

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF OIL AND GAS MANAGEMENT**

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

**PETITION TO INTERVENE**

Pursuant to Pa. Code §35.28, Gerard L. Nogee and Claudia A. Nogee, husband and wife, (hereinafter the "Property Owners"), hereby petition to intervene in the above-captioned matter and, in support thereof, aver the following:

1. Gerard L. Nogee and Claudia A. Nogee is the fee simple owner of approximately 73 acres of real estate located at 2374 Marr Road, Pulaski, PA 16143 in Pulaski Township, Lawrence County.
2. Pursuant to 58 P.S. §§401-419 (Oil & Gas Conservation Law), Hilcorp Energy Company has filed an application for an order establishing spacing units covering an area of approximately 3,267 acres (the "Parcel"). The application avers that a common accumulation of natural gas underlies the Parcel and that such accumulation constitutes a pool as it is "not in communication laterally or vertically with any other accumulation of oil or gas." 58 P.S. §402(10).
3. Hilcorp Energy Company has 46 wells permitted in Pulaski Township encompassing in excess of 7000 acres in addition to the two tracts (their #110 and #111) that are the subject of this hearing.
4. The Property Owners' properties are among those adjacent to and surrounded by properties already being drilled by or containing leases acquired by Hilcorp Energy Company in

Pulaski Township. State Game Land #150 to the north of the Property Owners and parcels to the south of Property Owners on Marr Road are subject to leases held by Hilcorp Energy Company, but are not presently part of any permitted well tract.

5. The Property Owners own their mineral rights and have not leased any of these rights to Hilcorp or a third party.

6. The Property Owners' rights to their minerals and to prevent trespass upon their underground estates are guaranteed by Article I of the Pennsylvania Constitution, which states, "All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of **acquiring, possessing and protecting property** and reputation, and of pursuing their own happiness." PA CONST. Art. I, §1 (emphasis added).

7. Upon a finding for Hilcorp Energy Company and a precedent for the forced pooling provision of 58 P.S. §§401-419 (Oil & Gas Conservation Law), Property Owners cannot reasonably expect that the Property Owners property will not also be subject to such forced pooling based on the history and spacing practices of Hilcorp Energy Company drilling in Pulaski Township.

8. Pursuant to 35 P.S. §28 sections 2 and 3, the Property owners assert that they have a direct interest in the precedent set by findings in this hearing and that they are not represented by any existing parties.

9. The Pennsylvania Department of Environmental Protection (DEP) has appointed Michael L. Bangs, Esquire, as the hearing officer in this matter.

10. Pursuant to 58 P.S. §408, Hearing Officer Bangs, "as part of the order establishing a spacing unit or units shall prescribe the terms and conditions upon which the

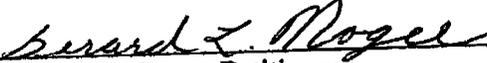
royalty interests in the unit or units shall, in the absence of voluntary agreement, be deemed to be integrated without the necessity of a subsequent separate order integrating the royalty interests.” 58 P.S. §408(a). Hilcorp’s application is premised upon the integration of the Property Owners’ interests, as demonstrated by the plat indicating the location of the proposed wells. *See* Hilcorp’s February 28, 2014 Supplemental Documents, Exhibit C-1. Therefore, if Hearing Officer Bangs grants Hilcorp’s application, it will result in the integration of the Property Owners’ interests, which would allow Hilcorp to take their interests without their “voluntary agreement.” *Id.*

11. The Property Owners seek to intervene and, if permitted to do so, shall introduce evidence to demonstrate that:

- a. The identified accumulation of gas is not a “pool” within the meaning of 52 P.S. §410(2).
- b. The Oil and Gas Conservation Law’s purpose of protecting correlative rights is inapplicable in instances of horizontal drilling for natural gas in shale formations.
- c. If Hilcorp Energy Company is granted permission to force pool the mineral rights of property owners, it will set a precedent for all property owners in Pulaski Township and possibly in others areas of Pennsylvania.

WHEREFORE, the Petitioners, Gerard L. Noguee and Claudia A. Noguee respectfully request that their Petition to Intervene be granted.

Respectfully Submitted,

  
Gerard L. Noguee, Petitioner

  
Claudia A. Noguee, Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the herein Petition to Intervene was served on May 12, 2014, via *U.S. First Class Mail*, to the following:

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Gerard L. Noguee