VIRGINIA DEPARTMENT OF ENERGY
GAS AND OIL PROGRAM

DIVERSIFIED PRODUCTION LLC	)	
	)	Informal Fact Finding Conference 1040
	)	Permit Application for Gas and Oil Operations
vs.	)	Coalbed/Pipeline Operations CBM F37A
	)	W/PL, Application 64170
POCAHONTAS GAS LLC	)	Appeal No. 57

Petition For Appeal
Pursuant To Virginia Code § 45.2-1638

Diversified Production LLC ("*Diversified*"), by counsel, and submits this *Petition for Appeal Pursuant to Virginia Code § 45.2-1638* in the above-referenced matter.

I. Procedural History.

On January 29, 2026, Pocahontas Gas LLC ("*Pocahontas Gas*") filed an Application for a New Permit, Permit Modification or Transfer of Permit Rights ("*First Permit Application*"), styled as "Application Number 64170", to drill a coalbed methane ("*CBM*") gob well in Drilling Unit F-37. Diversified received notice of the First Permit Application on February 12th and filed timely objections on February 24th ("*Objections*"). Diversified's Objections asserted, *inter alia*, that Pocahontas Gas lacked the necessary surface rights to drill and operate a gob well at the proposed location. Buchanan Energy Company, LLC ("*Buchanan Energy*") also filed timely objections to the First Permit Application, asserting a similar objection. Informal fact-finding conferences were scheduled for Diversified's and Buchanan Energy's respective objections ("Diversified IFFC" and "Buchanan IFFC," respectively) for April 27, 2026.

After receiving Diversified's and Buchanan Energy's objections, Pocahontas Gas determined that it needed to file a second New Permit, Permit Modification or Transfer of Permit Rights (which it again referenced as "Application Number 64170"), which proposed a different Gob well location for a Gob well, which contained new and different property plats and well drilling parameters, and which identified new

property-interest holders requiring notice. This "*Second Permit Application*" notified affected property-interest holders that they would have fifteen (15) days in which to lodge objections.

The Gas and Oil Division ("*DGO*") received the Second Permit Application on the afternoon/evening of Friday, April 24, 2026 – not even one full business day before the Diversified IFFC and Buchanan IFFC were set to proceed on Monday, April 27, 2026. Pocahontas Gas did **not** provide contemporaneous notice of the filing of the Second Permit Application to any of the parties to whom it had provided the First Permit Application, nor had any such parties received notice of the Second Permit Application when the IFFCs began on April 27, 2026.[1]

On April 27, 2026, the Buchanan IFFC was convened to consider Buchanan Energy's objections to the First Permit Application. Pocahontas Gas remained silent about the existence of its Second Permit Application until after Buchanan Energy submitted its evidence in support of its Objections. Only then did Pocahontas Gas disclose the existence of its Second Permit Application and, for the first time, "move[d] to modify" the First Permit Application by substituting the Second Permit Application in its place. Until then, neither Diversified nor Buchanan Energy was aware of the Second Permit Application.

Buchanan Energy asked that the First Permit Application be dismissed, and that the Second Permit Application be heard later so that all parties could receive notice and have an opportunity to submit Objections. Pocahontas Gas agreed that a hearing on its "modified" permit application (the Second Permit Application) should be continued to provide for the statutory period of 15 days to object. The DGO Director ("*Director*") took the matter under advisement and deferred ruling.

The Director concluded the Buchanan IFFC and commenced the Diversified IFFC. Diversified promptly moved to dismiss the First Permit Application and requested a ruling on that motion. No evidence was submitted, no witnesses were sworn, no testimony was received. The Director took a short recess to consider the motion. Upon return, he indicated that he was ruling in favor of Diversified (and also in favor

---

[1] In contrast, Pocahontas Gas consistently provided contemporaneous email notice to the objecting parties in the First Permit Application proceedings. And, curiously, Pocahontas Gas used a remote office address for Diversified in the Second Permit Application whereas it had used Diversified's main corporate headquarters' address in the First Permit Application.

of Buchanan Energy on its similar motion to dismiss) and dismissing the First Permit Application as to both the Buchanan IFFC and the Diversified IFFC. The Director then ruled that Diversified, Buchanan Energy, and any other interested parties would have fifteen (15) days following receipt of the Second Permit Application to file objections. In that regard, Director Skorupa confirmed that Pocahontas Gas was, in effect "start[ing] over" with the Second Permit Application. If any party filed objections to the Second Permit Application, a new informal conference would be scheduled in the future. The Director then adjourned the Diversified IFFC.

II. **The April 30, 2026 Decision.**

The Director issued a written Decision on April 30, 2026 ("*Decision*"), several provisions of which contradict or are otherwise inconsistent with the ruling that the Director made at the Diversified IFFC. There was no support in the record below for certain statements, apparent findings, and the Director's ruling in the Decision. The Director's Decision is in error and should be reversed by the Board to correct those statements, findings, and rulings to conform to the ruling that the Director made at the Diversified IFFC.

First, the Decision recites in the "Background" section that ". . . Application 64170 . . ." was received by the DGO on April 24, 2026, and that evidence and objections to that application were timely filed. See Decision, p. 2. That recitation is inaccurate given the factual and procedural history of the proceeding. As discussed above, the First Permit Application (also denoted "64170") was filed in late January 2026, ***not*** on April 24, 2026, and timely objections were submitted to the First Application. Indeed, the DGO issued a Notice of Hearing on March 23, 2026—a full month before the Second Permit Application was filed—scheduling the Diversified IFFC.

No party filed objections to the Second Permit Application by the time of the Diversified IFFC. In fact no party had received the Second Permit Application or ***knew*** the Second Application existed at that time, and the statutory time for filing of objections to the Second Permit Application had not yet run in any event. Accordingly, Diversified did not introduce any *evidence* on the Second Permit Application at the Diversified IFFC. And, as the Director ruled at the Diversified IFFC, Diversified and other affected interest

holders were entitled to the statutorily required fifteen-day period from date of receipt of the Second Permit Application to object to the Second Permit Application. Furthermore, because the Director summarily dismissed the First Permit Application upon Diversified's and Buchanan Energy's motions, no evidence whatsoever was submitted, proffered, introduced or received on any permit application at the Diversified IFFC.

The Decision incorrectly states and/or indicates that the Diversified IFFC proceeded upon the merits of the Second Permit Application and Diversified's objections. That is not what occurred, and exactly the opposite of what the Director ruled at the Diversified IFFC. The record is clear that the Second Permit Application was not disclosed to Diversified until during the Buchanan IFFC, and that the Director ruled Pocahontas Gas would be "starting over" with the Second Permit Application, to include a new 15-day timeframe for submission of objections and future, potential informal fact-finding conferences.

Second, the Decision recites that Diversified's "objection to the original application is dismissed and denied on this basis." See Decision, p. 3. This statement again does not accurately reflect the Director's ruling at the Diversified IFFC, where he: (1) dismissed the First Permit Application: (2) allowed the Second Permit Application to serve as the operative filing going forward; and (3) ensured that interested persons with the statutory 15-day objection period.

The Decision further exacerbated this inaccuracy by stating that Diversified's objections were ***denied*** "based on testimony" received during the Diversified IFFC and indicating that the Second Permit Application "will be ***assessed and issued*** under standard Division of Gas and Oil permit procedures." See Decision, p. 3 (emphasis added). Diversified's objections were not denied by the Director; he never ruled upon them. And the reference to a denial suggests some consideration and ruling on the merits. The objections were simply mooted because they were based on the First Permit Application and the Director dismissed the First Permit Application.

Furthermore, the Decision incorrectly indicates a denial of objections based upon substantive consideration of testimonial evidence and there was no such evidence. The ruling, if not corrected by the

Board (or the Director in the interim) may prejudice Diversified's rights and position in the current proceeding on the Second Permit Application or other proceedings.

The Decision's reference to issuing a permit is equally problematic and incorrect for the same reasons. Since no evidence or testimony was introduced or received in the Diversified IFFC, the timeframe to submit objections to the Second Permit Application has not run, and the Director has yet to consider and resolve any such objections, it is premature to indicate or decide that the Second Permit Application (or any other) will be issued.

After the Decision, Diversified wrote the Director requested clarification and revision of the Decision to conform to the ruling issued by the Director at the Diversified IFFC. Pocahontas Gas responded in writing, and Diversified submitted a short response. We attached hereto as **Exhibit A** those three items of correspondence. This correspondence demonstrates that the parties generally agree as to the nature and scope of the ruling issued by the Director at the Diversified IFFC.

III. Assignment of Error.

Diversified understands that the Director is occupied/indisposed today and likely has been unable to receive and review the above correspondence. When he returns to the matter next week, he may address these issues and obviate the need for an appeal to proceed. However, Virginia Code § 45.2-1638 places a finite timeframe for appeals of rulings such as the Decision and therefore compels Diversified to file this Petition to preserve its rights and interests. In that connection, Diversified assigns error to the Decision as follows:

1. The Decision incorrectly denied and dismissed Diversified's Objections "based on testimony", where in fact the Director dismissed the First Permit Application at the Diversified IFFC before any evidence, testimony or otherwise, was submitted, received or considered. The Director did not deny Diversified's objections, but rather dismissed the underlying First Permit Application on which they were based.

