it is only Tract 3. Is there
14 a motion for approval?

15 **Donnie Rife:** Motion for approval, Madam Chairman.

16 **Bruce Prather:** Second.

17 **Mary Quillen:** We have a motion for approval and a second. All those in favor of approval,
18 respond by saying yes.

19 **Board:** Yes.

20 **Mary Quillen:** Opposed, no. [No response] Motion carries, you have approval.

21 **Jim Kaiser:** Thank you.

22 **Item Number 31**

23 **Mary Quillen:** A petition from Range Resources-Pine Mountain, Inc., to disburse funds from
24 the escrow account for Unit V-530345, to all known owners in Tract 6. Docket Number VGOB
25 13-0820-4019-01. Those wishing to speak to this agenda item, please come forward.

26 **Jim Kaiser:** Jim Kaiser and Larry Reeves again.

27 **Mary Quillen:** You may continue.

28 **Jim Kaiser:** Larry, again, this is a disbursement request filed by Range?

1 **Larry Reeves:** Yes sir.

2 **Jim Kaiser:** And this is actually a disbursement on a conventional well, correct?

3 **Larry Reeves:** Yes.

4 **Jim Kaiser:** And have all parties been notified, as required by statute?

5 **Larry Reeves:** They have.

6 **Jim Kaiser:** And it's for the unit affected by Well V-530345?

7 **Larry Reeves:** Yes.

8 **Jim Kaiser:** And it affects Tract 6, is that correct?

9 **Larry Reeves:** Yes sir.

10 **Jim Kaiser:** Will this be a full disbursement to close out the unit?

11 **Larry Reeves:** No. A partial.

12 **Jim Kaiser:** Partial? Okay, and have the figures been reconciled between the bank and Range?

13 **Larry Reeves:** They have.

14 **Jim Kaiser:** And would you again direct the Board to the next to the last column to the right on
15 Table 1 as to what percentage of escrowed funds should be disbursed?

16 **Larry Reeves:** Yes.

17 **Jim Kaiser:** And do you agree that Table 1 represents the correct percentage and the parties
18 whom the proceeds should be disbursed to?

19 **Larry Reeves:** It does.

20 **Jim Kaiser:** And have we provided the Board with Exhibits E and EE to reflect the facts of this
21 unit after this disbursement?

22 **Larry Reeves:** Yes.

23 **Jim Kaiser:** Do you ask that the parties listed in Table 1 be paid their royalties going forward.

24 **Larry Reeves:** Yes.

25 **Jim Kaiser:** Nothing further of this witness at this time, Ms. Chairman.

26 **Mary Quillen:** What was that reconciliation date?

1 **Jim Kaiser:** May 20, 2015.

2 **Mary Quillen:** Any other questions from the Board?

3 **Bruce Prather:** Jim, is this well in the Roaring Fork part of the property that Range bought in
4 Wise County?

5 **Jim Kaiser:** I think it is.

6 **Mary Quillen:** Do I have a motion for approval?

7 **Donnie Rife:** Motion made for approval, Madam Chairman.

8 **Rita Surratt:** Second.

9 **Mary Quillen:** All those in favor. We have a motion and a second. All those in favor of
10 approval, respond by saying yes.

11 **Board:** Yes.

12 **Mary Quillen:** Opposed, no. [No response]. Any abstentions?

13 **Bruce Prather:** One.

14 **Mary Quillen:** One abstention, Mr. Prather. You have approval.

15 **Jim Kaiser:** Thank you, very much.

16 **Item Number 13**

17 **Mary Quillen:** We will return to our agenda Item 13. The transition of this company to ARP. A
18 petition from ARP Mountaineer Production, LLC, for the disbursement of escrowed funds
19 heretofore deposited with the Board's Escrow Agent, attributable to Tract 1, as depicted upon the
20 annexed table authorization to begin paying royalties directly to the parties to the prevailing
21 plaintiffs. Unit C-44. Docket Number VGOB 04-1214-1379-01. All those wishing to speak to
22 this item, please come forward.

23 **Tim Scott:** Tim Scott and Heidi Dilworth for ARP Mountaineer Production, LLC.

24 **Jen Shaver:** Jen Shaver on behalf of the Poulos-Roger's cousins.

25 **Mary Quillen:** You may continue.

26 **Tim Scott:** Thank you, Madam Chairman. Ms. Dilworth, your name and whom your employed
27 and job description, please.

28 **Heidi Dilworth:** My name is Heidi Dilworth. I work for ATLAS Energy and my job title is
29 Accounting Manager.

1 **Tim Scott:** And who operates this unit, please?

2 **Heidi Dilworth:** ARP.

3 **Tim Scott:** And that operation previously was GeoMet, is that correct?

4 **Heidi Dilworth:** Yes.

5 **Tim Scott:** And when did ARP assume operatorship of this unit?

6 **Heidi Dilworth:** May 2014.

7 **Tim Scott:** And we had a transition agreement in place, is that correct?

8 **Heidi Dilworth:** Yes, until August 2014.

9 **Tim Scott:** And, under that agreement, GeoMet continued to make deposits into the escrow
10 accounts, is that right?

11 **Heidi Dilworth:** Yes.

12 **Tim Scott:** And when did ARP make its first deposits?

13 **Heidi Dilworth:** October 2014.

14 **Tim Scott:** And are you familiar with the disbursement petition that we filed before the Board?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** And the parties that are listed on Exhibit EE, how were they notified of this hearing?

17 **Heidi Dilworth:** Via Certified Mail.

18 **Tim Scott:** And we provided proof of mailing to the Board, is that right?

19 **Heidi Dilworth:** Yes.

20 **Tim Scott:** We've also included with our petition and Exhibit J, it's a combined exhibit that
21 were both prepared by GeoMet and ARP, is that right?

22 **Heidi Dilworth:** Yes.

23 **Tim Scott:** And this petition also includes Exhibits E and EE?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** Now we've requested this disbursement based on an adjudication by the Buchanan
26 Circuit Court, that the Poulos' and the Rogers' are indeed the owners of the coalbed methane
27 underlying this unit, is that right?

1 **Heidi Dilworth:** Yes.

2 **Tim Scott:** And we filed a copy of that final order with our petition, is that correct?

3 **Heidi Dilworth:** Yes.

4 **Tim Scott:** And what Tract or Tracts are going to be disbursed today?

5 **Heidi Dilworth:** Tract 1.

6 **Tim Scott:** And this is a complete disbursement?

7 **Heidi Dilworth:** Yes.

8 **Tim Scott:** And will the account now be closed?

9 **Heidi Dilworth:** Yes.

10 **Tim Scott:** Now you've reviewed the Exhibit J and you've also reviewed the escrow agent's
11 reconciliation, is that right?

12 **Heidi Dilworth:** Yes.

