

**STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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In the Matter of the Integration of  
Interests Pursuant to Environmental  
Conservation Law (ECL) § 23-0901(3)  
within an Individual Spacing Unit Known  
as,

**WICKHAM 1-380.**

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**RULING OF THE CHIEF  
ADMINISTRATIVE LAW  
JUDGE ON ISSUES AND  
PARTY STATUS**

DEC Order No.  
DMN 10-13

September 21, 2011

Appearances of Counsel:

- Steven J. Russo, Deputy Commissioner and General Counsel (Jennifer L. Maglienti of counsel), for staff of the Department of Environmental Conservation
- S. Dennis Holbrook, Counsel, Norse Energy Corporation, USA, for well operator Norse Energy Corporation, USA
- Strick Law Firm, PLLC (Robert E. Strick of counsel), on his own behalf and for non-participating owner Plymouth Resources, LLC

In this natural gas well compulsory integration proceeding conducted pursuant to Environmental Conservation Law (ECL) § 23-0901(3), staff of the Department of Environmental Conservation (Department) proposes to issue a compulsory integration order integrating mineral interests within the spacing unit for the Wickham 1-380 natural gas well, located in the Town of Plymouth, Chenango County. Specifically, staff proposes to integrate interests in the Vernon shale natural gas formation.

Uncontrolled mineral rights owner Plymouth Resources, LLC, objects to the proposed order on the ground, among others, that the well is producing gas not from the Vernon shale, but from the deeper Oneida natural gas formation.<sup>1</sup> For the reasons

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<sup>1</sup> Because the spacing unit for wells tapped into the Oneida formation are larger than the spacing units for the Vernon formation, Plymouth Resources has a greater interest if the well is producing from the Oneida rather than the Vernon formation.

that follow, Plymouth Resources fails to raise any substantive and significant issues requiring adjudication in this proceeding. Accordingly, the proposed order integrating interests in the Vernon shale may be issued without any further adjudicatory proceedings.

I. PROCEEDINGS

A. Factual Background

This proceeding concerns a natural gas well known as Wickham 1-380 (API No. 31-017-23941-00-01) located in the Town of Plymouth, Chenango County, and operated by Norse Energy Corporation, USA. Department staff originally issued a permit to drill the well on January 17, 2007, to Norse Energy, which at the time was known as Nornew, Inc.<sup>2</sup> The target formation for the well was the Oneida natural gas formation. A compulsory integration hearing was held on March 13, 2007, which resulted in a final order of integration (Order No. DMN 07-14) integrating interests in the Oneida formation (see Plymouth Resources LLC's and Robert Strick's Statement of Issues and Offer of Proof [4-1-11] [Plymouth Resources' Issues Statement], Exh D). Upon its election, Plymouth Resources, LLC, an uncontrolled owner with 21.81 acres in the 149.54-acre Oneida unit (14.58 percent of unit acreage), was integrated as a non-participating owner (see ECL 23-0901[3][a][1]). Plymouth Resources is a lessee of Robert E. Strick.

Although it is disputed by Plymouth Resources, Norse Energy claims to have completed the well not in the Oneida formation, but in the shallower Vernon natural gas formation. Norse Energy determined to complete the well for production in the Vernon formation based upon its determination that the Oneida formation was not productive. On November 19, 2007, Norse Energy submitted a well drilling and completion report dated November 16, 2007, indicating that the well had been completed in the Vernon shale formation, and not the Oneida formation as permitted (see Affidavit of Linda Collart [3-1-11] [Collart Affid], Exh A).

Because Norse Energy was conducting operations without a permit -- that is, completing the well in the Vernon shale

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<sup>2</sup> Effective July 9, 2009, Nornew Inc. changed its name to Norse Energy Corp. USA (see Affirmation of Jennifer Maglienti [3-1-11] [Maglienti Affirm]).

without a "plug back"<sup>3</sup> permit from the Department, among other charges -- Department staff took several enforcement actions. These actions included issuing a notice of violation to Norse Energy on September 10, 2008, and a shut-in order effective February 13, 2009, directing that production from the Wickham and three other wells be suspended until the violations were corrected (see Affirmation of Jennifer Maglienti [4-15-11] [Maglienti Reply Affirm], Exh B and C). The violations relating to the Wickham and three other wells were resolved by a consent order executed by Norse Energy effective January 21, 2010 (see id., Exh C).