2. The Decision incorrectly and inaccurately conflates the First Permit Application with the Second Permit Application by stating that the Second Application was filed on April 24, 2026, with timely objections being submitted. Official notice of the Second Permit Application was

not received by Diversified until ***after*** the Diversified IFFC on the First Permit Application, no objections or evidence have yet been submitted, received, or considered in connection with the Second Permit Application, and the time period to submit objections to the Second Permit Application has not run.

3. The Decision incorrectly indicates that evidence and objections were submitted on the Second Permit Application, contrary to the Director's ruling at the Diversified IFFC that the Second Permit Application was a "fresh start" and would be subject a new 15-day objection period, with new informal hearings should any party file objections. Moreover, Diversified did not, and could not, have submitted objections or evidence to the Second Permit Application, and where the Diversified IFFC was not scheduled or noticed to include the Second Permit Application, which was filed less than one business day before the Diversified IFFC.

4. The Decision incorrectly indicates that the Second Permit Application "will be assessed and issued under standard Division of Gas and Oil permit procedures" because no evidence or testimony was introduced or received in the Diversified IFFC, the timeframe to submit objections to the Second Permit Application has not run, and the Director has yet to consider and resolve any such objections (and presumably has yet to consider the Second Permit Application itself), and it is premature to indicate or decide that the Second Permit Application (or any other) will be issued.

WHEREFORE, Diversified requests that the Board reverse the Decision for the reasons set forth herein, vacate the Decision, and direct the Director to issue a revised decision in this proceeding to conform to the ruling made by the Director at the Diversified IFFC.

DIVERSIFIED PRODUCTION LLC

By Counsel

Benjamin A. Street, Esq.
STREET LAW FIRM, LLP
P. O. Box 2100
Grundy, VA 24614
(276) 935-2128 - Telephone
(276) 935-4162 - Facsimile
VSB No. 41118

By: _____

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2026, a true and accurate copy of the foregoing was filed with Virginia Gas and Oil Board; mailed by United States Postal Service and by electronic mail to: Deputy Director Phil Skorupa; Phil.Skorupa@energy.virginia.gov; 3405 Mountain Empire Road, Big Stone Gap, VA 24219; Tom Pruitt, Esq., TLPruitt@tlpruittlaw.com; Mark Swartz, Esq., MSwartz@wvdivorce.com; 24 Capitol Street, Suite 201 In Charleston, WV.

_____

DIVERSIFIED PRODUCTION LLC
BY COUNSEL

By: _____

Benjamin A. Street
VA. State Bar 41118
Charity A. Barger
VA. State Bar 93380
STREET LAW FIRM, LLP
1142 Riverview Street
P. O. Box 2100
Grundy, VA 24614
(276) 935-2128 – Telephone
(276) 935-4162 – Facsimile

T.R. Scott, Jr.
J.W. Bowman
R.J. Breimann
S.T. Mullins
R.V. Presley, II
B.A. Street
C.A. Barger
M.R. McGeorge

STREET LAW FIRM, LLP

A LIMITED LIABILITY PARTNERSHIP

P.O. BOX 2100
1142 RIVERVIEW STREET
GRUNDY, VIRGINIA 24614

E.K. Street
[1943-1990]

Telephone
[276] 935-2128

Fax
[276] 935-4162

May 7, 2026

James P. Skorupa, Division of Gas and Oil, Director
3405 Mountain Empire Road
Big Stone Gap, VA 24219
Phil.Skorupa@energy.virginia.com

Re: Diversified Production LLC's Objections to Pocahontas Gas LLC's Permit Application for CBM Gob Well CBM-F37A W/PL, Application No. 64170 - Request for Clarification.

Director Skorupa:

On behalf of Diversified Production LLC ("*Diversified*"), we write to request clarification and/or reconsideration of your April 30, 2026, Decision ("*Decision*") in Informal Fact Finding Conference 1040 ("*Diversified IFFC*") regarding the Permit Application for Gas and Oil Operations: Coalbed/Pipeline Operations CBM F37A W/PL, Application 64170 ("*Proceeding*").

In that regard, we request that you revise and re-issue the Decision to comport with the procedural history of the Proceeding, and with the ruling that you announced on the record at the Diversified IFFC - that Pocahontas Gas, LLC ("*Pocahontas Gas*") would "start over" based upon its recently filed (on April 24, 2025) permit application such that responding parties would have an opportunity to submit new objections for consideration at a subsequent IFFC, without prejudice. Unfortunately, the specific wording of the Decision deviated from the announced Ruling and would prejudice Diversified's position, a result we do not believe you intended and one that can be easily corrected now to avoid the need for an appeal. Accordingly, we ask that you issue a clarified, revised decision and obviate the need for appeal.

I. Procedural History of the Proceeding.

Around January 29, 2026, Pocahontas Gas filed an Application for a New Permit, Permit Modification or Transfer of Permit Rights ("*First Permit Application*"), denoted as "Application Number 64170", to drill a CBM gob well in Unit F-37. Diversified received notice of the First Permit Application on February 12th and filed timely objections on February 24, 2026 ("*Objections*"). Diversified's Objections asserted, *inter alia*, that Pocahontas Gas lacked the necessary surface rights to drill and operate a gob well at the proposed location. Buchanan Energy Company, LLC ("*Buchanan Energy*") also filed timely objections to the First Permit Application, asserting a similar objection. Your office scheduled the Diversified IFFC and a

EXHIBIT
A

separate informal fact-finding conference for Buchanan Energy's objections ("Buchannan IFFC") for April 27th.

After reviewing the Objections, Pocahontas Gas determined that it needed to file a second New Permit, Permit Modification or Transfer of Permit Rights (which it again denoted as "Application Number 64170") and which proposed a different Gob well location for a Gob well, which contained new and different property plats and well drilling parameters, and which identified new property-interest holders requiring notice. This "*Second Permit Application*" advised that noticed persons would have fifteen (15) days in which to lodge objections. Your office received the Second Permit Application **on the afternoon/evening of Friday, April 24, 2026 – not even one full business day before the IFFC was set to proceed on Monday, April 27, 2026.** Pocahontas Gas did **not** provide contemporaneous notice of the filing of the Second Application to any of the parties to whom it had provided the January Permit Application, nor had any of such parties received the Second Permit Application as of April 27, 2026.[1]

II. April 27th Informal Fact-Finding Conferences.

On April 27, 2026 you first convened the Buchanan IFFC to consider Buchanan Energy's objections to the First Permit Application. Pocahontas Gas remained silent about the existence of its Second Permit Application until after Buchanan Energy submitted its evidence in support of its Objections. Only then did Pocahontas Gas disclose the existence of its Second Permit Application and, for the first time, "move[d] to modify" the First Permit Application by substituting the Second Permit Application in its place. Until then, neither Diversified nor Buchanan Energy was aware of the Second Permit Application.

Buchanan Energy asked that the First Permit Application be dismissed, and that the Second Permit Application be heard later so that all parties could receive notice and have an opportunity to submit Objections. Pocahontas Gas agreed that a hearing on its "modified" permit application (the Second Permit Application) should be continued to provide for the statutory period of 15 days to object. You indicated that you would take the matters into consideration and deferred ruling until later.

You concluded the Buchanan IFFC and commenced the Diversified IFFC. Diversified promptly moved to dismiss Pocahontas Gas' First Permit Application and requested a ruling on that motion. No evidence was submitted, and a short recess was taken. Upon return, you indicated that you were ruling in favor of Diversified (and also in favor of Buchanan Energy on its motion to dismiss) and that you were dismissing the First Permit Application as to both informal fact finding conferences. You then stated that Diversified, Buchanan Energy, and any other interested parties would have fifteen (15) days following receipt of the Second Permit Application to file objections. In that regard, you explained that Pocahontas Gas was, in effect

---

[1] In contrast, Pocahontas Gas consistently provided contemporaneous email notice to the objecting parties in the First Permit Application proceedings. And, curiously, Pocahontas Gas used a remote office address for Diversified in the Second Permit Application whereas it had used Diversified's main corporate headquarters' address in the First Permit Application.

"start[ing] over" with the Second Permit Application. See Attached Transcript Excepts, p. 47-49.

III. April 30, 2026, Decision.

Unfortunately, the wording of the Decision does not comport with actual rulings made at the Diversified IFFC on the First Permit Application.

First, the Decision recites in the "Background" section that ". . . Application 64170 . . ." was received by the Gas and Oil Division on April 24, 2026, and that evidence and objections to that Application were timely filed. See Decision, p. 2. That is not accurate. No party did, or had the opportunity to, file objections to the Second Permit Application filed on April 24, 2026. That recital, on its face, indicates that the Diversified IFFC proceeded upon the Second Permit Application, which is not what occurred or what the ruling was. Rather, the record is clear that the Second Permit Application was not disclosed to Diversified until during the Buchanan IFFC, and your ruling during the Diversified IFFC was clear that Pocahontas was "starting over" with the Second Permit Application—which includes a new timeframe for submission of objections and including scheduling further informal fact-finding conferences as appropriate. We ask that you revise and otherwise clarify your Decision to recite the correct procedural posture of the Proceeding and the Diversified IFFC, which is self-evident from the record, and make clear that you did not receive objections from Diversified on the Second Permit Application as of April 27, 2026 and that you did not consider the merits of, or objections to, either permit application during the Diversified IFFC.

