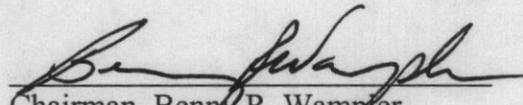
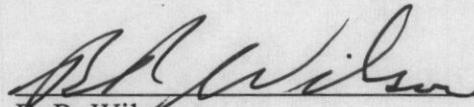


3. Jurisdiction: Pursuant to Va. Code § 45.1-361.1 *et seq.*, the Board finds that it has jurisdiction over the subject matter.
4. Relief Requested: Pocahontas Gas Partnership's applications in these matters sought to have the Board: (1) pool the Gas rights, interests and estates in Subject Drilling Units for the drilling and operation, including production thereof, from the pool defined as all coalbed and coal seams below the Tiller Seam (hereafter "Subject Formation"); and (2) name Consol Energy Inc. as the Designated Operator of Subject Drilling Units. Subsequent to the March 19, 2002 hearing of these matters, Applicant filed with the Board notice that it was withdrawing its applications in these matters and requested that the Board enter an order dismissing these matters without prejudice.
5. Relief Granted: The Board hereby grants Applicant's Motion to withdraw its Application filed in the above-styled causes and hereby dismisses said Applications without prejudice.

DONE AND EXECUTED this 16th day of April, 2002, by the Chairman on behalf of the Virginia Gas and Oil Board.

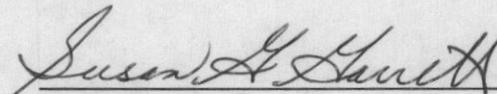

 Chairman, Benny R. Wampler

DONE AND PERFORMED this 18th day of April, 2002 by Order of the Board.


 B. R. Wilson
 Principal Executive to the Staff
 Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
 COUNTY OF WISE)

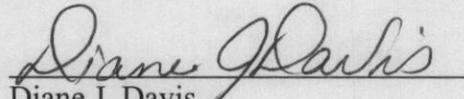
Acknowledged on this 16th day of April, 2002, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny R. Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


 Susan G. Garrett
 Notary Public

My commission expires July 31, 2002

COMMONWEALTH OF VIRGINIA)
COUNTY OF WASHINGTON)

Acknowledged on this 18th day of April, 2002, personally before me a notary public in and for the Commonwealth of Virginia, appeared B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.