13 **Tim Scott:** And what's the effective date of those?

14 **Heidi Dilworth:** April 30, 2015.

15 **Tim Scott:** And do those figures reconcile?

16 **Heidi Dilworth:** Yes.

17 **Tim Scott:** Okay. Now you're asking the sums on deposit be disbursed, is that right?

18 **Heidi Dilworth:** Yes.

19 **Tim Scott:** And that the parties escrowed have requested that the sums to be disbursed, be
20 payable to the Don Barrett escrow, or Trust Account, is that right?

21 **Heidi Dilworth:** Yes.

22 **Tim Scott:** That's all I have for Ms. Dilworth.

23 **Mary Quillen:** Mr. Scott, since we have agreed that these checks will be made payable to the
24 individuals in care of Don Barrett, we need to change that request in your summaries of each one
25 of these [Okay] Any other questions for Mr. Scott or Heidi? [No response]

26 **Mary Quillen:** Do I have a motion for approval?

27 **Donnie Rife:** Motion made for approval, Madam Chair.

1 **Donnie Rife:** Second.
2 **Mary Quillen:** We have a motion and a second. All in favor of approval, respond by saying
3 yes.
4 **Board:** Yes.
5 **Mary Quillen:** Opposed, no. Any Abstentions? [No response]
6 **Mary Quillen:** Okay, motion carries, you have approval.
7 **Tim Scott:** Thank you, Madam Chairman.

8 **Item Number 14**

9 **Mary Quillen:** A petition from ARP Mountaineer Production, LLC, for the disbursement of
10 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tracts 1 and
11 2, as depicted upon the annexed table and authorization to begin paying royalties directly to the
12 parties to the prevailing plaintiffs. Unit B-44. Docket Number VGOB 04-1214-1380-01. Those
13 wishing to speak to this item, please come forward.

14 **Tim Scott:** Tim Scott and Heidi Dilworth, for ARP Mountaineer Production, LLC.

15 **Jen Shaver:** Jen Shaver on behalf of Poulos, Rogers's client.

16 **Mary Quillen:** You may proceed.

17 **Tim Scott:** Thank you, ma'am. Again Ms. Dilworth, your name, whom you're employed and
18 your job description, please.

19 **Heidi Dilworth:** My name is Heidi Dilworth. I am employed by ATLAS Energy and my job
20 title is Accounting Manager.

21 **Tim Scott:** Who operates this unit, please?

22 **Heidi Dilworth:** ARP.

23 **Tim Scott:** And prior to taking operatorship, GeoMet was the operator for this unit, correct?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** And when did ARP assume operatorship?

26 **Heidi Dilworth:** May 2014.

1 **Tim Scott:** And the deposits for the escrow account, continued to be made by GeoMet pursuant
2 to a transition agreement, is that right?

3 **Heidi Dilworth:** Yes.

4 **Tim Scott:** And when did they stop making those deposits?

5 **Heidi Dilworth:** It would have been September 2014.

6 **Tim Scott:** So the first deposits made by ARP would be October, is that correct?

7 **Heidi Dilworth:** Yes.

8 **Tim Scott:** And, there are parties listed on Exhibit EE who are required to receive notice of this
9 hearing. How was that done, please?

10 **Heidi Dilworth:** Via Certified Mail.

11 **Tim Scott:** And we provided proof of mailing to the Board, is that correct?

12 **Heidi Dilworth:** Yes.

13 **Tim Scott:** And included with our petition is an Exhibit J, which reflects the deposits made by
14 GeoMet and ARP, is that right?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** And we've also included with the petition, Exhibits E and EE, which show how that
17 ownership is now set out, is that correct?

18 **Heidi Dilworth:** Yes.

19 **Tim Scott:** And we're disbursing based on a final adjudication as to ownership of this coalbed
20 methane in Poulos and Rogers, is that right?

21 **Heidi Dilworth:** Yes.

22 **Tim Scott:** We've included a copy of that final order with our petition, is that also correct?

23 **Heidi Dilworth:** Yes.

24 **Tim Scott:** What Tracts in Unit B-44 will be disbursed?

25 **Heidi Dilworth:** Tracts 1 and 2.

26 **Tim Scott:** And this is a complete disbursement, is that correct?

27 **Heidi Dilworth:** Yes.

1 **Tim Scott:** And will the account now be closed, as a result of the disbursement?

2 **Heidi Dilworth:** Yes.

3 **Tim Scott:** And you've reviewed Exhibit J and you've also looked at the escrow account
4 reconciliation provided by the escrow agent, is that right?

5 **Heidi Dilworth:** Yes.

6 **Tim Scott:** Do these figures reconcile with one another?

7 **Heidi Dilworth:** Yes.

8 **Tim Scott:** And you're then asking that the sums on deposit protrudal to Tracts 1 and 2 be
9 disbursed, is that right?

10 **Heidi Dilworth:** Yes.

11 **Tim Scott:** And that the sums payable to the parties respondent be made payable to them in care
12 of Don Barrett Trust Account, is that correct?

13 **Heidi Dilworth:** Yes.

14 **Tim Scott:** Okay. That's all I have for Ms. Dilworth.

15 **Mary Quillen:** The reconciliations date, was that April 30, 2015.

16 **Heidi Dilworth:** Yes it was, ma'am.

17 **Tim Scott:** Again, I'm sorry, Madam Chairman.

18 **Mary Quillen:** Thank you. That's okay. Any other questions for the folks. Okay. Do I have a
19 motion for approval?

20 **Bruce Prather:** Motion for approval, Madam Chairman.

21 **Bruce Prather:** Second.

22 **Mary Quillen:** We have a motion and a second. All those in favor respond by saying yes.

23 **Board:** Yes.

24 **Mary Quillen:** Opposed, no. Any Abstentions? [No response] Motion carries, you have
25 approval.

1 **Item Number 15**

2 **Mary Quillen:** A petition from ARP Mountaineer Production, LLC, for the disbursement of
3 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tract 1, as
4 depicted upon the annexed table, authorization to begin paying royalties directly to the parties to
5 the prevailing plaintiffs. Unit C-43. Docket Number VGOB 05-0621-1473-01. Those wishing to
6 speak on this item, please come forward.

7 **Tim Scott:** Madam Chairman, this is 05 correct? 0621? Is that the one we're doing today? Right
8 now, for C-43?

9 **Bruce Prather:** That's what's on the docket.

10 **Mary Quillen:** C-43; 05-0621...

11 **Tim Scott:** Okay, very good. Thank you. Tim Scott and Heidi Dilworth, for ARP Mountaineer
12 Production, LLC.

13 **Jen Shaver:** Jen Shaver on behalf of Poulos, Rogers's cousins.

14 **Mary Quillen:** You may continue.