Second, the Decision recites that Diversified's "objection to the original application is dismissed and denied on this basis." See Decision, p. 3. Again, that does not accurately reflect your ruling at the Diversified IFFC, where you indicated that you were: (1) dismissing Pocahontas' First Permit Application, (2) allowing the Second Permit Application to serve as the operative filing going forward, and (3) providing interested persons with the statutory 15-day objection period.

The Decision further exacerbates this inaccuracy by stating that Diversified's objections were denied "based on testimony" received during the Diversified IFFC and indicating that the Second Permit Application will be **assessed and issued** under standard Division of Gas and Oil permit procedures." See Decision, p. 3 (emphasis added). Again, no evidence and no testimony were introduced or received in the Diversified IFFC, the timeframe to submit objections to the Second Permit Application has not run, and you have yet to consider and resolve any such objections or issue any permit. To be clear, it is premature to indicate or decide that the Second Permit Application (or any other) will be issued at this stage.

We ask that you clarify and correct the Decision to reflect that:

- No evidence was introduced or considered in the Diversified IFFC.
- You dismissed the First Permit Application in both the Buchanan IFFC and the Diversified IFFC.

- Your dismissal was based upon Diversified's motion to dismiss and upon Pocahontas Gas' substitute filing of its Second Permit Application.

- The Second Permit Application was filed on April 24, 2026.

- You did not dismiss and deny Diversified's Objections on the merits of those objections, nor upon consideration of testimony and evidence; rather, Diversified's objections to the First Permit Application are rendered moot since the First Permit Application, to which the objections were lodged, is dismissed, and Diversified may submit timely objections to the Second Permit Application if it is so inclined.

- All interested persons entitled to notice and listed in the Second Permit Application, may submit objections within the statutory 15-day period from receipt.

IV. Request.

It is not our intention to create unnecessary administrative burdens for you or your staff. Absent the foregoing revisions/clarifications, Diversified would be forced to appeal the Decision to ensure accuracy and avoid issues of waiver or prejudice. We expect the variances in the Decision arose from inadvertent word choices and are swiftly correctable with relatively minimal ministerial action. We ask that you please provide the requested clarifications and issue a revised decision of your ruling in the Diversified IFFC **by noon of May 8, 2026.**

We appreciate your attention to this matter.

With best regards I remain,

Yours truly,

Benjamin A. Street

BAS/sdh

Enc. April 27, 2026, Tr. Excerpts.

Cc: Sarah Gilmer
Scott Stephenson, Esq.
Tom Pruitt, Esq.
Mark Swartz, Esq.

Transcript of Meeting

Date: April 27, 2026
Case: In re: Virginia Gas and Oil Board

Planet Depos
Phone: 888.433.3767
Email: clientservices@planetdepos.com
planetdepos.com
Michigan #8598 | Nevada #089F | New Mexico #566

COMMONWEALTH OF VIRGINIA: VIRGINIA GENERAL ASSEMBLY AND OIL BOARD MEETING

----------x

In re: VIRGINIA GAS AND OIL BOARD,: Case No.

----------x IFFH1041

MEETING

Cedar Bluff, Virginia

Monday, April 27, 2026

1:10 p.m.

Job No.: 631218

Pages 1 - 99

Transcribed By: Jennifer Candela-Alvarez

Meeting, held at the offices of:

Virginia Energy Training Center
2677 Steelsburg Highway
Suite 2
Cedar Bluff, VA 24609

Pursuant to agreement, before Maya Sampson, Notary Public in and for the Commonwealth of Virginia.

A P P E A R A N C E S

ON BEHALF OF DIVERSIFIED PRODUCTION, LLC:

SCOTT A. STEPHENSON, ESQUIRE
BEN STREET, ESQUIRE
GENTRY LOCKE (ROANOKE)
Truist Bank Building
10 Franklin Road Southeast, Suite 900
Roanoke, VA 24011
(540) 983-9300

ON BEHALF OF BUCHANAN ENERGY:

THOMAS L. PRUITT, ESQUIRE
THOMAS L. PRUITT ATTORNEY at LAW, P.C.
1080 Walnut Street
Gundy, VA 24614
(276) 935-4525

ALSO PRESENT:

Sarah Gilmer, VA Department of Energy
Brad Boyd, VA Department of Energy
Phil Skorupa, Director of VA Department of Energy
Lydia Sinemus, Agency Safety Officer
Marshall Jason Davidson, Witness

A P P E A R A N C E S (Continued)

Richard Bailey, Witness

Mark Swartz, Esquire, Pocahontas Gas, LLC (Remote)

Ben Street, Esquire, Diversified Production

Beverly Webb (Remote)

Kelli Berry (Remote)

Charles Akers (Remote)

Travis Cooke (Remote)

Stephanie Blevins (Remote)

Kathleen Wright (Remote)

Jonathan Hess

James D. Bunn II

Eric Conley

Rocky Stilwell

Kristian Jamieson (Remote)

location got off of their surface, and we may not have an objection from them, but, you know, it's up to them to look at that.

What I'm hearing from Mr. Street is he's -- he's -- he's got objections that are not resolved by changing the location, and he's definitely going to continue to object. But the -- the issue is, I think, a notice issue. We've mailed to everybody. Everyone has 15 days to object or not object, and we need to wait for that to happen and come back; and if there are objections, we'll address them.

MR. SKORUPA: Okay. At this time, I -- I request to take a recess for a few minutes to discuss this with staff.

(A recess was taken.)

MR. SKORUPA: Okay. We're back on record after rethinking the testimony that was presented. I do want both of these (indiscernible 00:50:53). And thinking it further through, I don't know. I've heard the evidence early on. I'm going to rule on F37A in both cases for Buchanan

and for Diversified. I am going to dismiss both of those today.

On the other part of it -- notification -- you have 15 days from receipt of notification to refile objections. That's my -- that's my ruling. If -- if I need to do a written decision, I can. That's fine. Or we can take this and move on.

MR. STREET: I don't need a written decision for that.

MR. SKORUPA: Okay.

Mr. Swartz?

MR. SWARTZ: Well, just to be clear, they will have 15 days from receipt of the notification --

MR. SKORUPA: Yes.

MR. SWARTZ: -- of the modification?

MR. SKORUPA: Yes.

MR. SWARTZ: Is that -- okay.

MR. SKORUPA: That is correct.

MR. SWARTZ: Okay. Just -- and it'll be a start over in terms of --

MR. SKORUPA: Start over.

MR. SWARTZ: -- their ability to object, and you'll set a hearing based on that?

MR. PRUITT: This is an informal hearing. I do have a question here. We got some papers handed to us by Brad, who I -- I trust implicitly, but we haven't received it yet.

MR. SKORUPA: Right. Then they got -- they have 15 days from receipt.

MR. PRUITT: Okay.

MR. SKORUPA: That's -- that's the code. That's the law. So I'm sticking with you got 15 days. This is the re-notice on this -- on this particular amendment permit. There's been a change. So this is new notice required. You got 15 days.

MR. PRUITT: Thank you.

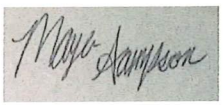
MR. SKORUPA: With that in -- in mind, unless there's any further comments on it, I've made the ruling on it. We can -- I will call this hearing officially adjourned, and we'll go from there. Thank you.

(End of hearing.)

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Maya Sampson, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings were fully sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Notary Registration No.: 00353346
My Commission Expires: 8/31/2029



_____

MAYA SAMPSON, AAERT CER
NOTARY PUBLIC FOR THE COMMONWEALTH OF VIRGINIA

CERTIFICATE OF TRANSCRIBER

I, Jennifer Candela-Alvarez, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding; that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; and that I am neither counsel for, related to, nor employed by any of the parties to the case and have no interest, financial or otherwise, in its outcome.

JENNIFER CANDELA-ALVAREZ

APRIL 30, 2026

HILLIARD & SWARTZ LLP

LAW OFFICES

124 Capitol Street · Suite 201, Charleston, West Virginia 25301· Phone 304.729.9000 · Fax 304.729.0099

May 7, 2026

James P. Skorupa, Director
Virginia Department of Energy
Gas & Oil Program
Virginia Department of Energy
3405 Mountain Empire Road
Big Stone Gap, VA 24210

Re: Pruitt letter of May 6 and Street letter of May 7 about CBM F37A

Dear Mr. Skorupa,

I offer the following unsolicited advice regarding the referenced letters: Simply ignore them.

Nothing happened at the recent IFFH because when Pocahontas Gas reviewed the Buchanan Energy objection it discovered that the proposed well would be located upon Buchanan's surface, given a recent Coronado survey that indicated the line in question had "moved."

Pocahontas filed a permit modification and mailed/re-noticed every one of its change in well location off Buchanan surface. This triggered another opportunity to object, *i.e.*, 15 days from receipt of the modification.