The Department issued a permit to plug back on January 22, 2010, establishing an approximately 42-acre spacing unit for the Wickham 1-380 well in the Vernon formation. The Department takes the position that because Norse Energy abandoned the portion of the wellbore that targeted the Oneida formation, DMN 07-14 was extinguished, thereby extinguishing the spacing unit for the Oneida formation (see ECL 23-0503[7]).

Because mineral interests in the spacing unit associated with the Vernon formation were not completely controlled by Norse Energy, Department staff noticed a compulsory integration hearing pursuant to ECL 23-0901(3)(b). On April 7, 2010, the compulsory integration hearing was held at the Department's Central Office.

At the compulsory integration hearing, Plymouth Resources, an uncontrolled owner with approximately 0.5 acres in the Vernon spacing unit, again elected integration as a non-participating owner and raised several objections to the proposed compulsory integration order. Plymouth Resources claimed that Norse Energy actually completed the well in the Oneida formation and produced natural gas from that formation. Plymouth Resources further asserted that Norse Energy had failed to establish that it was producing gas only from the Vernon formation. Plymouth Resources claimed that it was entitled to royalties for the production from the Oneida formation, which it

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<sup>3</sup> "Plugging back" refers to the process of blocking the migration of gas into or out of a well, typically with a cement plug placed in the wellbore (see 6 NYCRR 555.5; see also Draft Generic Environmental Impact State on the Oil, Gas and Solution Mining Regulatory Program [Jan. 1988], vol. I, at 11-4). Because Norse Energy sought to develop the shallower Vernon formation and not the deeper Oneida formation as originally permitted, Norse Energy was required to obtain a plug back permit from the Department (see 6 NYCRR 552.1[a]).

had not received. Plymouth Resources also objected to the issuance of an order integrating interests in the Vernon formation until it was established that Norse Energy was only producing gas from that formation.

Based upon Plymouth Resources' objections, the Compulsory Integration Hearing Officer referred the matter to the Department's Office of Hearings and Mediation Services for adjudicatory proceedings pursuant to Part 624. The matter was assigned to the undersigned Chief Administrative Law Judge (ALJ) James T. McClymonds, as presiding ALJ.

B. Procedural Background

A January 20, 2011, notice of a public hearing and deadline for the filing of notices of appearance and petitions for party status in this proceeding was published in the January 26, 2011, edition of the Department's electronic Environmental Notice Bulletin.<sup>4</sup> On January 25, 2011, the notice was also published in the Chenango County Evening Sun.

The notice established February 15, 2011, as the deadline for the filing of notices of appearance or petitions for party status.<sup>5</sup> Three timely notices of appearance were filed, one from uncontrolled owner Plymouth, one from Department

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<sup>4</sup> While the notice was being prepared, Norse Energy and Plymouth Resources objected to paying any costs associated with the hearing. In a ruling dated October 29, 2010, I held that as the objector to the proposed integration order, Plymouth Resources bore the cost of newspaper publication of the hearing notice (see Matter of Wickham 1-380, Ruling of the Chief ALJ, Oct. 29, 2010). I also held that the Department bore the remaining hearing costs (see id.).