Diane J. Davis
Notary Public

My commission expires September 30, 2005

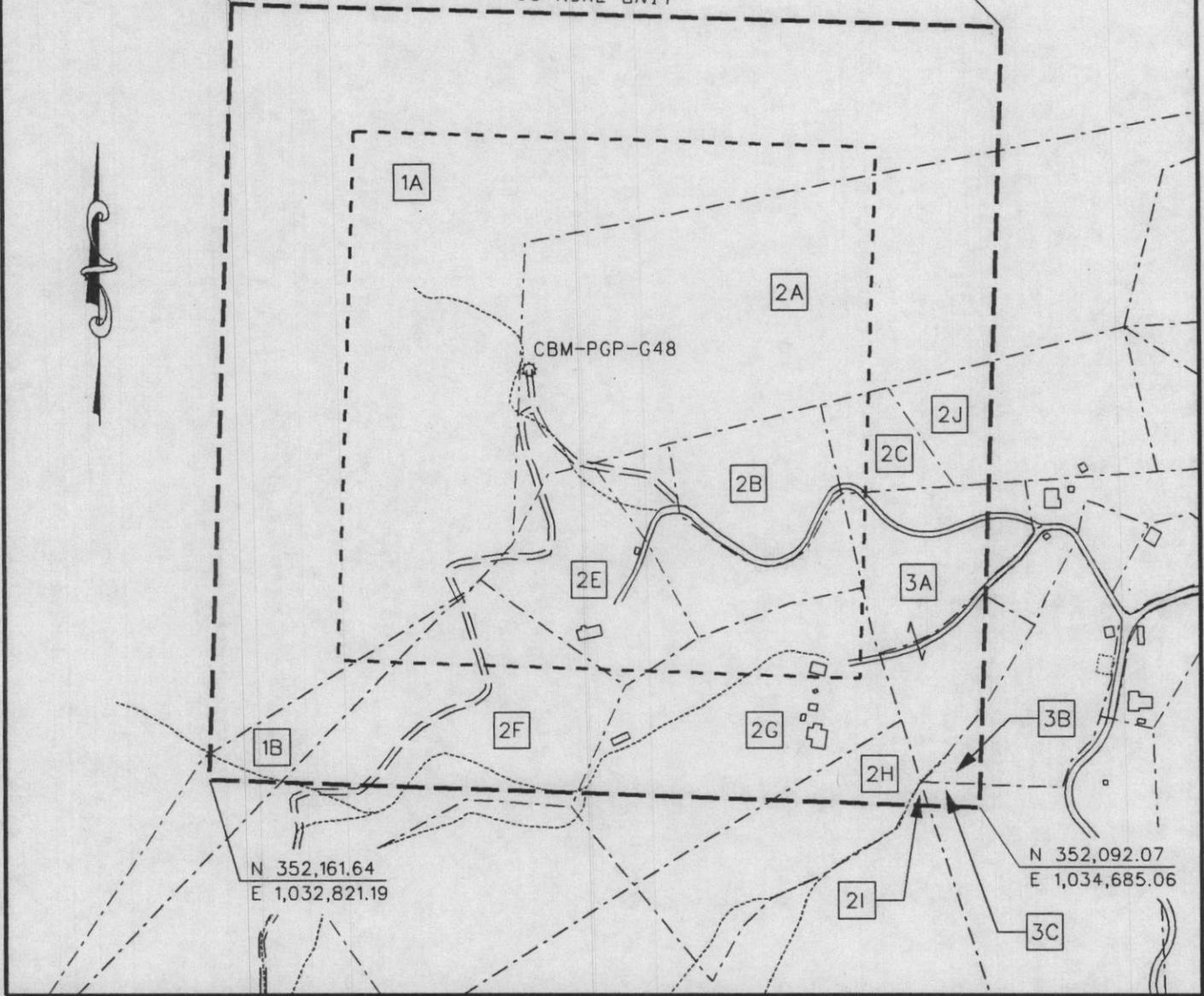
**Order Recorded Under Code of
Virginia Section 45.1-361.26**

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

N 354,034.06
E 1,032,886.82

N 353,964.59
E 1,034,750.59

80 ACRE UNIT



N 352,161.64
E 1,032,821.19

N 352,092.07
E 1,034,685.06

EXHIBIT A
OAKWOOD FIELD UNIT G-48
FORCE POOLING
VGOB-02-0219-1002

Company Pocahontas Gas Partnership Well Name and Number UNIT G48
Tract No. _____ Elevation _____ Quadrangle Bradshaw
County Buchanan District Garden Scale: 1" = 400' Date 1/17/02
This plat is a new plat ; an updated plat _____ ; or a final plat _____

Form DGO-GD-7
Rev. 9/91

Claude D. May

(Affix Seal)
Licensed Professional Engineer or Licensed Land Surveyor

POCAHONTAS GAS PARTNERSHIP
UNIT G-48
Tract Identifications

1. Pocahontas Mining Company Tr 64 - Coal, Oil & Gas
Reserve Coal Properties - P-3 Seam and 250' Above Leased
Jewell Ridge Coal Corp.- Tiller Seam and Above Leased
Pocahontas Gas Partnership - CBM Leased (P-3 Seam and 250' Above)
Pocahontas Gas Partnership - Oil & Gas Leased
38.30 acres 47.8750 %