No permit has been granted nor will one be granted on the original permit application. If and when a permit is issued or denied, it will address the modification.

Diversified and Buchanan need to make their objections to the modified application, or not.

I remain amused by Diversified's assertion that its 4-page missive is not intended "to create unnecessary administrative burdens;" Diversified has given you 24 hours to dodge another appeal. I guess that giving you 72 hours would be a burden.

Yours truly,

Mark A. Swartz

cc: Sarah Gilmer, via email
Beverly Webb, via email
Kelli Barry, via email

T.R. Scott, Jr.
J.W. Bowman
R.J. Breimann
S.T. Mullins
R.V. Presley, II
B.A. Street
C.A. Barger
M.R. McGeorge

STREET LAW FIRM, LLP

A LIMITED LIABILITY PARTNERSHIP
P.O. BOX 2100
1142 RIVERVIEW STREET
GRUNDY, VIRGINIA 24614

E.K. Street
[1943-1990]

Telephone
[276] 935-2128

Fax
[276] 935-4162

May 8, 2026

James P. Skorupa, Division of Gas and Oil, Director
3405 Mountain Empire Road
Big Stone Gap, VA 24219
Phil.Skorupa@energy.virginia.com

Re: Diversified Production LLC's Objections to Pocahontas Gas LLC's Permit Application for CBM Gob Well CBM-F37A W/PL, Application No. 64170 - Request for Clarification.

Director Skorupa:

On behalf of Diversified Production LLC, we respond to Pocahontas Gas' May 7th correspondence.

Pocahontas Gas LLC concedes that your April 27th Ruling allows the parties to proceed with a fresh start upon the recently filed "modified application" and that you did not, on that day, deny and dismiss Diversified's objections after hearing evidence. Pocahontas Gas also does not deny that you dismissed Pocahontas Gas' original application on that day, and that a ruling on the modified application is premature.

This consensus provides clear reason to revise and clarify your Decision to conform to the posture in which the parties presently sit as Diversified and Buchanan Energy have requested and demonstrates that Pocahontas Gas is not prejudiced in any way to proceed on the modified application with a "fresh start".

By encouraging you to "ignore" the problems created by the add-on rulings for no compelling reason, Pocahontas Gas in-effect forces a costly and time-consuming appeal that would not otherwise be necessary, with commensurate expenditure of valuable time and resource by the parties, counsel, the Board, and your staff. Diversified respectfully urges that your prompt action in withdrawing your Decision and issuing a revised decision would easily avoid this contingency without prejudice to any party.

With best regards I remain,

31465\0001\13333772v1

Yours truly,

Benjamin A. Street

BAS/sdh
Cc: Sarah Gilmer
Scott Stephenson, Esq.
Tom Pruitt, Esq.
Mark Swartz, Esq.

VIRGINIA DEPARTMENT OF ENERGY
GAS AND OIL PROGRAM
NOTICE OF INFORMAL FACT FINDING HEARING

In regard to Pocahontas Gas LLC

Proposed Permit for New Coalbed/Pipeline

Application 64170 for CBM F37A W/PL

Located in the Garden District of Buchanan County, Virginia

Docket Number IFFH 1040

In Accordance with §45.2-1637.G. of the Code of Virginia, the Gas and Oil Director has scheduled an Informal Fact Finding Hearing (IFFH) to consider objections received from Eric Conley, to be affected by the above-named operation(s). The objection by the Royalty Owner was received at the office of the Gas and Oil Program in a timely manner and in accordance with §45.2-1637. This notice of hearing is being sent to the permit applicant and to all parties with standing to object as prescribed by §45.2-1632. All parties are entitled to be represented by counsel at the hearing, if desired. Those receiving notice of this proceeding and who did not object to the application are not required to attend.

The objections have been filed by a Royalty Owner against the permit applications for Pocahontas Gas LLC for operation CBM F37A W/PL in accordance with:

§45.2-1637. Objections to permits

C. The only objections to permits or permit modifications that may be raised by Royalty Owners are whether the proposed well work:

1. The proposed operation(s) would directly impinge upon the royalty owner's gas and oil interest.
2. The proposed operation(s) threaten to violate the objecting royalty owner's property or statutory rights aside from his contractual rights.

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

Date and Location of Conference:

The hearing is scheduled for **Monday, April 27, 2026, beginning at 01:30 PM.** The hearing will be held at Virginia Energy Training Center 2677 Steelsburg Highway, Suite 2 Cedar Bluff, Virginia. Contact the Gas and Oil Team at (276) 415-9700 with any questions.

Specific directions and other important information can be accessed from the Virginia Department of Energy website: http://www.energy.virginia.gov/gas-oil/gasoil.shtml

Informal Fact Finding Hearings are 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, field research, documents, and testimony given at the hearings.

This notice was prepared on Friday, March 20, 2026, and will be sent by certified mail, return receipt requested, to every person with standing to object as prescribed by §45.2-1632.

James P. Skorupa, Director

Virginia Department of Energy
Gas and Oil Program
3405 Mountain Empire Road
Big Stone Gap, VA 24219

Virginia Department of Energy
Gas and Oil Program

3405 Mountain Empire Road
Big Stone Gap, VA 24219
Telephone: (276) 415-9700
Fax: (276) 523-8121

James P. Skorupa, Director
Gas and Oil Program

By Decision of the Director in

Informal Fact Finding Conference 1040

Eric Conley Esq - Diversified Production LLC

vs.

Pocahontas Gas LLC

Permit Application for Gas and Oil operations:

Coalbed/Pipeline Operations CBM F37A W/PL, Application 64170

Background

Coalbed/Pipeline operations CBM F37A W/PL, Application 64170, Pocahontas Gas LLC was received at the Virginia Department of Energy Gas and Oil Program on 4/24/2026. The evidence regarding the application and objections filed support the fact that the objections were timely and appropriate under Virginia statute.

The objections filed by **Eric Conley Esq - Diversified Production LLC** against the permit application **#64170** were in accordance with objections provided by law under §45.2-1637.

§45.2-1637. Objections to permits; hearing

C. The only objections to permits or permit modifications that may be raised by Royalty Owners are whether the proposed well work:

1. The proposed operation(s) would directly impinge upon the royalty owner's gas and oil interest.
2. The proposed operation(s) threaten to violate the objecting royalty owner's property or statutory rights aside from his contractual rights.

Hearing Date and Place

IFFH 1040 was convened on Monday, April 27, 2026 at 1:30 PM, at Virginia Energy Training Center 2677 Steelsburg Highway, Suite 2 Cedar Bluff, Virginia. All parties with standing to object to Permit Application #64170 were notified of the time and place by United States Postal Service, certified mail, return receipt requested.

Appearances

James Skorupa - Director, Division of Mineral Mining and Division of Gas and Oil

Ben Street – Counsel for Diversified Production, LLC

Scott Stephenson - Counsel for Diversified Production, LLC

Mark Swartz – Counsel for Pocahontas Gas, LLC

Diversified Production, LLC, filed an objection as a Royalty Owner to Pocahontas Gas, LLC's Permit Application #64170. Between the time the original application was submitted and the time of this IFFH of the objection, Pocahontas Gas, LLC, filed revisions to the original Permit Application requiring a new notice period. Due to the change in Permit Application #64170, Diversified Production, LLC.'s objection to the original application is dismissed and denied on this basis.

NOTE:

The revisions to Permit Application #64170 require re-notification to the parties as provided by the law and regulations for Gas and Oil. Diversified Production, LLC, has 15 days from the date of receipt of the re-notification to review the revisions and file an objection to the revised Permit Application if they chose to do so.

> Based on testimony and the permit application, it is, therefore, the decision of the Director to deny objections to permit Application 64170 for operations CBM F37A W/PL. The Permit Application for operations CBM F37A W/PL will be assessed and issued under standard Division of Gas and Oil permit procedures.

Right of Appeal

Any person with standing under §45.2-1632 who is aggrieved by this decision of the Director may appeal the decision to the Virginia Gas and Oil Board by filing a petition with the Board within ten days following the decision (§45.2-1638). No petition or appeal may raise any matter other than matters raised by the Director or which the petitioner put in issue either by application or by objections, proposals, or claims made and specified in writing at the informal fact finding conference.