<sup>5</sup> With respect to review under the State Environmental Quality Review Act (see ECL article 8 [SEQRA]), as provided in the notice, Department staff published a Final Generic Environmental Impact Statement on the Oil, Gas and Solution Mining Regulatory Program in July 1992 (GEIS). On September 1, 1992, Department staff issued a SEQRA findings statement concluding that the conduct of compulsory integration hearings pursuant to ECL article 23 would have no significant impact on the environment. Department staff, on behalf of the Department as lead agency, determined that these proceedings are being carried out in conformance with the conditions and thresholds established for compulsory integration hearings in the GEIS and the findings statement and, accordingly, no further action was required under SEQRA (see 6 NYCRR 617.10[d][1]). No party raised any SEQRA issues at the issues conference (see 6 NYCRR 624.4[c][6]). Thus, review of the proposed integration order under SEQRA is complete.

staff, and one from well operator Norse Energy. No other notices of appearance or petitions for party status were filed.

A legislative hearing was convened as noticed on February 22, 2011, in the Department's Region 7 office. No one appeared to offer comments at the legislative hearing and the legislative hearing record was subsequently closed.

An issues conference was convened immediately following the legislative hearing. Department staff was represented by Jennifer L. Maglienti, Esq., Associate Attorney, and Tom Noll, Jack Dahl, and Peter Briggs of the Department's Division of Mineral Resources. Norse Energy was represented by Dennis Holbrook, Esq., counsel, Ryan Holbrook, Esq., staff attorney, and Dennis Lutes, regulatory compliance manager. Robert E. Strick, Strick Law Firm, PLLC, who participated by telephone conference, appeared on behalf of himself and Plymouth Resources.

The only party affirmatively seeking to raise issues concerning the draft compulsory integration order was Plymouth Resources. In its notice of appearance and at the issues conference, Plymouth Resources raised multiple issues concerning whether the Wickham 1-380 well was completed only in the Vernon shale, or whether the well had produced or was producing gas from the Oneida or other unspecified formations. Plymouth Resources also asserted that Norse Energy had made and continued to make false, fraudulent, and misleading representations regarding the nature of the Wickham 1-380 well.

At the issues conference, Department staff asserted that the matter could be resolved as a matter of law and without the need for further adjudicatory proceedings (see 6 NYCRR 624.4[b][2][iv]). Staff contended that the documents submitted to the Department conclusively established that the Wickham 1-380 well was completed only in the Vernon shale and in no other natural gas formation. Plymouth Resources objected that issues should not be summarily determined without discovery.

The issues conference record contained only the documents relevant to compulsory integration, and did not contain the basis for and documents underlying the Department's conclusion that the well was completed only in the Vernon shale. Accordingly, at the conclusion of the issues conference and by memorandum to the parties dated February 23, 2011, I established

the following procedure and briefing schedule.<sup>6</sup> By March 1, 2011, Department staff was to provide to the ALJ and all other parties an affidavit of staff providing the rationale for its conclusion that the Wickham 1-380 well was completed solely in the Vernon natural gas formation. Staff was also to provide any documentation it used to support its conclusion, including the corrected well drilling and completion report dated July 13, 2010, and a complete well perforation report submitted by Norse Energy at the issues conference.

On April 1, 2011, Plymouth Resources, LLC, was to provide a brief raising the issues it sought to adjudicate, providing offers of proof on any factual issues relevant to those issues it asserts are in substantial dispute, and providing argument on any legal issues the resolution of which are not dependent upon facts that are in substantial dispute. In addition, any petition by Plymouth Resources for pre-issues conference discovery pursuant to 6 NYCRR 624.7(a) was to be filed and served upon the parties by April 1, 2011. By April 15, 2011, any responses to Plymouth Resource's brief and any petition for pre-issues conference discovery were due.

As directed, on March 1, 2011, Department staff submitted an affidavit of Linda Collart, Mineral Resources Specialist 4, an affirmation of Ms. Maglienti, and documents supporting its conclusion that the well was completed only in the Vernon shale. On April 1, 2011, Plymouth Resources filed its statement of issues and offer of proof, with supporting

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<sup>6</sup> While this ruling was under consideration, the Commissioner issued an interim decision in the Matter of Dzybon 1, et al. (Interim Decision of the Commissioner, March 18, 2011). In that interim decision, the Commissioner established the procedures and standards for legislative hearings and issues conferences under Part 624 as applied to compulsory integration proceedings under ECL article 23, title 9.