- 1A. Pocahontas Mining Company Tr. 64 - Surface
- 1B. Frank B. Ward - Surface

2. Pocahontas Mining Company Tr 72 - Coal, Oil & Gas
Reserve Coal Properties - P-3 Seam and 250' Above Leased
Jewell Ridge Coal Corp.- Tiller Seam and Above Leased
Pocahontas Gas Partnership - CBM Leased (P-3 Seam and 250' Above)
Pocahontas Gas Partnership - Oil & Gas Leased
37.32 acres 46.6500%

- 2A. Pocahontas Mining Company Tr. 72 - Surface
- 2B. Louie Fred Mullins - Surface (CBM Claimant 2.54 acres - 3.1750 % of Unit)
- 2C. Ella Jean Beavers - Surface (CBM Claimant 1.20 acres - 1.5000 % of Unit)
- 2D. Tammy Hatfield Stiltner - Surface (CBM Claimant 2.49 acres - 3.1125 % of Unit)
- 2E. Ella Jean Beavers - Surface (CBM Claimant 3.37 acres - 4.2125 % of Unit)
- 2F. Frank B. Ward - Surface
- 2G. Ella Jean Beavers - Surface (CBM Claimant 5.83 acres - 7.2875 % of Unit)
- 2H. Pocahontas Mining Company Tr. 72 or Possibly Nancy Bailey, et al. - Surface
- 2I. Pocahontas Mining Company Tr. 72 - Surface
- 2J. Louie Fred Mullins - Surface (CBM Claimant 1.10 acres - 1.3750 % of Unit)

3. Pocahontas Mining Company Tr 62 - Coal, Oil & Gas
Reserve Coal Properties - P-3 Seam and 250' Above Leased
Jewell Ridge Coal Corp.- Tiller Seam and Above Leased
Pocahontas Gas Partnership - CBM Leased (P-3 Seam and 250' Above)
Pocahontas Gas Partnership - Oil & Gas Leased
Ella Jean Beavers - Surface
4.38 acres 5.4750 %

- 3A. Ella Jean Beavers - Surface (CBM Claimant 3.93 acres - 4.9125 % of Unit)
- 3B. Possibly Nancy Bailey, et al. - Surface
- 3C. W. H. Jewell, et al. - Surface