Signed Thursday, April 30, 2026

James P. Skorupa, Director
Virginia Department of Energy
Gas and Oil Program

7020 2450 0000 5322 8930

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

Grundy, VA 24614 OFFICIAL USE

Certified Mail Fee $5.30
Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $ $2.82
- Return Receipt (electronic) $ $0.00
- Certified Mail Restricted Delivery $ $0.00
- Adult Signature Required $ $0.00
- Adult Signature Restricted Delivery $

Postage $0.78

$8.90

LEBANON VA 24266 1266 03
Postmark Here
APR 30 2026
04/30/2026
USPS

Buchanan Energy Company, LLC
c/o Thomas L. Pruitt
1080 Walnut Street
P. O. Box 1080
Grundy, VA 24614 Mailing Decision for IFFH 1041 (F37A)

See Reverse for Instructions

7020 2450 0000 5322 8909

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

Charleston, WV 25301 OFFICIAL USE

Certified Mail Fee $5.30
Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $ $2.82
- Return Receipt (electronic) $ $0.00
- Certified Mail Restricted Delivery $ $0.00
- Adult Signature Required $ $0.00
- Adult Signature Restricted Delivery $

Postage $1.07

$9.17

LEBANON VA 24266 1266 03
Postmark Here
APR 30 2026
04/30/2026
USPS

Pocahontas Gas, LLC
Hilliard & Swartz Law Offices
c/o Mark Swartz, Attorney
124 Capital Street, Suite 201
Charleston, WV 25301 Mailing Decision for IFFHs 1040 & 1041

for Instructions

7020 2450 0000 5322 8916

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

Grundy, VA 24614 OFFICIAL USE

Certified Mail Fee $5.30
Extra Services & Fees (check box, add fee as appropriate)
- Return Receipt (hardcopy) $ $2.82
- Return Receipt (electronic) $ $0.00
- Certified Mail Restricted Delivery $ $0.00
- Adult Signature Required $ $0.00
- Adult Signature Restricted Delivery $

Postage $0.78

$8.90

LEBANON VA 24266 1266 03
Postmark Here
APR 30 2026
04/30/2026
USPS

Diversified Production
c/o Street Law Firm, LLP
1142 Riverview Street
P. O. Box 2100
Grundy, VA 24614
Mailing Decision for IFFH 1040

for Instructions

UNITED STATES POSTAL SERVICE

May 8, 2026

Dear S Gilmer:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 2450 0000 5322 8909**.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	May 5, 2026, 11:57 am
Location:	CHARLESTON, WV 25301
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	2.0oz

Recipient Signature

Signature of Recipient:	
Address of Recipient:	124 CAPITOL ST, CHARLESTON, WV 25301

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

May 8, 2026

Dear S Gilmer:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 2450 0000 5322 8916**.

Item Details

Status:	Delivered, Individual Picked Up at Postal Facility
Status Date / Time:	May 8, 2026, 3:08 pm
Location:	GRUNDY, VA 24614
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz

Recipient Signature

Signature of Recipient:	X Katelyn Vaughn
Address of Recipient:	PO Box 2100

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

UNITED STATES POSTAL SERVICE

May 18, 2026

Dear S Gilmer:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 2450 0000 5322 8930**.

Item Details

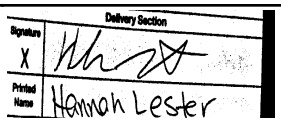
Status:	Delivered, Individual Picked Up at Postal Facility
Status Date / Time:	May 11, 2026, 11:38 am
Location:	GRUNDY, VA 24614
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

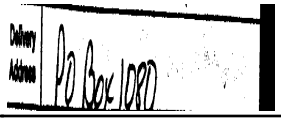
Weight:	1.0oz

Recipient Signature

Signature of Recipient:



Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

7020 2450 0000 5322 8879

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

Charleston, WV 25301

OFFICIAL USE

Certified Mail Fee $5.30

Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $ $2.82
- ☐ Return Receipt (electronic) $ $0.00
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $ $0.00
- ☐ Adult Signature Restricted Delivery $

Postage $0.78

$8.90

LEBANON VA 24266 1266 03
Postmark Here
MAR 23 2026
03/23/2026
USPS

Pocahontas Gas, LLC
Hilliard & Swartz Law Offices
c/o Mark Swartz, Attorney
124 Capital Street, Suite 201
Charleston, WV 25301 Mailing NOH for IFFHs 1040, 1041, 1042, 1043

7020 2450 0000 5322 8862

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

Grundy, VA 24614

OFFICIAL USE

Certified Mail Fee $5.30

Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $ $2.82
- ☐ Return Receipt (electronic) $ $0.00
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $ $0.00
- ☐ Adult Signature Restricted Delivery $

Postage $0.78

$8.90

LEBANON VA 24266
Postmark Here
MAR 23 2026
03/23/2026
USPS

Buchanan Energy Company, LLC
c/o Thomas L. Pruitt
1080 Walnut Street
P. O. Box 1080
Grundy, VA 24614 Mailing NOH for IFFH 1041 (F37A)

7020 2450 0000 5322 8886

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at *www.usps.com®*.

Grundy, VA 24614

OFFICIAL USE

Certified Mail Fee $5.30

Extra Services & Fees *(check box, add fee as appropriate)*
- ☐ Return Receipt (hardcopy) $ $2.82
- ☐ Return Receipt (electronic) $ $0.00
- ☐ Certified Mail Restricted Delivery $ $0.00
- ☐ Adult Signature Required $ $0.00
- ☐ Adult Signature Restricted Delivery $

Postage $0.78

$8.90

LEBANON VA 24266
Postmark Here
MAR 23 2026
03/23/2026
USPS

Diversified Production
c/o Street Law Firm, LLP
1142 Riverview Street
P. O. Box 2100
Grundy, VA 24614
Mailing NOH for IFFHs 1040, 1042, 1043

UNITED STATES POSTAL SERVICE

April 20, 2026

Dear S Gilmer:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 2450 0000 5322 8862**.

Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	March 30, 2026, 11:29 am
Location:	GRUNDY, VA 24614
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz

Recipient Signature

Signature of Recipient:	[illegible]
Address of Recipient:	PO BOX 1080 GRUNDY, VA 24614-1080

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

UNITED STATES POSTAL SERVICE

April 20, 2026

Dear S Gilmer:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 2450 0000 5322 8879**.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	March 27, 2026, 12:52 pm
Location:	CHARLESTON, WV 25301
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz

Recipient Signature

Signature of Recipient:	
Address of Recipient:	124 CAPITOL ST, CHARLESTON, WV 25301

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

UNITED STATES POSTAL SERVICE

April 20, 2026

Dear S Gilmer:

The following is in response to your request for proof of delivery on your item with the tracking number: **7020 2450 0000 5322 8886**.

Item Details

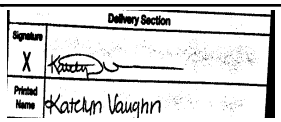
Status:	Delivered, Individual Picked Up at Postal Facility
Status Date / Time:	March 27, 2026, 2:56 pm
Location:	GRUNDY, VA 24614
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™
	Return Receipt Electronic

Shipment Details

Weight:	1.0oz

Recipient Signature

Signature of Recipient:



Address of Recipient:

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Original Submission

Pocahontas Gas LLC
UNIT F37
Tract Identifications

1. Cecilia Cox Compton Trust (35.00 Acre Tract) – Fee
Buchanan Mining Company LLC – P-3 Seam Leased
Appalachian Energy, Inc. – CBM Leased
17.66 Acres 22.0750%

1A. Cecilia Cox Compton Trust – Surface
1B. Commonwealth of Virginia (S.R. 628) – Surface

2. William B. Dennis, et al (16.67 Acre Tract) – All Minerals
Buchanan Mining Company LLC – Coal Below Tiller Seam Leased
Pocahontas Gas LLC – Oil, Gas, and CBM Leased
Ronnie Page Compton, et ux – Surface
8.02 Acres 10.0250%

3A. Buchanan Energy Company, LLC (1232.67 Acre Tract) – Minerals
Southwest Virginia Mining Company, LLC – P-3, War Creek, Jawbone, and Red Ash Seams Leased
Buchanan Mining Company LLC – P3 Seam Sub-Leased
Diversified Production – CBM Leased
40.14 Acres 50.175%

3A-1. Buchanan Energy Company, LLC – Surface
3A-2. Luther Davis, et ux – Surface
3A-3. Geneva Laura Compton – Surface
3A-4. Lonnie Wayne Compton, et ux – Surface
3A-5. Commonwealth of Virginia (S.R. 628) – Surface
3A-6. Hazel Marie Kelly – Surface

3B. Buchanan Energy Company, LLC (1232.67 Acre Tract) – Minerals
Southwest Virginia Mining Company, LLC – P-3, War Creek, Jawbone, and Red Ash Seams Leased
Buchanan Mining Company LLC – P3 Seam Sub-Leased
Appalachian Energy – Oil and Gas Leased (Retained Acres)
Diversified Production – CBM Leased
0.97 Acres 1.2125%

3B-1. Buchanan Energy Company, LLC – Surface

4A. Dorothy A. Hill, et al (29.07 Acre Tract) – Minerals
Pocahontas Gas LLC – Oil, Gas, and Gas Leased
12.56 Acres 15.7000%

4A-1. Luther Davis, et ux – Surface
4A-2. Commonwealth of Virginia (S.R. 628) – Surface
4A-3. Hazel Marie Kelly – Surface
4A-4. Lester Guthrie Jessup – Surface