15 **Tim Scott:** Thank you. Again Ms. Dilworth, your name, by whom you're employed and your
16 job description, please.

17 **Heidi Dilworth:** My name is Heidi Dilworth. I am employed by ATLAS Energy and my job
18 title is Accounting Manager.

19 **Tim Scott:** And you're familiar with who operates this unit, correct?

20 **Heidi Dilworth:** Yes, ARP.

21 **Tim Scott:** And GeoMet previously operated this unit before you all took over, is that correct?

22 **Heidi Dilworth:** Yes.

23 **Tim Scott:** And when did ARP assume operatorship of this unit?

24 **Heidi Dilworth:** May 2014.

25 **Tim Scott:** And when did ARP begin making deposits into the escrow account?

26 **Heidi Dilworth:** October 2014.

27 **Tim Scott:** So between May 2014 and September, who made those deposits?

28 **Heidi Dilworth:** GeoMet.

1 **Tim Scott:** Okay. And that was under a transitions agreement, is that right?

2 **Heidi Dilworth:** Yes.

3 **Tim Scott:** Are you familiar with the petition that we filed?

4 **Heidi Dilworth:** Yes.

5 **Tim Scott:** And how were those parties notified, listed on Exhibit EE?

6 **Heidi Dilworth:** Via Certified Mail.

7 **Tim Scott:** Okay. And we've provided proof of mailing to the Board, is that right?

8 **Heidi Dilworth:** Yes.

9 **Tim Scott:** We've also included a combined Exhibit J, which is attached to the petition that
10 shows deposits made by both GeoMet and ARP, is that correct?

11 **Heidi Dilworth:** Yes.

12 **Tim Scott:** We've also included Exhibits E and EE, is that right?

13 **Heidi Dilworth:** Yes.

14 **Tim Scott:** And for the purpose of disbursement, it's based on a final adjudication as to the
15 owner of the coalbed methane, is that right?

16 **Heidi Dilworth:** Yes.

17 **Tim Scott:** And ownership was determined to be in the Rogers' and Poulos', is that correct?

18 **Heidi Dilworth:** Yes.

19 **Tim Scott:** We've also provided a copy of the final order with our petition, is that also correct?

20 **Heidi Dilworth:** Yes.

21 **Tim Scott:** What Tract or Tract in Unit C-43 will be disbursed?

22 **Heidi Dilworth:** Tract 1.

23 **Tim Scott:** Is that a complete disbursement?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** And will that account now be closed?

26 **Heidi Dilworth:** Yes.

1 **Tim Scott:** And you reviewed Exhibit J, which shows the deposits that have been made, and
2 you've also reviewed the escrow agent's reconciliation. And do those figures, are they
3 reconciled?

4 **Heidi Dilworth:** Yes.

5 **Tim Scott:** And what's the effective date of the reconciliation?

6 **Heidi Dilworth:** April 30, 2015.

7 **Tim Scott:** Okay. You're then requesting that sums on deposits be disbursed for this tract, is
8 that correct?

9 **Heidi Dilworth:** Yes.

10 **Tim Scott:** And that the parties escrow that the sums disbursed, be delivered to them, care of
11 their attorney, Don Barrett Trust Account?

12 **Heidi Dilworth:** Yes.

13 **Tim Scott:** That's all I have for that one.

14 **Mary Quillen:** Any questions? [No response] Do I have a motion for approval?

15 **Donnie Rife:** Motion made, Madam Chairman.

16 **Bruce Prather:** Second.

17 **Mary Quillen:** We have a motion and a second for approval. All those in favor please respond
18 by saying yes.

19 **Board:** Yes.

20 **Mary Quillen:** Opposed, no. Abstentions? [No response]

21 **Mary Quillen:** Okay, approval is granted. Motion is passed and you do have approval. Sorry.

22 **Tim Scott:** Thank you.

23 **Item Number 16**

24 **Mary Quillen:** A petition from ARP Mountaineer Production, LLC, for the disbursement of
25 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tracts 1 and
26 2, as depicted upon the annexed table and authorization to begin paying royalties directly to the
27 parties to the prevailing plaintiffs for Unit SSS-36. Docket Number VGOB 06-1219-1846-01.
28 All those wishing to speak to this item, please come forward.

1 **Tim Scott:** Tim Scott and Heidi Dilworth for ARP Mountaineer Production, LLC.

2 **Jen Shaver:** I'm sorry. Jen Shaver on behalf Poulos, Rogers's cousins.

3 **Mary Quillen:** You may continue.

4 **Tim Scott:** Ms. Dilworth, one more time, your name, by whom you're employed and your job
5 description, please.

6 **Heidi Dilworth:** My name is Heidi Dilworth. I'm employed by ATLAS Energy and my job
7 description is Accounting Manager.

8 **Tim Scott:** And your familiar with who operates this unit, is that right?

9 **Heidi Dilworth:** Yes. ARP.

10 **Tim Scott:** And GeoMet previously operated this unit, is that right?

11 **Heidi Dilworth:** Yes.

12 **Tim Scott:** And again, when did ARP assume operatorship of this unit?

13 **Heidi Dilworth:** May 2014.

14 **Tim Scott:** And, after May 2014, there was a transition agreement in place, is that correct?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** And that, and according to that agreement, GeoMet continued to make deposits into
17 the escrow account. Is that right?

18 **Heidi Dilworth:** Yes.

19 **Tim Scott:** When did ARP makes its first deposits to the escrow account?

20 **Heidi Dilworth:** October 2014.

21 **Tim Scott:** And you're familiar with the petition we filed, is that right?

22 **Heidi Dilworth:** Yes.

23 **Tim Scott:** And we provided notice of this hearing to the affected parties, is that correct?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** And how was that done?

26 **Heidi Dilworth:** Via Certified Mail.

1 **Tim Scott:** And we've provided proof of mailing to the Board, is that right?

2 **Heidi Dilworth:** Yes.

3 **Tim Scott:** Addition also includes an Exhibit J, which is a combined Exhibit including deposits
4 made by both GeoMet and ARP, is that correct?

5 **Heidi Dilworth:** Yes.

6 **Tim Scott:** And we've also included Exhibits E and EE to the application for the petition
7 showing pre or how this unit will be disbursed going forward, is that right?

8 **Heidi Dilworth:** Yes.

9 **Tim Scott:** Now we've provided to the Board, with a petition, a final order, which adjudicates
10 owners of coalbed methane underlying this unit, is that right?

11 **Heidi Dilworth:** Yes.

12 **Tim Scott:** Okay. And what Tract or Tracts in Unit SSS-36 will be disbursed today?

13 **Heidi Dilworth:** Tracts 1 and 2.

14 **Tim Scott:** And that's a complete disbursement, is that right?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** As a result of the disbursement, will the account then be closed?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** And you've reviewed Exhibit J, is that right?