PROPERTY LINES SHOWN WERE FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

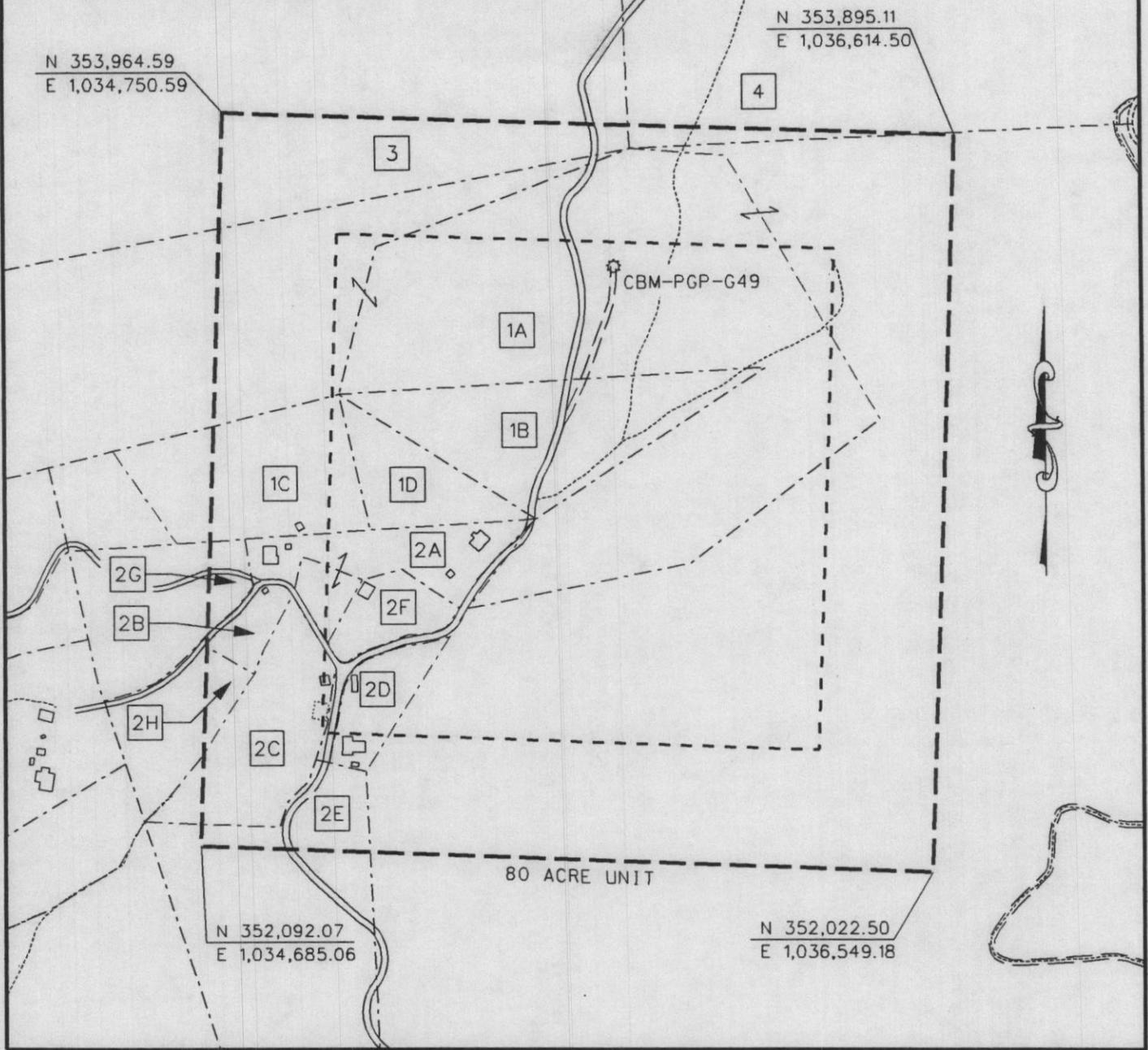


EXHIBIT A
 OAKWOOD FIELD UNIT G-49
 FORCE POOLING
 VGOB-02-0219-1003

Company Pocahontas Gas Partnership Well Name and Number UNIT G49
 Tract No. _____ Elevation _____ Quadrangle Bradshaw
 County Buchanan District Garden Scale: 1" = 400' Date 4/17/02
 This plat is a new plat X; an updated plat _____; or a final plat _____

Form DGO-GO-7 _____ (Affix Seal)
 Rev. 9/91
Charles D. Mays
 Licensed Professional Engineer or Licensed Land Surveyor

POCAHONTAS GAS PARTNERSHIP

UNIT G- 49

Tract Identifications

1. Pocahontas Mining Company Tr. 72 - Coal, Oil & Gas
Reserve Coal Properties Company - P-3 Seam and 250' Above Leased
Jewell Ridge Coal Corp.- Tiller Seam and Above Leased
Pocahontas Gas Partnership - CBM Leased (P-3 Seam and 250' Above)
Pocahontas Gas Partnership - Oil & Gas Leased
64.98 acres 81.2250 %

- 1A. Pocahontas Mining Company Tr. 72 - Surface
- 1B. Pocahontas Mining Company Tr. 72 or Louie Fred Mullins - Surface
(CBM Claimants 4.35 acres - 5.4375 % of Unit)
- 1C. Louie Fred Mullins - Surface (CBM Claimant 2.71 acres - 3.3875 % of Unit)
- 1D. Louie Fred Mullins - Surface (CBM Claimant 1.69 acres - 2.1125 % of Unit)

