



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SECRETARY

July 18, 2014

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Gerard Noguee and Claudia Noguee
2374 Marr Road
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RE: In Re: Hilcorp Energy Company
Docket No. 2013-01
Department of Environmental Protection

Dear Counsel and Mr. and Mrs. Noguee:

Please find enclosed my Order filed today granting the Petition to Intervene by Gerard Noguee and Claudia Noguee, and directing Hearing Officer Bangs to address all petitions or motions for continuance, stay or rescheduling of hearings.

Sincerely,

E. Christopher Abruzzo
Secretary

Enclosure

Cc: Michael Bangs, Hearing Officer
Dennis Whitaker, Esquire
Douglas Brennan, Esquire
Glenda Davidson, Docket Clerk

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF THE SECRETARY**

In Re: The Matter of the Application of)
 Hilcorp Energy Company for)
 Well Spacing Units) Docket No. 2013-01

ORDER

1. On May 2, 2014, Hearing Officer Bangs issued an Order establishing May 12, 2014 as the deadline for “eligible persons” to file a Petition to Intervene.
2. On May 12, 2014, Gerald L. Noguee and Claudia A. Noguee (“Property Owners”) filed a Petition to Intervene (“Petition”). The Petition alleges that “Hilcorp’s application is premised upon the integration of the Property Owners’ interests, as demonstrated by the plat indicating the location of the proposed wells.” The Petition identifies Exhibit C-1 of Hilcorp’s Supplemental Documents as demonstrating that allegation.
3. On May 19, 2014, Hilcorp Energy Company (“Hilcorp”) filed an Answer to the Petition. In its Answer, Hilcorp asserts that Property Owners “have no interest that may be affected by an order establishing spacing units over the Pulaski Accumulation, and can offer no relevant testimony at a hearing held to determine ‘the area to be included in the order and the acreage to be embraced within each unit.’” Hilcorp’s Answer further states that “the appropriate venue for the

[Property Owners] to provide testimony on the Application is at the second session of the bifurcated hearing process... .”

4. According to Hearing Officer Bang’s July 11, 2014 Scheduling Order, the purpose of second session is for interested persons to present testimony on the Application.
5. The Department did not file an Answer. However, the Department’s Answer to a prior Petition to Intervene stated that “based on information and belief, other persons exist who ... otherwise have a right to appear at the Hearing on the Application. However, these other persons have not joined the Property Owners’ Petition to Intervene.”
6. From the limited information available to me I conclude that the Property Owner’s allegations meet the eligibility requirements of 1 Pa. Code § 35.28(a)(3). However, the Hearing Officer may in the exercise of his discretion in conducting the hearing decide based upon additional argument or information received that the Property Owners are the type of interested person who more appropriately should appear and participate in the second session currently scheduled for September 17, 2014.
7. The Hearing Officer is directed to address all petitions or motions for continuance, stay, or rescheduling of hearings, pending or subsequently filed, without first referring them to me for consideration.

NOW, this 18th day of July 2014, based upon the various filings to date, and the Orders issued by Hearing Officer Bangs on March 25, May 2 and July 11, it is hereby ORDERED that

- a. The Petition is GRANTED as set forth above.
- b. The Hearing Officer may in the exercise of his discretion in conducting the hearing decide based upon additional argument or information received that the Property Owners are the type of interested person who more appropriately should appear and participate in the second session currently scheduled for September 17, 2014.
- c. The Hearing Officer is directed to address all petitions or motions for continuance, stay, or rescheduling of hearings, pending or subsequently filed, without first referring them to me for consideration.

So Ordered,



E. Christopher Abruzzo, Secretary
Department of Environmental Protection