19 **Heidi Dilworth:** Yes.

20 **Tim Scott:** And that includes deposits made by GeoMet and ARP, correct?

21 **Heidi Dilworth:** Yes.

22 **Tim Scott:** And you've also reviewed the escrow account reconciliation prepared by the escrow
23 agent. Is that also correct?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** And those figures do reconcile, is that right?

26 **Heidi Dilworth:** Yes.

27 **Tim Scott:** What is the effective date of the reconciliation?

1 **Heidi Dilworth:** April 30, 2015.

2 **Tim Scott:** And then you're asking that the sums on deposit be disbursed, is that correct?

3 **Heidi Dilworth:** Yes.

4 **Tim Scott:** And that the escrow, the parties escrowed have requested that sums be disbursed to
5 them, in care of their attorney, Don Barrett Trust Account or Escrow Account, is that right?

6 **Heidi Dilworth:** Yes.

7 **Tim Scott:** Okay. That's all I have for Ms. Dilworth.

8 **Mary Quillen:** And questions for these folks? [No response]

9 **Mary Quillen:** Do I have a motion for approval?

10 **Donnie Rife:** Motion made for approval, Madam Chairman.

11 **Bruce Prather:** Second.

12 **Mary Quillen:** We have a motion and a second for approval. All in favor respond by saying
13 yes.

14 **Board:** Yes.

15 **Mary Quillen:** Opposed, no. [No response] Abstentions? The motions carries and you have
16 approval.

17 **Tim Scott:** Thank you, Madam Chair.

18 **Item Number 17**

19 **Mary Quillen:** Item 17 is carried forward to and continued into October and our next item that
20 we will be addressing is Item 18.

21 **Item Number 18**

22 **Mary Quillen:** A petition from ARP Mountaineer Production, LLC, for the disbursement of
23 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tract 2, as
24 depicted upon the annexed table, and authorization to begin paying royalties directly to the
25 parties to the prevailing plaintiffs. This is for Unit ZZZ-39. Docket Number VGOB 09-0616-
26 2528-01. Those wishing to speak to this item, please come forward at this time.

27 **Tim Scott:** Tim Scott and Heidi Dilworth for ARP Mountaineer Production, LLC.

28 **Jen Shaver:** Jen Shaver on behalf Poulos-Rogers's cousins.

1 **Mary Quillen:** You may continue.

2 **Tim Scott:** Thank you. Again, Ms. Dilworth, your name, by whom you're employed and your
3 job description, please.

4 **Heidi Dilworth:** My name is Heidi Dilworth. I'm employed by ATLAS Energy and my job
5 description is Accounting Manager.

6 **Tim Scott:** And who operates this unit, please?

7 **Heidi Dilworth:** ARP.

8 **Tim Scott:** Who was the previous operator?

9 **Heidi Dilworth:** GeoMet.

10 **Tim Scott:** And when did ARP assume operatorship?

11 **Heidi Dilworth:** May 2014.

12 **Tim Scott:** And between May and October, who made the deposits in the escrow account?

13 **Heidi Dilworth:** GeoMet did.

14 **Tim Scott:** And when did ARP begin making those deposits?

15 **Heidi Dilworth:** October 2014.

16 **Tim Scott:** And you're familiar with the petition, is that right?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** And the parties entitled to the notified, were notified how?

19 **Heidi Dilworth:** Via Certified Mail.

20 **Tim Scott:** And those proofs of mailings have been provided to the Board, is that correct?

21 **Heidi Dilworth:** Yes.

22 **Tim Scott:** And the Exhibit J, that's attached to the petition reflect the deposits made by
23 GeoMet and ARP, is that correct?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** And those are in the time period that we discussed, is the right?

26 **Heidi Dilworth:** Yes.

1 **Tim Scott:** Does the petition also include an Exhibit E and Exhibit EE?

2 **Heidi Dilworth:** Yes.

3 **Tim Scott:** This disbursement request is based on the final adjudication by the Buchanan Circuit
4 Court as to the ownership of coalbed methane?

5 **Heidi Dilworth:** Yes.

6 **Tim Scott:** And that ownership was determined to be in Poulos' and Rogers', is that right?

7 **Heidi Dilworth:** Yes.

8 **Tim Scott:** And we included a copy of that final order with our petition, is that also correct?

9 **Heidi Dilworth:** Yes.

10 **Tim Scott:** What tract or tracts are going to be disbursed today under ZZZ-39?

11 **Heidi Dilworth:** Tract 2.

12 **Tim Scott:** Is this a complete disbursement?

13 **Heidi Dilworth:** Yes.

14 **Tim Scott:** And will the account then be closed as a result of this disbursement?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** Now you've reviewed Exhibit J, which shows the deposits, is that correct?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** And those are both by GeoMet and by ARP, is that right?

19 **Heidi Dilworth:** Yes.

20 **Tim Scott:** You've also reviewed the escrow agent's reconciliation, on file with the Divisions of
21 Gas & Oil. Is that also correct?

22 **Heidi Dilworth:** Yes.

23 **Tim Scott:** And do these figures reconcile?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** What's the reconciliation date for this disbursement?

26 **Heidi Dilworth:** April 30, 2015.

1 **Tim Scott:** And you're asking that the sums on deposit be disbursed, correct?

2 **Heidi Dilworth:** Yes.

3 **Tim Scott:** And that the escrow, the parties have requested that the checks disbursed be made
4 payable to them, in care of their, Don Barrett Trust Account, is that right?

5 **Heidi Dilworth:** Yes.

6 **Tim Scott:** Okay. That's all I have for Ms. Dilworth.

7 **Mary Quillen:** And questions from the Board? [No response]

8 **Mary Quillen:** Do I have a motion for approval?

9 **Donnie Rife:** Motion made for approval, Madam Chairman.

10 **Bruce Prather:** Second.

11 **Mary Quillen:** We have a motion and a second for approval. All in favor of approval respond
12 by saying yes.

13 **Board:** Yes.

14 **Mary Quillen:** Opposed, no. [No response] Abstentions? The motions carries and you have
15 approval.

16 **Tim Scott:** Thank you, Madam Chair.

17 **Item Number 19**

18 **Mary Quillen:** A petition from ARP Mountaineer Production, LLC, for the disbursement of
19 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tract 2, as
20 depicted upon the annexed table and authorization to begin paying royalties directly to the parties
21 to the prevailing plaintiffs, for Unit C-35. Docket Number VGOB 09-0616-2533-01. Those
22 wishing to speak to this item, please come forward.

23 **Tim Scott:** Tim Scott and Heidi Dilworth for ARP Mountaineer Production.

24 **Jen Shaver:** I'm sorry. Jen Shaver on behalf Poulos/Rogers's cousins.

25 **Mary Quillen:** You may continue.