2. Pocahontas Mining Company Tr. 62 - Coal, Oil & Gas
Reserve Coal Properties Company - P-3 Seam and 250' Above Leased
Jewell Ridge Coal Corp.- Tiller Seam and Above Leased
Pocahontas Gas Partnership - CBM Leased (P-3 Seam and 250' Above)
Pocahontas Gas Partnership - Oil & Gas Leased
10.29 acres 12.8625 %

- 2A. Louie Fred Mullins - Surface (CBM Claimant 2.52 acres - 3.1500 % of Unit)
- 2B. Larry Mullins - Surface (CBM Claimant 0.54 acres - 0.6750 % of Unit)
- 2C. Possible Location of Nancy Bailey, et al. - Surface
- 2D. Tammy Hatfield Stiltner - Surface (CBM Claimant 1.43 acres - 1.7875 % of Unit)
- 2E. W. H. Jewell Heirs - Surface
- 2F. Ella Jean Beavers, et vir. - Surface (CBM Claimant 1.04 acres - 1.30000 % of Unit)
- 2G. Ella Jean Beavers, et vir. - Surface (CBM Claimant 0.48 acres - 0.6000 % of Unit)
- 2H. Ella Jean Beavers, et vir. - Surface (CBM Claimant 0.35 acres - 0.4375 % of Unit)

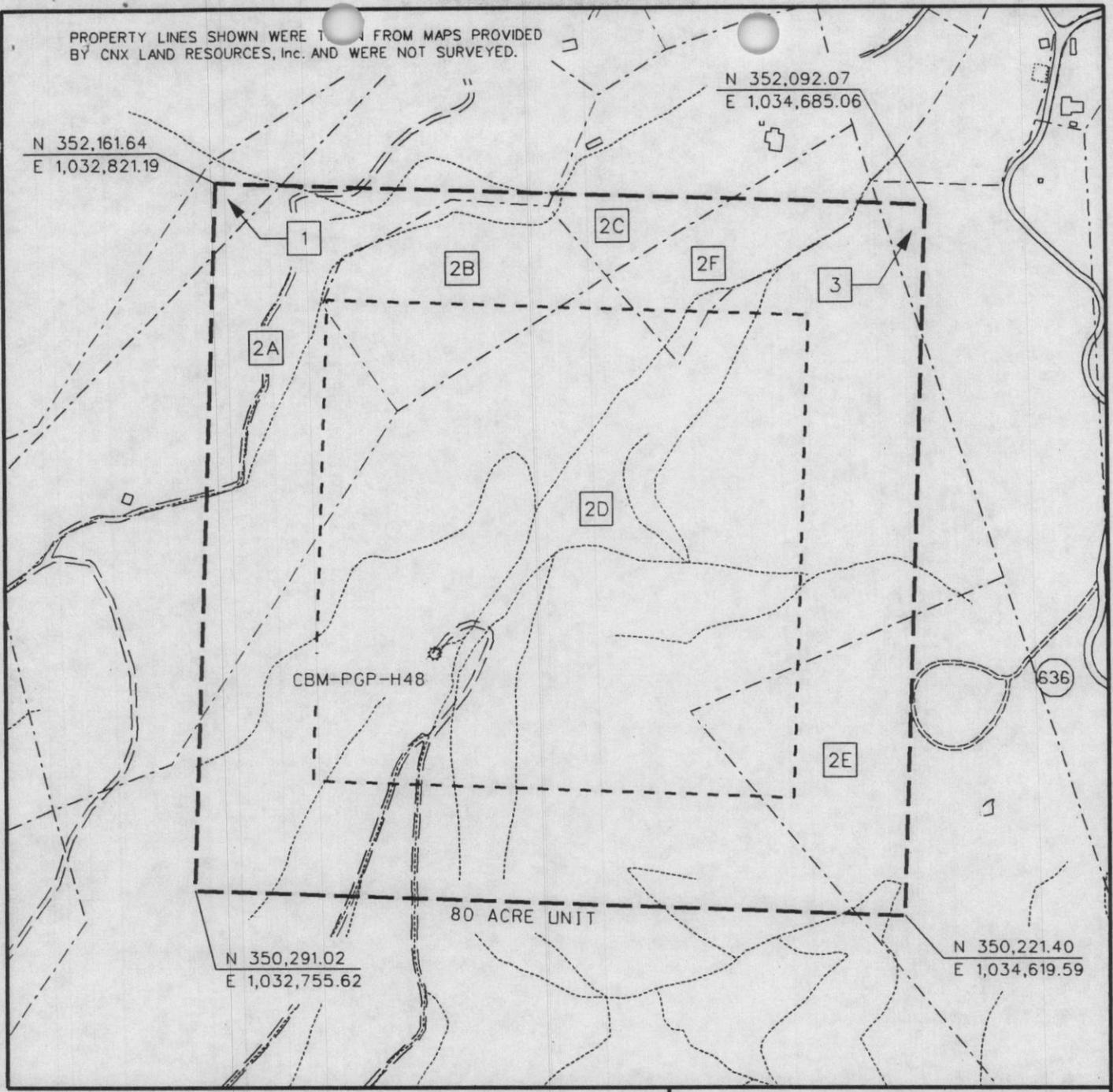
3. Pocahontas Mining Company Tr. 64 - Coal, Oil & Gas
Reserve Coal Properties Company - P-3 Seam and 250' Above Leased
Jewell Ridge Coal Corp.- Tiller Seam and Above Leased
Pocahontas Gas Partnership - CBM Leased (P-3 Seam and 250' Above)
Pocahontas Gas Partnership - Oil & Gas Leased
4.22 acres 5.2750 %