Technically, the Dzybon interim decision does not apply to this proceeding (see id. at 15 [applying its framework to proceedings noticed after March 18, 2011]). Nevertheless, the framework I established at the issues conference and in my February 23, 2011, memorandum to the parties is generally consistent with the framework established in Dzybon. This includes entering Department staff's rationale and documentation supporting its proposed integration order into the issues conference record, requiring the objector to raise a substantive and significant issue concerning the proposed order through an issues statement and offer of proof, and applying the standards for substantive and significant issues established under Part 624, as modified to account for the unique circumstances of the compulsory integration process.

documents. Plymouth Resources did not file any application for pre-issues conference discovery.

On April 15, 2011, Department staff and Norse Energy separately filed responses to Plymouth Resources' April 1, 2011, submissions. Department staff's submission consisted of a reply brief, an affirmation of Ms. Maglienti, and supporting documents. Norse Energy's submission consisted of a reply brief and supporting documents.

## II. DISCUSSION

Under title 9 of ECL article 23, an objector to a proposed compulsory integration order has the burden of raising a substantive and significant issue for adjudication (see ECL 23-0901[3][d]). Under the Department's Permit Hearing Procedures, which are applicable to compulsory integration orders, the purpose of the issues conference, among other things, is to determine whether disputed issues of fact meet the standards for adjudication under 6 NYCRR 624.4(c) (substantive and significant test), and to determine whether legal issues exist whose resolution is not dependent on facts in substantial dispute (see 6 NYCRR 624.4[b][iii], [iv]). For the reasons that follow, I agree with Department staff that the issues raised by Plymouth Resources may be decided as a matter of law, and that Plymouth Resources has failed to raise any substantive factual issues requiring adjudication. Accordingly, Plymouth Resources' objections to the draft compulsory integration order are rejected, and the order may be issued without any further adjudication.

### A. Source for the Wickham 1-380 Well

In Department staff's March 2011 submissions explaining and documenting its determination that the Wickham 1-380 well is producing solely from the Vernon shale, Mineral Resource Specialist 4 Linda Collart explains that her review of the open hole log, the Gamma Ray-CCL log, the completion reports, and the field ticket supplied by a third-party perforating service company concerning the Wickham 1-380 well, and the lack of evidence that the well is producing from the Oneida formation, support her conclusion that the well is producing solely from the Vernon shale (see Collart Affid, at

4). Attached to staff's affidavit is a well drilling and completion report, executed November 16, 2007, under penalty of perjury by an employee of Norse Energy, that indicates that the Vernon shale is located between 3,282 feet and 3,816 feet below the surface in the location of the well (see id., Exh A).<sup>7</sup> A second well drilling and completion report, executed on July 13, 2010, also under penalty of perjury by a Norse Energy employee, contains a notation indicating that although the well was originally permitted and drilled for the Oneida formation, the well was completed in the shallower Vernon formation and no completion was done below the Vernon formation (see id., Exh C). The notation also indicates that no physical plug back to the Vernon formation was performed because all lower zones are behind casing and cemented off (see id.).

Also attached to Department staff's affidavit is a field ticket provided by the third-party well perforating service company, Precision Energy Services, Inc., indicating that the well was perforated at intervals of 3,712 to 3,728 feet and 3,750 to 3,766 feet, within the Vernon formation (see id., Exh B). The field ticket is corroborated by a Gamma Ray-CCL log conducted in August 2007 by third-party Weatherford, which tested the wellbore. The August 2007 Gamma Ray-CCL log shows the two sets of perforations at the intervals indicated in the field ticket (see id., Exh D).

Finally, also attached to staff's affidavit is a gamma ray log also performed by Weatherford in the open wellbore in May 2007 (see id., Exh E). Ms. Collart notes that this log reveals a noticeable temperature anomaly at approximate depths of 3,750 to 3,766 feet, and explains that the cooling anomaly indicates entry of gas into the wellbore from the Vernon formation through the lower set of perforations (see id. at 4).