26 **Tim Scott:** Thank you, Madam Chairman. Ms. Dilworth, one more time, your name, by whom
27 you're employed and your job description, please.

1 **Heidi Dilworth:** My name is Heidi Dilworth. I'm employed by ATLAS Energy and my job
2 description is Accounting Manager.

3 **Tim Scott:** And your familiar with who operates this unit, is that right?

4 **Heidi Dilworth:** Yes.

5 **Tim Scott:** And who is that?

6 **Heidi Dilworth:** ARP.

7 **Tim Scott:** And GeoMet was the previous operator, is that correct?

8 **Heidi Dilworth:** Yes.

9 **Tim Scott:** And when did ARP assume operatorship of this unit?

10 **Heidi Dilworth:** May 2014.

11 **Tim Scott:** And, between May and the time you all made the deposits into the escrow account,
12 who was doing that?

13 **Heidi Dilworth:** GeoMet.

14 **Tim Scott:** Okay, and when did you make your first deposits to the escrow account?

15 **Heidi Dilworth:** October 2014.

16 **Tim Scott:** And you familiar with the petition that we filed before the Board?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** And we've notified the parties listed on Exhibit EE, is that correct?

19 **Heidi Dilworth:** Yes.

20 **Tim Scott:** And how was that done?

21 **Heidi Dilworth:** Via Certified Mail.

22 **Tim Scott:** And we've provided proof of mailing to the Board, is that right?

23 **Heidi Dilworth:** Yes.

24 **Tim Scott:** The petition includes several Exhibits, one of those is Exhibit J, is that correct?

25 **Heidi Dilworth:** Yes.

26 **Tim Scott:** And Exhibit J reflects the deposits made by GeoMet and ARP, is that right?

1 **Heidi Dilworth:** Yes.

2 **Tim Scott:** We've also included an Exhibit E and an EE, that reflects the status after the
3 adjudication, is that correct?

4 **Heidi Dilworth:** Yes.

5 **Tim Scott:** And the basis of the requested disbursement is that final adjudication before the
6 Buchanan Circuit Court, is that correct.

7 **Heidi Dilworth:** Yes.

8 **Tim Scott:** We've included a final order with the petition, is that also correct?

9 **Heidi Dilworth:** Yes.

10 **Tim Scott:** What unit, what tracts or tract will be disbursed by this petition?

11 **Heidi Dilworth:** Tract 2.

12 **Tim Scott:** Is this a complete disbursement?

13 **Heidi Dilworth:** Yes.

14 **Tim Scott:** As a result of the disbursement, will the account then be closed?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** And you've reviewed Exhibit J, is that right?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** And you've reviewed the deposits made by both GeoMet and by ARP?

19 **Heidi Dilworth:** Yes.

20 **Tim Scott:** Have you also reviewed the escrow account reconciliation prepared by the escrow
21 agent?

22 **Heidi Dilworth:** Yes.

23 **Tim Scott:** And did those figures reconcile?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** Now what is the effective date of the reconciliation?

26 **Heidi Dilworth:** April 30, 2015.

1 **Tim Scott:** And then you're asking that the sums on deposit be disbursed, is that correct?

2 **Heidi Dilworth:** Yes.

3 **Tim Scott:** And that we've also received affidavits from the party's respondent requesting that
4 the sums be disbursed to them, in care of their attorney, Don Barrett, is that correct?

5 **Heidi Dilworth:** Yes.

6 **Tim Scott:** That's all I have on this item.

7 **Mary Quillen:** Any questions from the Board? [No response]

8 **Mary Quillen:** Do I have a motion for approval?

9 **Donnie Rife:** Motion made for approval, Madam Chairman.

10 **Bruce Prather:** Second.

11 **Mary Quillen:** We have a motion and a second for approval. All those in favor respond by
12 saying yes.

13 **Board:** Yes.

14 **Mary Quillen:** Opposed, no. [No response] Any abstentions? The motions carries and you have
15 approval.

16 **Tim Scott:** Thank you, Madam Chairman.

17 **Item Number 20**

18 **Mary Quillen:** A petition from ARP Mountaineer Production, LLC, for the disbursement of
19 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tract 3, as
20 depicted upon the annexed table and authorization to begin paying royalties directly to the parties
21 to the prevailing plaintiffs. Unit ZZZ-40. Docket Number VGOB 09-0721-2549-01. All those
22 wishing to speak to this item, please come forward.

23 **Tim Scott:** Tim Scott and Heidi Dilworth for ARP Mountaineer Production, LLC.

24 **Jen Shaver:** Jen Shaver on behalf Poulos/Rogers's cousins.

25 **Mary Quillen:** You may continue.

26 **Tim Scott:** Thank you, Madam Chairman. Ms. Dilworth, your name, by whom you're employed
27 and your job description, please.

28 **Heidi Dilworth:** My name is Heidi Dilworth. I'm employed by ATLAS Energy and my job
29 description is Accounting Manager.

1 **Tim Scott:** And you're familiar with who operates this well, is that correct?

2 **Heidi Dilworth:** Yes. ARP does.

3 **Tim Scott:** And GeoMet was the previous operator, is that also correct?

4 **Heidi Dilworth:** Yes.

5 **Tim Scott:** And when did ARP assume operatorship of this unit?

6 **Heidi Dilworth:** May 2014.

7 **Tim Scott:** And, in May 2014, there was a transitions agreement entered into, correct?

8 **Heidi Dilworth:** Yes.

9 **Tim Scott:** And a result of that agreement, GeoMet continued to make those deposits, is that
10 right?

11 **Heidi Dilworth:** Yes.

12 **Tim Scott:** The first deposits made by ARP, what date was that?

13 **Heidi Dilworth:** October 2014.

14 **Tim Scott:** And so you're familiar with the petition that we filed, is that right?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** And we have parties listed on Exhibit EE, who have received notice of this hearing,
17 is that correct?

18 **Heidi Dilworth:** Yes.

19 **Tim Scott:** And how was that notice effected?

20 **Heidi Dilworth:** Via Certified Mail.

21 **Tim Scott:** And we've provided proof of mailing to the Board, is that correct?

22 **Heidi Dilworth:** Yes.

23 **Tim Scott:** And we have also included with our petition Exhibit J, which reflects deposits made
24 by both GeoMet and ARP, it's a combined Exhibit J, is that right?

25 **Heidi Dilworth:** Yes.

26 **Tim Scott:** We also have attached to the petition Exhibit E and Exhibit EE, is that correct?

1 **Heidi Dilworth:** Yes.

2 **Tim Scott:** Now, we requested this disbursement based on a final adjudication as to the
3 ownership of coalbed methane underlying this unit by the Buchanan Circuit Court, is that right?

4 **Heidi Dilworth:** Yes.

