

petition Commissions for rule change

Judge concerned about due process - 1 day publication is not adequate notice

concerned about economic evid. - why was Comm. taking economic evid.?

Hasn't had time to deal w/ J's notification to withdraw pooling as to Acott Well
his decision may be mooted by that w/draw

going to follow as closely as poss. the Ulster case in re to due process

going to have to find - finds an oblig. on Burlington to notify, but separates it from the duty of the Comm. itself

failure of B & Comm. to give any notice to any of H's constitutes lack of due process - taking of prop.

lays rule as to H's but not to anyone else
B had a special duty arising over the yrs. in this case

B has a duty under lease of fair dealings & failing to notify B violated that as well - it's more than lack of due process

not satisfied that Comm. is giving reasonable notice - ^{Comm. has} no duty to give personal notice, but 1 day publication in newspaper is not "reas notice" under the statute (what about docket?)

doesn't need to do a specific finding as to 1 day publication - Open Mtng act - annual review but he finds no need to incorporate that finding in his decision

7th stepping back from Under for gd reason

EXAMINER hmg
De Novo hmg

12/17/97

new 104. B (b) Deep Well Gas Wells

(i) & (ii) are new subsections of

terminology

the rule

"special pool rules" are not rules in the real sense of the word
they are rather "exceptions" to the statewide rules

notice was given - public note
public hearing was held

the compulsory pooling case

parties relationship doesn't matter

Burlington's notice was not necessary at all

~~is not~~ "quasi-judicial capacity"

Commission knew that it was not holding an
adjudicatory hearing - it holds many of those
every year.

Comm. knew it was amending a 47-yr. old rule

* Tom will

ask to vacate pooling order on Sect. 9 tomorrow
withdrawing proposal for Scott well

70.2.23 "reas. notice"

Mining Commission

Surf. Coal Mining Comm.

dental bd

real est. commission

State Investment Council

* statutory hearing. judge concerned about
"no action" by All the 7's

He'll sign stay submitted by Mr. & judgment