In response to Department staff's March 2011 submission, Plymouth Resources seeks to raise ten issues in its April 1, 2011, Statement of Issues and Offer of Proof. Nine of its issues generally depend upon whether the Wickham 1-380 well is producing gas solely from the Vernon shale formation, or whether the well has or is producing gas from the Oneida or other natural gas formations. In its tenth issue, Plymouth Resources raises various allegations of fraud and

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<sup>7</sup> The November 16, 2007, well drilling and completion report also shows that the Oneida formation is located between 4,286 feet and 4,368 feet below the surface in the location of the well (see Collart Affid, Exh A).

misrepresentation by Norse Energy concerning the Wickham well. Plymouth Resources' offer of proof consists of its attorney's assertions based "[u]pon information and belief, and on the basis of [the attorney's] extensive research and communication with industry experts in the course of its investigation of the within matter" (Plymouth Resources' Issues Statement, at 11).

In response, both Department staff and Norse Energy argue that Plymouth Resources has failed to raise any adjudicable issues. I agree. To proceed to adjudication, the opponent of a proposed compulsory integration order must raise a substantive and significant issue (see ECL 23-0901[3][d]). To be substantive, the issue must raise "sufficient doubt" about whether a proposed integration order meets statutory or regulatory criteria "such that a reasonable person would require further inquiry" (6 NYCRR 624.4[c][2]). In determining whether such a demonstration has been made, the ALJ must consider the proposed issue in light of the arguments and documents raised at the issues conference and in any subsequent written submissions authorized by the ALJ, among other things (see id.).

To be significant, the issue must have the potential to result in the denial of the proposed integration order, a major modification to the proposed order, or the imposition of significant conditions in addition to those proposed in the draft order (see 6 NYCRR 624.4[c][3]). If, as Plymouth Resources alleges, the Wickham 1-380 well is producing gas from a formation other than the Vernon shale, the issue would be significant. It would require that the proposed order be modified to integrate interests in another formation.

Plymouth Resources' factual assertions that the well is producing from formations other than the Vernon formation, however, are not substantive and, thus, do not require adjudication. Plymouth Resources' factual assertions are unsupported by any offer of expert testimony. Instead, they are supported only by the conclusory assertions of Plymouth Resources' attorney, who has not been demonstrated to be qualified as a technical expert in this area. In addition, even assuming Plymouth Resources' factual assertions are true and could be supported by appropriate expert evidence, they are insufficient to raise doubt about the conclusions of Department staff concerning the source of the gas in the Wickham 1-380 well. Plymouth Resources' observations that Vernon shale is not generally commercially productive fail to specifically challenge

the evidence supporting the conclusion that this well is producing from the Vernon shale. Moreover, Plymouth Resources' assertion that gas is not entering the wellbore through the upper set of perforations fails to join issue with evidence showing that gas is entering the wellbore through the lower set of perforations.

Plymouth Resources allegations of fraud and misrepresentation by Norse Energy similarly fail to raise any triable issues concerning staff's conclusions or the draft compulsory integration order. Even assuming without deciding that the allegations of fraud and misrepresentation by Norse Energy are true, they fail to provide a basis for proceeding to a fact hearing in this case. Department staff's conclusions concerning the source of gas in the Wickham 1-380 well are based in part on field tickets and well logs supplied by third parties Precision Energy Services and Weatherford. Those documents confirm that the well is producing solely from the Vernon shale and that the well was not completed in any other formation other than the Vernon shale. Plymouth Resources has made no offer of proof indicating that the documents provided by Precision and Weatherford contain misrepresentations or are otherwise suspect. Thus, any allegations of misrepresentation by Norse Energy in the documents supplied to the Department need not be further adjudicated.