5 **Tim Scott:** We've included a copy of the final order with the petition, is that also correct?

6 **Heidi Dilworth:** Yes.

7 **Tim Scott:** What tract or tracts in Unit ZZZ-40 will be disbursed?

8 **Heidi Dilworth:** Tract 3.

9 **Tim Scott:** And is this a complete disbursement?

10 **Heidi Dilworth:** Yes.

11 **Tim Scott:** Will the account now be closed?

12 **Heidi Dilworth:** Yes.

13 **Tim Scott:** And you've reviewed Exhibit J, which indicates, or reflects the deposits made by
14 both companies, is that right?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** You've also reviewed the escrow reconciliation made by the escrow agent. Is that
17 also correct?

18 **Heidi Dilworth:** Yes.

19 **Tim Scott:** And do these figures, in fact, reconcile?

20 **Heidi Dilworth:** Yes.

21 **Tim Scott:** And what is the effective date of the reconciliation?

22 **Heidi Dilworth:** April 30, 2015.

23 **Tim Scott:** And you are asking that the amounts, held in escrow, be disbursed for this tract, is
24 that right?

25 **Heidi Dilworth:** Yes.

26 **Tim Scott:** And again, the parties escrowed have requested that the sums be made payable to
27 each of the party's respondent, in care of Don Barrett Trust or Escrow Account, is that right?

1 **Heidi Dilworth:** Yes.

2 **Tim Scott:** That's all I have Madam Chairman.

3 **Mary Quillen:** Any questions from the Board? [No response]

4 **Mary Quillen:** Do I have a motion for approval?

5 **Donnie Rife:** Motion made for approval, Madam Chairman.

6 **Bruce Prather:** Second.

7 **Mary Quillen:** We have a motion for approval and a second. All those in favor respond by
8 saying yes.

9 **Board:** Yes.

10 **Mary Quillen:** Opposed, no. [No response] Abstentions? The motions carries and you have
11 approval.

12 **Tim Scott:** Thank you, Ma'am.

13 **Rick Cooper:** Madam Chairman, may I recommend if we're going...I believe we have a few
14 things to be continued that you read the docket items on record so, there may not be items 21, 22,
15 and 23.

16 **Mary Quillen:** I will do that.

17 **Rick Cooper:** Thank you.

18 **Mary Quillen:** Do I need to go back and...

19 **Rick Cooper:** We can correct 17 but moving forward, I think probably need to read the docket
20 items.

21 **Item Number 21**

22

23 **Mary Quillen:** Alright. Item 21 has been continued to October. Docket Number VGOB 09-
24 1020-2601-01. This will be continued until October.

25

26 **Item Number 22**

27

28 Item Number 22, Docket Number VGOB 09-1020-2603-01 will be continued until October.

29

30 **Item Number 23**

31

1 Docket Item Number 23, Docket Number VGOB 09-1020-2609-01 will be continued until
2 October.

3 **Item Number 24**

4 **Mary Quillen:** A petition from ARP Mountaineer Production, LLC, for the disbursement of
5 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tract 2, as
6 depicted upon the annexed table and authorization to begin paying royalties directly to the parties
7 to the prevailing plaintiffs for Unit D-35. Docket Number VGOB 10-0615-2748-01. Those
8 wishing to address this item, please come forward at this time.

9 **Tim Scott:** Tim Scott and Heidi Dilworth for ARP Mountaineer Production, LLC.

10 **Jen Shaver:** Jen Shaver on behalf Poulos/Rogers's cousins.

11 **Mary Quillen:** You may continue.

12 **Tim Scott:** Thank you, Madam Chairman. Ms. Dilworth, one more time, your name, by whom
13 you're employed and your job description, please.

14 **Heidi Dilworth:** My name is Heidi Dilworth. I'm employed by ATLAS Energy and my job
15 description is Accounting Manager.

16 **Tim Scott:** ARP operates this unit, is that right?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** And who was the previous operator?

19 **Heidi Dilworth:** GeoMet.

20 **Tim Scott:** And when did ARP assume operatorship of this unit?

21 **Heidi Dilworth:** May 2014.

22 **Tim Scott:** And, at that time, an agreement was entered into between GeoMet and ARP,
23 regarding, was a transition agreement, is that correct?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** And at that time, or during that period of time or the term of that agreement, the
26 deposits were made by which company?

27 **Heidi Dilworth:** GeoMet.

28 **Tim Scott:** And when did ARP begin making deposits?

29 **Heidi Dilworth:** October 2014.

1 **Tim Scott:** And your familiar with the petition, is that right?

2 **Heidi Dilworth:** Yes.

3 **Tim Scott:** And we have parties listed on Exhibit EE that this hearing was going to take place
4 today, is that right?

5 **Heidi Dilworth:** Yes.

6 **Tim Scott:** And how was that done?

7 **Heidi Dilworth:** Via Certified Mail.

8 **Tim Scott:** And we've provided proof of mailing to the Board, is that right?

9 **Heidi Dilworth:** Yes.

10 **Tim Scott:** Now the Exhibit J that we've included with our petition includes deposits made by
11 GeoMet and ARP, is that right?

12 **Heidi Dilworth:** Yes.

13 **Tim Scott:** We also have included an Exhibit E and Exhibit EE, is that correct?

14 **Heidi Dilworth:** Yes.

15 **Tim Scott:** So the Exhibit E shows no conflicting parties any longer and the EE shows the
16 disbursement parties, is that correct?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** And the requested disbursement is based upon an adjudication by the Buchanan
19 Circuit Court, that the Rogers and Poulos' are in fact, the owners of the coalbed methane, is that
20 right?

21 **Heidi Dilworth:** Yes.

22 **Tim Scott:** And we've included a copy of the final order with the petition, is that also correct?

23 **Heidi Dilworth:** Yes.

24 **Tim Scott:** What tract or tracts in Unit D-35 will be disbursed?

25 **Heidi Dilworth:** Tract 2.

26 **Tim Scott:** And will this also be a complete disbursement?

27 **Heidi Dilworth:** Yes.

1 **Tim Scott:** Will the account then be closed?

2 **Heidi Dilworth:** Yes.

3 **Tim Scott:** And you've reviewed the combined Exhibit J, that we filed, and also reviewed the
4 escrow agents reconciliation that's on file with the Division of Gas & Oil, is that right?

5 **Heidi Dilworth:** Yes.

6 **Tim Scott:** And do these figures reconcile?

7 **Heidi Dilworth:** Yes.

8 **Tim Scott:** And what is the effective date of the reconciliation?

9 **Heidi Dilworth:** June 30, 2015.

10 **Tim Scott:** And I would like to explain to the Board, this is a little bit different because this was
11 first production, from this unit, so GeoMet has never made a deposit into this account, and ARP
12 was the first to make those deposits. So that's the reason for the difference in escrow date of
13 reconciliation.