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

Pocahontas Gas LLC
UNIT F37
Tract Identifications

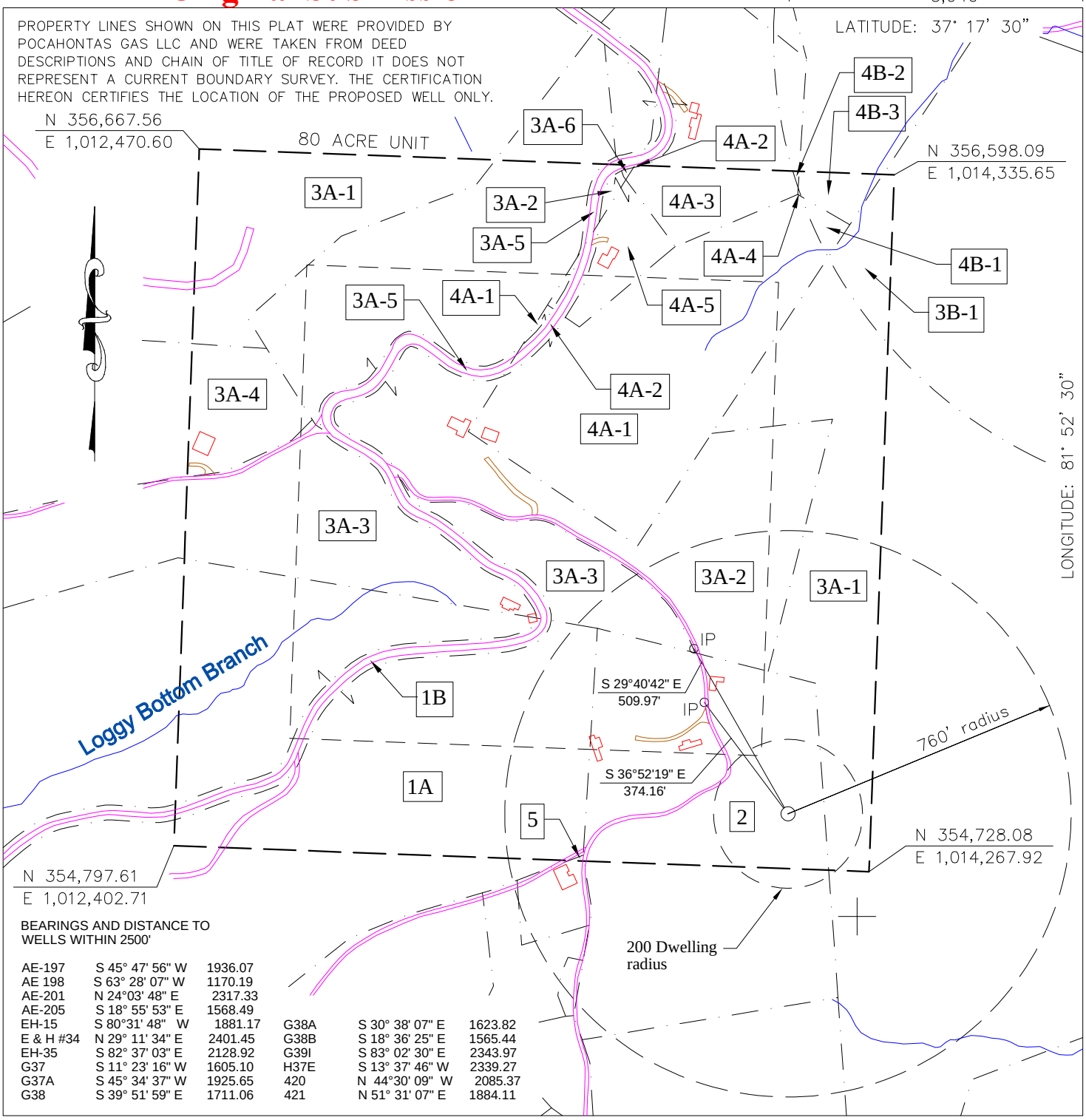
4B. Dorothy A. Hill, et al (29.07 Acre Tract) – Minerals
Appalachian Energy – Oil and Gas Leased (Retained Acres)
Pocahontas Gas LLC – CBM Leased
0.64 Acres 0.8000%

4B-1. Luther Davis, et ux – Surface
4B-2. Lester Guthrie Jessup – Surface
4B-3. Hazel Marie Kelly – Surface

5. Alta Stanford, et al (26.13 Acre Tract) – All Minerals
Buchanan Mining Company LLC – Coal Below Jawbone Seam Leased
Stella Crist - Surface
0.01 Acres 0.0125%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

Original Submission



BEARINGS AND DISTANCE TO WELLS WITHIN 2500'

AE-197	S 45° 47' 56" W	1936.07			
AE 198	S 63° 28' 07" W	1170.19			
AE-201	N 24°03' 48" E	2317.33			
AE-205	S 18° 55' 53" E	1568.49			
EH-15	S 80°31' 48" W	1881.17	G38A	S 30° 38' 07" E	1623.82
E & H #34	N 29° 11' 34" E	2401.45	G38B	S 18° 36' 25" E	1565.44
EH-35	S 82° 37' 03" E	2128.92	G39I	S 83° 02' 30" E	2343.97
G37	S 11° 23' 16" W	1605.10	H37E	S 13° 37' 46" W	2339.27
G37A	S 45° 34' 37" W	1925.65	420	N 44°30' 09" W	2085.37
G38	S 39° 51' 59" E	1711.06	421	N 51° 31' 07" E	1884.11

THE ACTUAL WELL LOCATION WILL BE WITHIN 10 FEET OF THE PROPOSED LOCATION ACCORDING TO 4 VAC 25–150–290 AND 45.1–361.30.

WELL LOCATION PLAT

Company POCAHONTAS GAS LLC Well Name or Number CBM F37A

Tract No. WILLIAM B. DENNIS, ET AL (16.67 ACRE TRACT) Scale: 1" = 400'

County BUCHANAN District GARDEN Quadrangle PATTERSON Date

Elevation 2433.80' Well Elevation Determined By Trig Levels From CORONADO Benchmarks

Well Coordinates N 354,883.38 E 1,014,050.45 (Virginia State Plane South Zone – NAD' 27)

Well Coordinates N 3,635,763.53 E 10,497,038.62 (Virginia State Plane South Zone – NAD' 83)

This plat is a new plat X ; an updated plat or a final plat

+ Denotes the location of a well on United States Topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

COMMONWEALTH OF VIRGINIA
ALLEN MITCHELL
Lic. No. 2289
12/09/25
LAND SURVEYOR

Form DGO–GO–7
Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor (Affix Seal)

Pocahontas Gas LLC
UNIT F37
Tract Identifications

1. Cecilia Cox Compton Trust (35.00 Acre Tract) – Fee
   Buchanan Mining Company LLC – P-3 Seam Leased
   Appalachian Energy, Inc. – CBM Leased
   16.37 Acres 20.4625%

1A. Cecilia Cox Compton Trust – Surface
1B. Commonwealth of Virginia (S.R. 628) – Surface

2. William B. Dennis, et al (16.67 Acre Tract) – All Minerals
   Buchanan Mining Company LLC – Coal Below Tiller Seam Leased
   Pocahontas Gas LLC – Oil, Gas, and CBM Leased
   Ronnie Page Compton, et ux – Surface
   7.05 Acres 8.8125%

3A. Buchanan Energy Company, LLC (1232.67 Acre Tract) – Minerals
   Southwest Virginia Mining Company, LLC – P-3, War Creek, Jawbone, and Red Ash Seams Leased
   Buchanan Mining Company LLC – P3 Seam Sub-Leased
   Diversified Production – CBM Leased
   42.40 Acres 53.0000%

3A-1. Buchanan Energy Company, LLC – Surface
3A-2. Luther Davis, et ux – Surface
3A-3. Geneva Laura Compton – Surface
3A-4. Lonnie Wayne Compton, et ux – Surface
3A-5. Commonwealth of Virginia (S.R. 628) – Surface
3A-6. Hazel Marie Kelly – Surface

3B. Buchanan Energy Company, LLC (1232.67 Acre Tract) – Minerals
   Southwest Virginia Mining Company, LLC – P-3, War Creek, Jawbone, and Red Ash Seams Leased
   Buchanan Mining Company LLC – P3 Seam Sub-Leased
   Appalachian Energy – Oil and Gas Leased (Retained Acres)
   Diversified Production – CBM Leased
   0.97 Acres 1.2125%

3B-1. Buchanan Energy Company, LLC – Surface

4A. Dorothy A. Hill, et al (29.07 Acre Tract) – Minerals
   Pocahontas Gas LLC – Oil, Gas, and Gas Leased
   12.56 Acres 15.7000%

4A-1. Luther Davis, et ux – Surface
4A-2. Commonwealth of Virginia (S.R. 628) – Surface
4A-3. Hazel Marie Kelly – Surface
4A-4. Lester Guthrie Jessup – Surface