4. Pocahontas Mining Company Tr. 60-4 - Coal, Oil & Gas
Reserve Coal Properties Company - P-3 Seam and 250' Above Leased
Jewell Ridge Coal Corp.- Tiller Seam and Above Leased
Pocahontas Gas Partnership - CBM Leased (P-3 Seam and 250' Above)
Pocahontas Gas Partnership - Oil & Gas Leased
0.51 acres 0.6375 %

PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX LAND RESOURCES, Inc. AND WERE NOT SURVEYED.

N 352,092.07
E 1,034,685.06

N 352,161.64
E 1,032,821.19



CBM-PGP-H48

80 ACRE UNIT

N 350,291.02
E 1,032,755.62

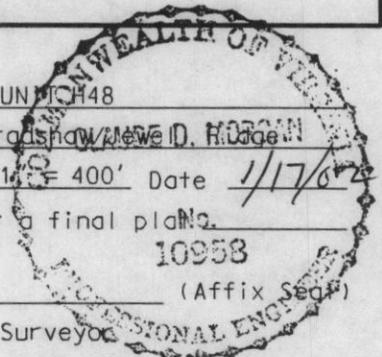
N 350,221.40
E 1,034,619.59

EXHIBIT A
OAKWOOD FIELD UNIT H-48
FORCE POOLING
VGOB-02-0219-1004

Company Pocahontas Gas Partnership Well Name and Number UNIT H48
Tract No. _____ Elevation _____ Quadrangle Bradshaw
County Buchanan District Garden Scale: 1" = 400' Date 1/17/02
This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
Rev. 9/91

Charles D. Meyer
Licensed Professional Engineer or Licensed Land Surveyor



POCAHONTAS GAS PARTNERSHIP

UNIT H-48

Tract Identifications

1. Pocahontas Mining Company Tr 64 - Coal, Oil & Gas
Reserve Coal Properties - P-3 Seam and 250' Above Leased
Jewell Ridge Coal Corp.- Tiller Seam and Above Leased
Pocahontas Gas Partnership - CBM Leased (P-3 Seam and 250' Above)
Pocahontas Gas Partnership - Oil & Gas Leased
Frank B. Ward - Surface
0.33 acres 0.4125%