To the extent Plymouth Resources argues that Norse Energy violated the original January 2007 permit to drill into the Oneida formation, those allegations were addressed in a Departmental enforcement proceeding. Based upon the record in this proceeding, the circumstance that Norse Energy violated the January 2007 permit raises no substantive issue concerning staff's proposed compulsory integration order integrating interests in the Vernon formation.

Plymouth Resources' further assertion that Norse Energy is commingling gas from multiple formations and, thereby, converting gas belonging to Plymouth Resources is belied by the factual record in this proceeding. Even though the record lacks any evidence of production of gas from Oneida formation, if gas was produced from the Oneida formation, the interests in that gas would be governed by the integration order DMN 07-14. This compulsory integration proceeding, however, which is concerned solely with integrating interests in the Vernon shale, is not an appropriate venue to enforce DMN 07-14. No competent offer of

proof indicates that the well is presently producing from the Oneida or any other formation other than the Vernon shale and, thus, any issues concerning mineral interests in the Oneida formation are not germane to this proceeding.

In sum, Plymouth Resources has failed to provide an offer of proof sufficient to raise doubt about Department staff's conclusion that the Wickham 1-380 well is producing solely from the Vernon shale such that a reasonable person would require further inquiry (see 6 NYCRR 624.4[c][2]). Accordingly, Plymouth Resources has failed to raise any substantive issues requiring adjudication.

B. Plymouth Resources' Percentage Interest in the Well

In its February 15, 2011, notice of appearance and identification of issues, Norse Energy sought to correct the acreage of the Wickham 1-380 Vernon unit from 41.63 acres to 42.88 acres (see IC Exh 5; IC Exh 6). This would have the effect of increasing Plymouth Resources' interest in the unit from 0.44 acres (1.06 percent proportionate share of acreage in the unit) to 0.51 acres (1.19 percent proportionate share) (compare Ownership Tabulation, IC Exh 2, Exh DMN-3, with IC Exh 6).

Plymouth Resources' sole objection to the correction was based upon its argument that the January 2010 plug back permit is void from the beginning and interests in the Vernon shale should not be the subject of compulsory integration (see Issues Conference Transcript [2-22-11] [IC Trans], at 8-9, 12-15). Given the resolution of Plymouth Resources' argument above, and because Plymouth Resources raised no alternative challenge to Norse Energy's proposed correction to the ownership tabulation, no adjudicable issue concerning Plymouth Resources' percentage interest in the unit is presented. The proposed correction is accepted, and Plymouth Resources should be given the opportunity to execute an election form revised to reflect the correction.

C. Plymouth Resources' Request for Pre-Issues Conference Discovery

At the issues conference, Plymouth Resources objected to any summary decision on the issues presented in its notice of appearance without pre-hearing discovery (see, e.g., IC Trans, at 21). I explained that under the Department's regulations, discovery prior to the issues conference is limited to what is afforded under the Freedom of Information Law (Public Officers Law art 6 [FOIL]) (see 6 NYCRR 624.7[a] [citing 6 NYCRR part 616 (Access to Records)]). I also explained that petitions for further pre-issues conference discovery will not be granted "in the absence of extraordinary circumstances" (id.). Plymouth Resources objected on due process grounds.

As part of the issues conference briefing, I authorized Plymouth Resources to file a formal petition for pre-issues conference discovery to make the requisite showing of extraordinary circumstances (see Issues Conference Briefing Schedule [2-23-11]). Plymouth Resources, however, did not file a petition for pre-hearing discovery as authorized. Accordingly, Plymouth Resources has not made the requisite showing under section 624.7(a).

In addition, no due process violation is apparent on this record. All documents that formed the basis for Department staff's conclusion that the Wickham 1-380 well is producing solely from the Vernon shale, and the rationale for that conclusion, have been provided to Plymouth Resources, either in response to its pre-hearing FOIL request, or through the post-issues conference briefing process. Plymouth Resources has had ample opportunity to review those documents and raise adjudicable issues concerning those documents and staff's conclusions. Thus, Plymouth Resources' due process right to notice and opportunity to be heard have not been violated through the application of section 624.7(a).