14 **Tim Scott:** Are you asking that the sums on deposit be disbursed?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** And that also, the parties have requested that the sums be disbursed, be made
17 payable to the party's respondent, in care of Don Barrett Trust, is that right?

18 **Heidi Dilworth:** Yes.

19 **Tim Scott:** That's all I have for Ms. Dilworth.

20 **Mary Quillen:** Any questions from the Board? [No response]

21 **Mary Quillen:** Do I have a motion for approval?

22 **Donnie Rife:** Motion made for approval, Madam Chairman.

23 **Bruce Prather:** Second.

24 **Mary Quillen:** We have a motion and a second for approval. All those in favor respond by
25 saying yes.

26 **Board:** Yes.

27 **Mary Quillen:** Opposed, no. [No response] Abstentions? The motions carries and you have
28 approval.

1 **Tim Scott:** Thank you, Madam Chairman.

2 **Item Number 25**

3 **Mary Quillen:** A petition from ARP Mountaineer Production, LLC, for the disbursement of
4 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tracts 1 and
5 3, as depicted upon the annexed table and authorization to begin paying royalties directly to the
6 parties to the prevailing plaintiffs for Unit A-36. Docket Number VGOB 10-0720-2770-01.
7 Those wishing to speak to this item, please come forward at this time.

8 **Tim Scott:** Tim Scott and Heidi Dilworth for ARP Mountaineer Production, LLC.

9 **Jen Shaver:** Jen Shaver on behalf Poulos/Roger's cousins.

10 **Mary Quillen:** You may continue.

11 **Tim Scott:** Thank you, Madam Chairman. Ms. Dilworth, one more time, your name, by whom
12 you're employed and your job description, please.

13 **Heidi Dilworth:** My name is Heidi Dilworth. I'm employed by ATLAS Energy and my job
14 description is Accounting Manager.

15 **Tim Scott:** And your familiar with who operates this unit, is that right?

16 **Heidi Dilworth:** Yes. ARP.

17 **Tim Scott:** And prior to your taking over operation, GeoMet was the operator, is that right?

18 **Heidi Dilworth:** Yes.

19 **Tim Scott:** When did ARP assume operatorship of this unit?

20 **Heidi Dilworth:** May 2014.

21 **Tim Scott:** And, during that time, or at that time, GeoMet and ARP entered into a transition
22 agreement, is that right?

23 **Heidi Dilworth:** Yes.

24 **Tim Scott:** And a result of that transition agreement, GeoMet continued to make those deposits
25 into the escrow account, is that right?

26 **Heidi Dilworth:** Yes.

27 **Tim Scott:** When was the first time or the first date that ARP began making deposits?

28 **Heidi Dilworth:** October 2014.

1 **Tim Scott:** And you're familiar with the petition that we filed, is that right?

2 **Heidi Dilworth:** Yes.

3 **Tim Scott:** And we have parties listed on Exhibit EE, is that right?

4 **Heidi Dilworth:** Yes.

5 **Tim Scott:** And those parties were notified of this hearing, and how was that done?

6 **Heidi Dilworth:** Via Certified Mail.

7 **Tim Scott:** And we've provided proof of mailing to the Board, is that correct?

8 **Heidi Dilworth:** Yes.

9 **Tim Scott:** And we have also have a combined Exhibit J, which reflects deposits made by both
10 GeoMet and ARP, is that correct?

11 **Heidi Dilworth:** Yes.

12 **Tim Scott:** And does the petition also include Exhibit E and Exhibit EE?

13 **Heidi Dilworth:** Yes.

14 **Tim Scott:** Now, we're making our disbursement today, or requesting the disbursement based
15 on the final adjudication as to the owners of coalbed methane, and that adjudication was made by
16 the Buchanan Circuit Court, is that correct?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** We've included a copy of the final order with the petition, is that also correct?

19 **Heidi Dilworth:** Yes.

20 **Tim Scott:** What tract or tracts in Unit A-36 will be disbursed?

21 **Heidi Dilworth:** Tract 1 and 2 or 1 and 3, sorry.

22 **Tim Scott:** That's alright, is this a complete disbursement?

23 **Heidi Dilworth:** Yes.

24 **Tim Scott:** As a result of the disbursement, will the account then be closed?

25 **Heidi Dilworth:** Yes.

26 **Tim Scott:** And you've reviewed the combined Exhibit J, is that right?

1 **Heidi Dilworth:** Yes.

2 **Tim Scott:** And it reflects the deposits made by GeoMet and ARP?

3 **Heidi Dilworth:** Yes.

4 **Tim Scott:** You've also reviewed the reconciliation on file with the Division of Gas & Oil
5 prepared and filed by the escrow agent. Is that correct?

6 **Heidi Dilworth:** Yes.

7 **Tim Scott:** And you've reviewed those figures, is that right?

8 **Heidi Dilworth:** Yes.

9 **Tim Scott:** What's the effective date of the reconciliation?

10 **Heidi Dilworth:** April 30, 2015.

11 **Tim Scott:** And upon review of those figures, do these figures reconcile?

12 **Heidi Dilworth:** Yes.

13 **Tim Scott:** So you're asking that the sums on deposit be disbursed, correct?

14 **Heidi Dilworth:** Yes.

15 **Tim Scott:** And that the parties escrowed have requested that the sums be disbursed to them
16 payable to...in care of Don Barrett Trust Account, is that right?

17 **Heidi Dilworth:** Yes.

18 **Tim Scott:** That's all I have on this matter, Madam Chairman.

19 **Mary Quillen:** Any questions from the Board? [No response]

20 **Mary Quillen:** Do I have a motion for approval?

21 **Donnie Rife:** Motion made for approval, Madam Chairman.

22 **Bruce Prather:** Second.

23 **Mary Quillen:** We have a motion and a second. All those in favor of approval, respond by
24 saying yes.

25 **Board:** Yes.

26 **Mary Quillen:** Opposed, no. [No response] Abstentions? The motions carries and you have
27 approval.

1 **Tim Scott:** Thank you, Madam Chairman.

2 **Item Number 26**

3 **Mary Quillen:** A petition from ARP Mountaineer Production, LLC, for the disbursement of
4 escrowed funds heretofore deposited with the Board's Escrow Agent, attributable to Tracts 2 and
5 4, as depicted upon the annexed table and authorization to begin paying royalties directly to the
6 parties to the prevailing plaintiffs for Unit B-35. Docket Number VGOB 10-0720-2771-01.
7 Those wishing to speak to this item, please come forward.

8 **Tim Scott:** Tim Scott and Heidi Dilworth for ARP Mountaineer Production, LLC.

9 **Jen Shaver:** Jen Shaver on behalf Poulos/Rogers's cousins.

10 **Mary Quillen:** You may continue.