2. Pocahontas Mining Company Tr 72 - Coal, Oil & Gas
Reserve Coal Properties - P-3 Seam and 250' Above Leased
Jewell Ridge Coal Corp.- Tiller Seam and Above Leased
Pocahontas Gas Partnership - CBM Leased (P-3 Seam and 250' Above)
Pocahontas Gas Partnership - Oil & Gas Leased
79.24 acres 99.0500%

- 2A. Frank B. Ward - Surface
- 2B. Luemma Mullins Heirs - Surface (CBM Claimant 5.49 acres - 6.8625% of Unit)
- 2C. Ella Jean Beavers, et vir. - Surface (CBM Claimant 1.26 acres - 1.5750% of Unit)
- 2D. Pocahontas Mining Company Tr 72 - Surface
- 2E. Eugene Jewell, et al - Surface
- 2F. Pocahontas Mining Company Tr. 72 or Possibly Nancy Bailey, et al. - Surface

3. Pocahontas Mining Company Tr 62 - Coal, Oil & Gas
Reserve Coal Properties - P-3 Seam and 250' Above Leased
Jewell Ridge Coal Corp.- Tiller Seam and Above Leased
Pocahontas Gas Partnership - CBM Leased (P-3 Seam and 250' Above)
Pocahontas Gas Partnership - Oil & Gas Leased
0.43 acres 0.5375%

DONALD R. JOHNSON

ATTORNEY AT LAW
SUGAR LOAF CROSSING
1950 ELECTRIC ROAD

ROANOKE, VIRGINIA 24018-1621

(540) 989-3505

Email: johnson.donald.r.k@att.net

RECEIVED

MAR 18 2002

COMMERCE AND TRADE SECTION FACSIMILE
BIG STONE GAP (540) 989-2077

ADMITTED IN
VA. & W. VA.

March 15, 2002

**VIA FAX AND U. S. CERTIFIED MAIL--
RETURN RECEIPT REQUESTED**

Hon. Benny Wampler, Chairman
Virginia Gas and Oil Board
P. O. Box 1416
Abingdon, VA 24210

Re: Proposed Units G-48, G-49 and H-49
VOGB-02-02/19-1002, 1003 & 1004

Dear Mr. Wampler:

I am writing on behalf of my client, Pocahontas Mining Limited Liability Company ("PMC"), the owner of the coal, oil and gas and other minerals, including coalbed methane, underlying 100% of the land covered by the proposed units as above referenced. On February 19, 2002, the pooling matters came before the Board on applications filed by Pocahontas Gas Partnership ("PGP"). The Board delayed a decision on the subject applications until the March 19 hearing date. As you know, I presented a witness on behalf of my client, Mrs. Pamela G. West, Vice President of Pocahontas Mining Limited Liability Company, and made extensive comments. In view of the consideration of the applications on March 19, I am writing to make the following additional and supplementary comments:

1. The PGP applications were brought on by the operator only upon inquiry from Mr. B. Wilson by a letter for each of the three (3) wells dated April 20, 2000, who asked, "if" the claims of the surface owners necessitated modification of permits or "action" before your Board, the operator should take appropriate action.
2. PGP maintains in its applications and during its Board testimony on February 19 that the minerals, including oil and gas and coalbed methane, underlying 100% of each of the three (3) units belongs to PMC.
3. The claim of the surface owners, Mr. L. Fred Mullins and others, is that the surface owners claim "oil and gas" underlying portions of the units which were presented by a very simple written statement sent to the Board in March of 2000.

claims that the severance deed did not specifically sever gas - & that the severance of minerals did not include gas

4. At the hearing on February 19, it was very obvious that Mr. L. Fred Mullins and Ms. R. Faye Hatfield, the only witnesses for the surface owners, knew little, if anything, about the historical title to the surface land that they claim.