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

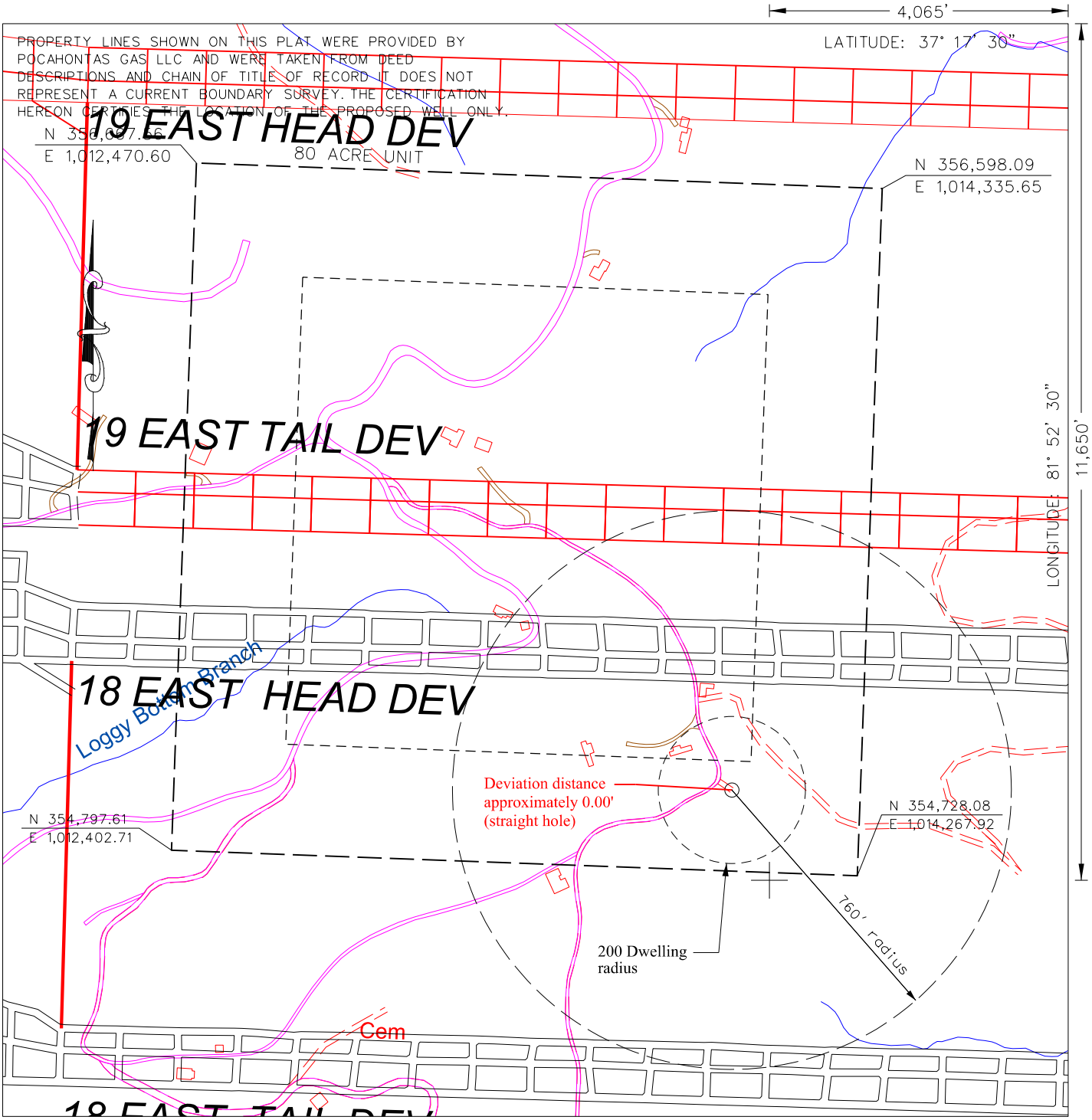
Pocahontas Gas LLC
UNIT F37
Tract Identifications

4B. Dorothy A. Hill, et al (29.07 Acre Tract) – Minerals
Appalachian Energy – Oil and Gas Leased (Retained Acres)
Pocahontas Gas LLC – CBM Leased
0.64 Acres 0.8000%

4B-1. Luther Davis, et ux – Surface
4B-2. Lester Guthrie Jessup – Surface
4B-3. Hazel Marie Kelly – Surface

5. Alta Stanford, et al (26.13 Acre Tract) – All Minerals
Buchanan Mining Company LLC – Coal Below Jawbone Seam Leased
Stella Crist - Surface
0.01 Acres 0.0125%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."



THE ACTUAL WELL LOCATION WILL BE WITHIN 10 FEET OF THE PROPOSED LOCATION ACCORDING TO 4 VAC 25-150-290 AND 45.1-361.30.

WELL LOCATION PLAT

Company POCAHONTAS GAS LLC Well Name or Number CBM F37A

Tract No. WILLIAM B. DENNIS, ET AL (16.67 ACRE TRACT) Scale: 1" = 400'

County BUCHANAN District GARDEN Quadrangle PATTERSON Date _____

Elevation 2446.92' Well Elevation Determined By Trig. Levels From Pocahontas Gas LLC Benchmarks

Well Coordinates N 354,961.56 E 1,013,926.95 (Virginia State Plane – South Zone – NAD' 27)

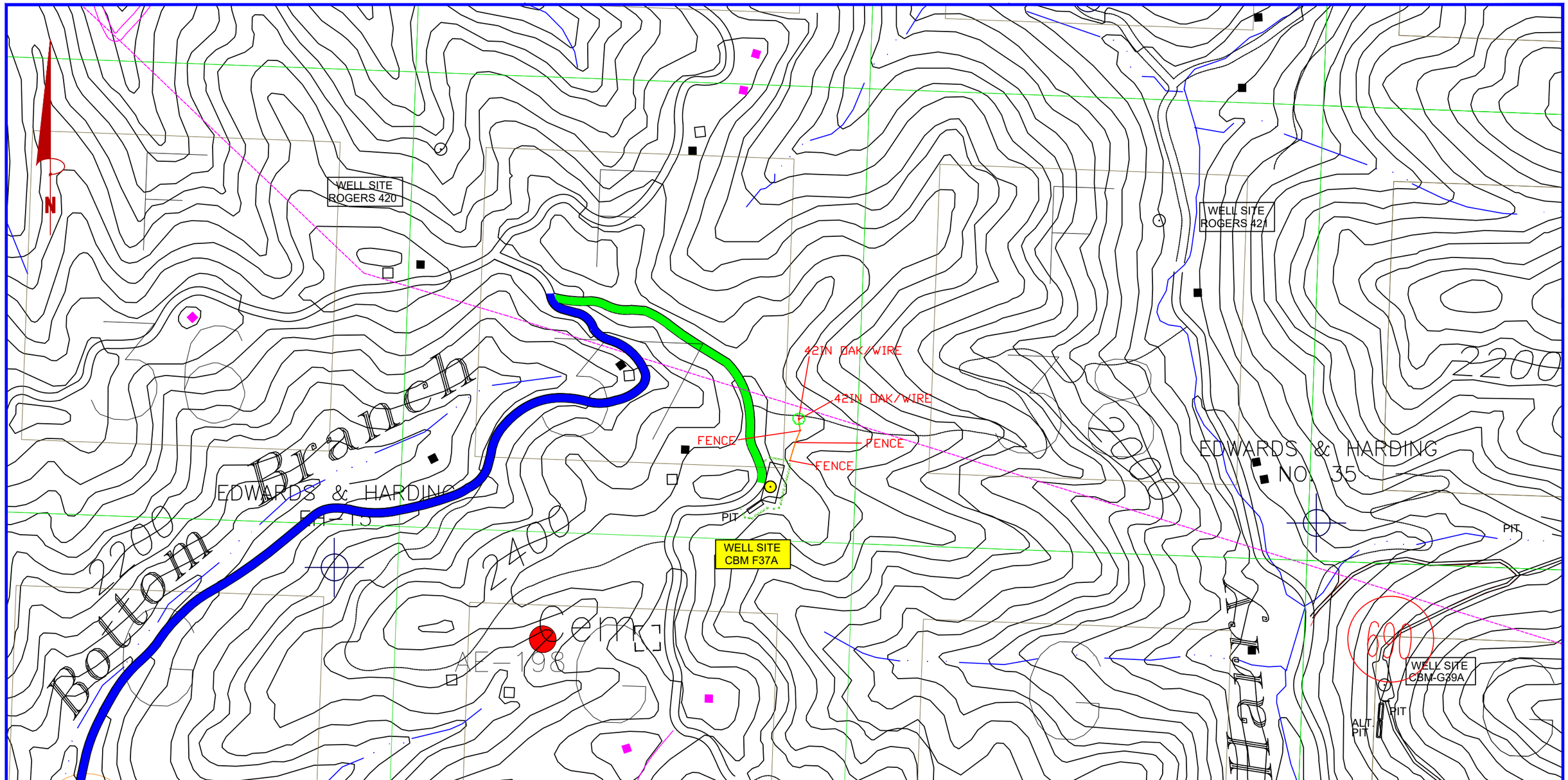
Well Coordinates N 3,635,841.71 E 10,496,915.12 (Virginia State Plane – South Zone – NAD' 83)

This plat is a new plat _____ ; an updated plat X ; or a final plat _____

+ Denotes the location of a well on United States Topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

Form DGO-GO-7
Rev. 9/91

_____
Licensed Professional Engineer or Licensed Land Surveyor (Affix Seal)



LEGEND

- STATE ROAD
- COUNTY ROAD
- EXISTING ROAD
- NEW ROAD
- CULVERT
- C-1 CULVERT NUMBER
- WELL BORE
- 1 NEW ROAD SEGMENT
- SILT FENCE AND OR BRUSH BARRIERS

NOTE:
STRAW BALES SHALL BE INSTALLED & MAINTAINED AT THE INLET AND OUTLET OF ALL CULVERTS AND AT ALL DRAINAGE WINDOWS UNTIL THE DISTURBED AREA IS STABILIZED.
NOTE: SILT TO BE CONTROLLED BY BRUSH BARRIERS AND/OR SILT FENCE, ETC. STRAW BALES TO BE PLACED AT INLET/OUTLET END OF ALL CULVERTS AND DRAINAGE WINDOWS.