11 **Tim Scott:** Thank you. Ms. Dilworth, one final time, your name, by whom you're employed and
12 your job description, please.

13 **Heidi Dilworth:** My name is Heidi Dilworth. I'm employed by ATLAS Energy and my job
14 description is Accounting Manager.

15 **Tim Scott:** And your familiar with who operates this unit, is that right?

16 **Heidi Dilworth:** Yes.

17 **Tim Scott:** And who is that, please?

18 **Heidi Dilworth:** ARP.

19 **Tim Scott:** And who operated the unit prior to ARP taking over operatorship?

20 **Heidi Dilworth:** GeoMet.

21 **Tim Scott:** When what date did ARP assume operatorship?

22 **Heidi Dilworth:** May 2014.

23 **Tim Scott:** And, at that time, ARP and GeoMet entered into a transition agreement, is that
24 correct?

25 **Heidi Dilworth:** Yes.

26 **Tim Scott:** And a result of that agreement, GeoMet continued to make those deposits into the
27 escrow account, is that right?

28 **Heidi Dilworth:** Yes.

1 **Tim Scott:** And that's reflected on our Exhibit J. Is that also correct?

2 **Heidi Dilworth:** Yes.

3 **Tim Scott:** Are you familiar with ARP disbursement petition?

4 **Heidi Dilworth:** Yes.

5 **Tim Scott:** And we've notified the parties entitled to be notified listed on Exhibit EE, and how
6 did we do that?

7 **Heidi Dilworth:** Via Certified Mail.

8 **Tim Scott:** And we've provided proof of mailing to the Board, is that correct?

9 **Heidi Dilworth:** Yes.

10 **Tim Scott:** Now the petition or Exhibit J, to which I just referred, it reflects deposits made by
11 both GeoMet and ARP, is that right?

12 **Heidi Dilworth:** Yes.

13 **Tim Scott:** In the time periods that we discussed?

14 **Heidi Dilworth:** Correct.

15 **Tim Scott:** The petition also includes Exhibit E and EE, is that also correct?

16 **Heidi Dilworth:** Yes.

17 **Tim Scott:** Now, we're making our disbursement based on the final adjudication by the
18 Buchanan Circuit Court, as to the ownership of this coalbed methane, is that correct?

19 **Heidi Dilworth:** Yes.

20 **Tim Scott:** And the court adjudicated the Poulos' and the Rogers' to be the rightful owners of
21 the coalbed methane, is that right?

22 **Heidi Dilworth:** Yes.

23 **Tim Scott:** We've included a copy of the final order with the petition, is that also correct?

24 **Heidi Dilworth:** Yes.

25 **Tim Scott:** Now as to the tracts affected by these petition, in B-35, which tracts are those?

26 **Heidi Dilworth:** Tract 2 and 4.

27 **Tim Scott:** And this will be a complete disbursement, is that correct?

1 **Heidi Dilworth:** Yes.

2 **Tim Scott:** As a result of the disbursement, will the account then be closed?

3 **Heidi Dilworth:** Yes.

4 **Tim Scott:** And you've reviewed the Exhibit J, with the deposits, is that right?

5 **Heidi Dilworth:** Yes.

6 **Tim Scott:** You've also reviewed the escrow agents reconciliation on file with the Department
7 of Division of Gas & Oil, is that right?

8 **Heidi Dilworth:** Yes.

9 **Tim Scott:** What's the effective date of the reconciliation?

10 **Heidi Dilworth:** April 30, 2015.

11 **Tim Scott:** In reviewing the reconciliation prepared by GeoMet and ARP and the escrow agent,
12 do these figures reconcile?

13 **Heidi Dilworth:** Yes.

14 **Tim Scott:** And are you asking that the sums on deposit be disbursed?

15 **Heidi Dilworth:** Yes.

16 **Tim Scott:** And you're also asking the parties respondent have requested that the sums
17 disbursed be delivered to them in care of their attorney, Don Barrett Trust Account, is that
18 correct?

19 **Heidi Dilworth:** Yes.

20 **Tim Scott:** That's all I have, Madam Chairman.

21 **Mary Quillen:** Any questions from the Board? [No response]

22 **Mary Quillen:** Do I have a motion for approval?

23 **Donnie Rife:** Motion made for approval, Madam Chair.

24 **Bruce Prather:** Second.

25 **Mary Quillen:** We have a motion and a second for approval. All those in favor, respond by
26 saying yes.

27 **Board:** Yes.

1 **Mary Quillen:** Opposed, no. [No response] Abstentions? The motions carries and you have
2 approval.

3 **Tim Scott:** Thank you, Madam Chairman.

4 **Jen Shaver:** Madam Chairman, I have a question for the Board we forgot to...I have a
5 disbursement petition for A-37, VGOB-09-0217-2468-01.

6 **Tim Scott:** I'll explain.

7 **Jen Shaver:** Okay.

8 **Tim Scott:** There is a, there are unknowns listed on Exhibit E and we failed to make public,
9 publish it in the newspaper. It'll be on the next Docket, okay.

10 **Jen Shaver:** Okay.

11 **Item Number 27**

12 **Mary Quillen:** Our next item on the agenda is Number 27. VGOB 09-1020-2775-01; will be
13 continued until October.

14 **Item Number 28**

15 Then next Item 28 on the agenda VGOB 06-1114-2776-01, has been continued until
16 October. And I believe that completes our agenda for today.

17 **Item Number 32**

18 **Mary Quillen:** Okay Number 32, we do have some housekeeping that we need to do. Number
19 32, the Board will receive an update of Board and Division activities from the staff.

20 **Rick Cooper:** Yes, what I wanted to update you on, per Board's request, is the status of the
21 coals dismissals. So, we currently have had 52 submitted to us and we got 45 of those in some
22 stage of processing, and that can be anywhere from review to check requisitions, to courthouse
23 filing and that type of thing, but we have 7 of those completed and mailed out. That's all the
24 staff has to report this month.

25 **Item Number 33**

26 **Mary Quillen:** Alright, Number 33, the Board will review the August 2015 minutes for
27 approval. Do I hear a motion for approval?

28 **Donnie Rife:** Motion for approval of the August 2015 minutes.

29 **Mary Quillen:** All in favor, respond by saying yes.

- 1 **Board:** Yes.
- 2 **Mary Quillen:** Opposed, no. [No response]. Motion carries. Minutes are approved. Is there a
- 3 motion to adjourn this meeting?
- 4 **Donnie Rife:** Motion made, Madam Chairman.
- 5 **Bruce Prather:** Second.
- 6 **Mary Quillen:** Motion and a second. All in favor, respond by saying yes.
- 7 **Board:** Yes.
- 8 **Mary Quillen:** Opposed no [No response] Abstentions? This meeting is adjourned.