5. At the hearing on February 19, Mrs. West testified that the conveyances from PMC's predecessors in title, Thomas M. Righter and wife to V. W. Mullins covering 23 acres of land (1906) and Pocahontas Mining Corporation to V. W. Mullins conveying 25.3 acres of land (1908) were basically identical. These deeds were from the fee owners who conveyed only surface. Not only did the deeds convey only surface, the deeds reserved from each conveyance "all the coal, minerals, metals and oil in [.] on, and underlying the foregoing described tract or parcel of land, together with all necessary and convenient mining privileges and right of ways for the successful and economical mining, operating and marketing of the interests in the said lands herein reserved and excepted . . ." See PMC Exhibits 1 and 2.

minerals?

6. While the fact that only the surface was conveyed from the fee, the definition of the term "minerals" was discussed at the hearing. The only Virginia case interpreting the word "minerals" is Warren v. Clinchfield Coal Corp., 199 Va. 524, 186 S.E.2d 20 (1936). The Warren case determined that the term "minerals" includes all petroleum, oil and gas. Clearly, the surface owners have **no** claim to any gas as the same was not conveyed and rights respecting the gas were excepted and reserved from the subject deeds to V. W. Mullins.

not expressly, only if included in mineral reservation

7. In the case of Mac Construction, Inc. v. Yukon Pocahontas Coal Co., Circuit Court of Buchanan County, Chancery No. 247-96, the Court's letter opinion to counsel dated September 29, 1999 concludes that ". . . this Court finds that the original deed severed rights to all coal and gas and the term "all" included CBM gas. Whether CBM gas belongs to the coal estate or the gas estate owner is irrelevant in this instance, because the deed severed both estates and the plaintiff surface owner possesses neither [quoting from Page 8 of letter opinion]." The Mac Construction case facts and these pooling applications are very similar in that the surface owner asserts a claim while not owning anything but the surface with coal and gas being excepted. Judge Keary R. Williams held that the surface owner has **no** rights in the coalbed methane as all coal and gas was excepted and reserved. The case finding is in the only case in Virginia that I am aware of which specifically addresses the surface owner issue, and the case comes from the County where the subject lands are located.

This is the issue deal deed & reserve gas & was it surface only conveyance

8. This case will set an important precedent for the Board and will establish whether or not any "claim," no matter how weak, will be treated as legitimate requiring the escrow of royalties. PMC believes that there is **not** a "conflicting claim" within the meaning of the Virginia Gas and Oil Act, Virginia Code §45.1-361.22. The surface owners in the applications have no standing to object as none of them have presented any legitimate claim.

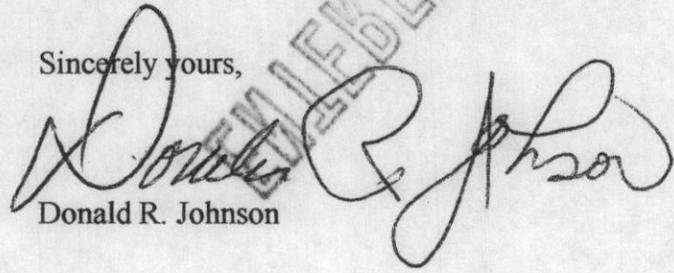
Board will not decide title issues - can only acknowledge claim & escrow pending decision

Hon. Benny Wampler, Chairman
March 15, 2002
Page 3

*But for these
claims, unit
is a voluntary
unit.*

PMC respectfully requests that the Board deny the PGP pooling applications for the reasons set forth above.

Sincerely yours,


Donald R. Johnson

- cc: Hon. B. R. Wilson, Director
- Hon. Sandra Riggs, Assistant Attorney General
- Mr. Brewster Righter
- Mrs. Pamela G. West
- Mark Swartz, Esq.
- Mr. L. Fred Mullins
- Ms. R. Faye Hatfield