III. Rulings on Issues and Party Status

Plymouth Resources, as the opponent of the proposed compulsory integration order, has failed to raise any adjudicable issues concerning the order. Accordingly, any further adjudicatory hearing is cancelled (see 6 NYCRR 624.4[c][5]).

A conference will be convened to finalize the documents and draft integration order for the Commissioner's signature (see DEC Program Policy DMN-1: Public Hearing Processes for Oil and Gas Well Spacing and Compulsory Integration, Feb. 22, 2006, para. V.B, at 9). As parties with mineral interests in the Vernon unit, Norse Energy and Plymouth Resources have standing to participate in the ministerial process of concluding this proceeding, including the execution of a revised election form by Plymouth Resources.

#### IV. Appeals

Parties to an issues conference are entitled to appeal as of right to the Commissioner on an expedited basis a ruling to include or exclude any issue for adjudication, a ruling on the merits of any legal issue made as part of an issues ruling, or a ruling affecting party status (see 6 NYCRR 624.8[d][2]). Under Part 624, the parties would have ten days from the date this ruling is mailed to file their appeals (see 6 NYCRR 624.6[e][1], [b][2][i]). The ALJ has the discretion, however, to modify regulatory time frames to avoid prejudice to the parties (see 6 NYCRR 624.6[g]).

Accordingly, in the exercise of discretion, the appeals schedule is as follows. Appeals, if any, are due by close of business Friday, October 7, 2011. Replies are due by close of business Monday, October 24, 2011.

Send the original and three copies of all submissions to Commissioner Joseph J. Martens, c/o Louis A. Alexander, Assistant Commissioner for Hearings and Mediation Services, New York State Department of Environmental Conservation, 625 Broadway, 14th Floor, Albany, New York 12233-1010, and one copy of all submissions to all others on the active parties service list at the same time and in the same manner as transmittal is made to the Commissioner. The Commissioner will forward two copies of the submissions he receives to the presiding Chief ALJ. Submissions by electronic mail or telefacsimile are authorized, so long as a conforming hard copy is sent by regular mail and postmarked by the deadline.

Appeals and any responses should address the ALJ's rulings directly, rather than merely restate a party's

contentions, and should include appropriate citations to the record and any exhibits introduced.

Further proceedings are stayed pending the filing of and decision on any appeals.

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James T. McClymonds  
Chief Administrative Law Judge

Dated: September 21, 2011  
Albany, New York

TO: Attached Service List

**Matter of Wickham 1-380 (Norse Energy Corp. USA)**

DEC Order No. DMN 10-13

Issues Conference February 22, 2011

**ISSUES CONFERENCE EXHIBIT LIST**

updated February 23, 2011

Issues Conference Exhibit No.	Description	ID	Rec'd	Offered By	Notes
1A	Notice of Public Hearing and Deadline for Filing of Notices of Appearance and Petitions for Party Status, dated January 20, 2011, published in the <u>Environmental Notice Bulletin</u> , January 26, 2011	✓	✓		
1B	Notice of Hearing Distribution List, including active party service list	✓	✓		
1C	Affidavit of Publication in the Chenango County <u>Evening Sun</u> , January 25, 2011	✓	✓		
2	<u>Matter of Wickham 1-380</u> , Draft Order No. DMN 10-13, with attachments; Compulsory Integration Hearing Transcripts, April 7, 2010	✓	✓		

Issues Conference Exhibit No.	Description	ID	Rec'd	Offered By	Notes
3	Plymouth Resources, LLC, Notice of Appearance and Identification of Issues, served February 8, 2011	✓	✓		
4	Staff of the Department of Environmental Conservation, Notice of Appearance and Issues Statement, dated February 14, 2011, with attachment	✓	✓		
5	Norse Energy Corp. USA, Notice of Appearance and Identification of Issues, served February 15, 2011	✓	✓		
6	Corrected Exhibits "A" and "B," and Compulsory Integration Form	✓	✓	Norse Energy	