

NOTICE OF INFORMAL FACT FINDING HEARING

**In regard to CNX Gas Company LLC.
Proposed Permits for New Gas Operations
Application 15304 (CBM N75A with Pipeline)
Located in the Rocklick District of Buchanan County, Virginia**

Docket Number IFFH 22709

In Accordance with §45.1-361.35.H. of the Code of Virginia, the Director of the Division of Gas and Oil has scheduled an Informal Fact Finding Hearing to consider **two objections** received. One from **Wellmore Energy Company on behalf of Rapoca Coal Company**, coal owner to be affected by the above-named operation and **ELE LLC, as a royalty owner for this well**. . The **objections by both owners were** received at the Division of Gas and Oil in a timely manner in accordance with § 45.1-361.35.A. This notice of hearing is being sent to the permit applicant and to all parties with standing to object as prescribed by §45.1-361.30. All parties are entitled to be represented by counsel at the hearing, if desired.

An objection has been filed by the Coal Owner and a Royalty Owner against the permit application for **CNX Gas Company LLC. Gas Operations CBM N75A well with pipeline** in accordance with:

Rapoca Coal Company Objection: referencing § 45.1-361.35 as follows:

- 4. The Location of the coalbed methane well or coalbed methane well pipeline will unreasonably infringe on the surface owner's use of the surface, provided, however, that a reasonable alternative site is available within the unit, granting the objection will not materially impair any right contained in an agreement, valid at the time of the objection, between the surface owner and the operator or their predecessors or successors in interest.*

ELE LLC Objection: referencing § 45.1-361.35 (C1) as follows:

C. The only objections to permits or permit modifications which may be raised by royalty owners are whether the proposed well work:

- 1. Directly impinges upon the royalty owner's gas and oil interest;*

All testimony in this conference must be relevant to objections allowed for and detailed in the Gas and Oil Act.

Date and location of Conference: The conference is scheduled for **Tuesday, August 11, 2009** beginning at **9:00 AM.** The hearing will be held in the conference room of the Division of Gas and Oil, 135 Highland Drive, Lebanon, Virginia, a part of the Russell County Government Center Complex. Contact the Division at (276) 415-9700 with any questions. Specific directions and other important information can be accessed from the Department of Mines, Minerals, and Energy – Division of Gas and Oil website: <http://www.dmme.virginia.gov/divisiongasoil.shtml>

IFFH **22709** is to be conducted according to provisions of the Administrative Processes Act of the Code of Virginia (§ 2.2-4019). In reaching a decision, the Director may rely upon any public data, documents or information.

This notice was prepared on July 31, 2009 and is being sent by certified mail, return receipt requested, to every person with standing to object as prescribed by § 45.1-361.30.

**David E. Asbury Jr., Director
Virginia Division of Gas and Oil
Department of Mines, Minerals and Energy
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