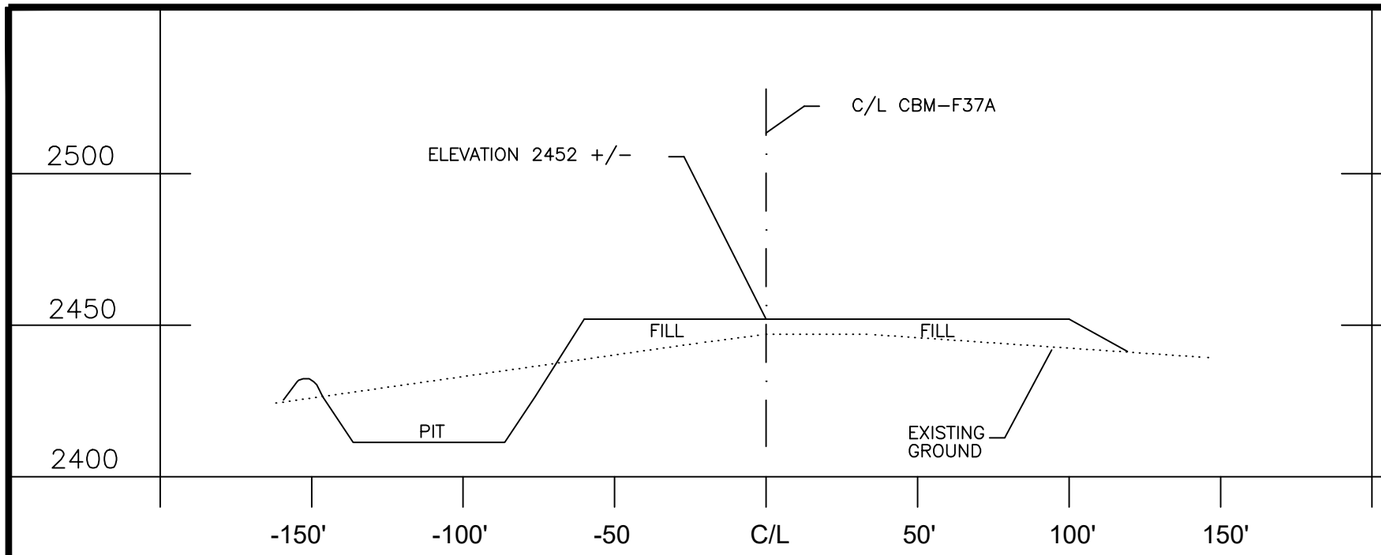
ACCESS ROAD LOCATION FROM HANDHELD GPS BY POCAHONTAS GAS LLC.

NEW ROAD INFORMATION
☐ LENGTH % GRADE
NO NEW ROAD REQUIRED

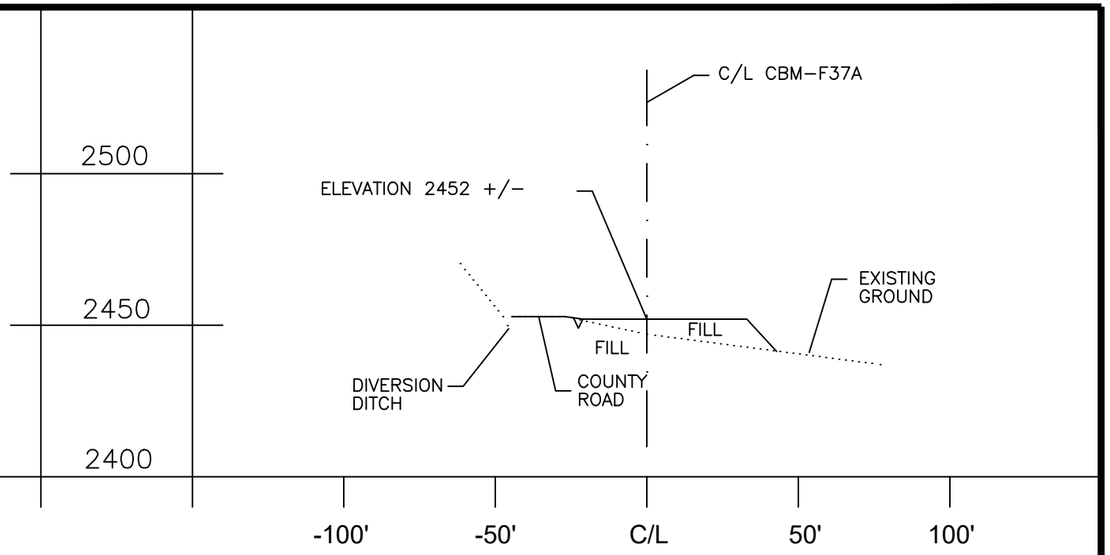
LAT: 37° 15' 35.21243"
LONG: 81° 53' 19.71485"

LOCATION MAP
WELL NO. CBM F37A

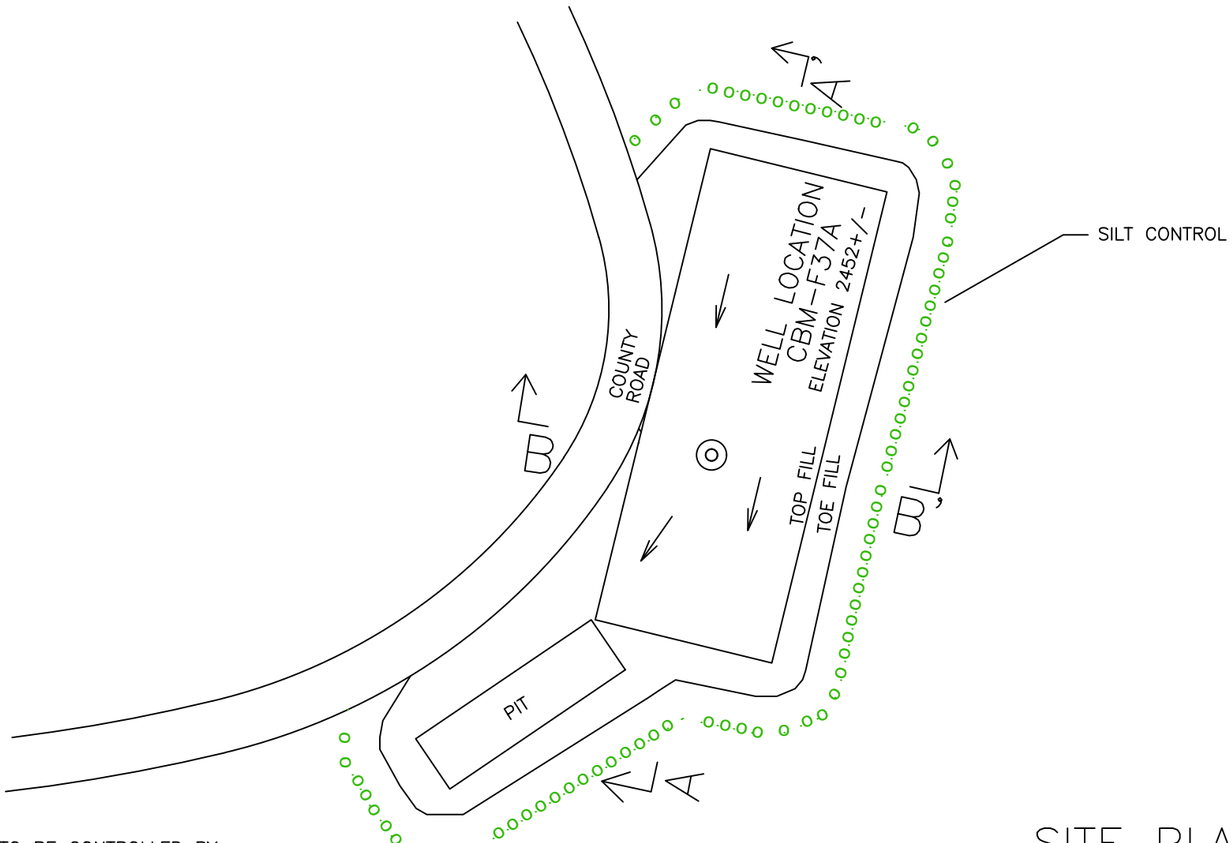
SCALE: 1" = 400'	POCAHONTAS GAS LLC PO BOX 570 POUNDING MILL, VA. 24637	DRAWN BY: DRC
DATE: 07-22-2025		FILE: F37A EXHIBIT 1
DATE REVISED: 04-01-2026		
D. R. PRICE ENGINEERING & SURVEYING P. O. BOX 1270, HONAKER, VA 24260 PHONE: (276) 991-9100 FAX: (276) 991-9103		EXHIBIT 1



SECTION A -- A'



SECTION B -- B'



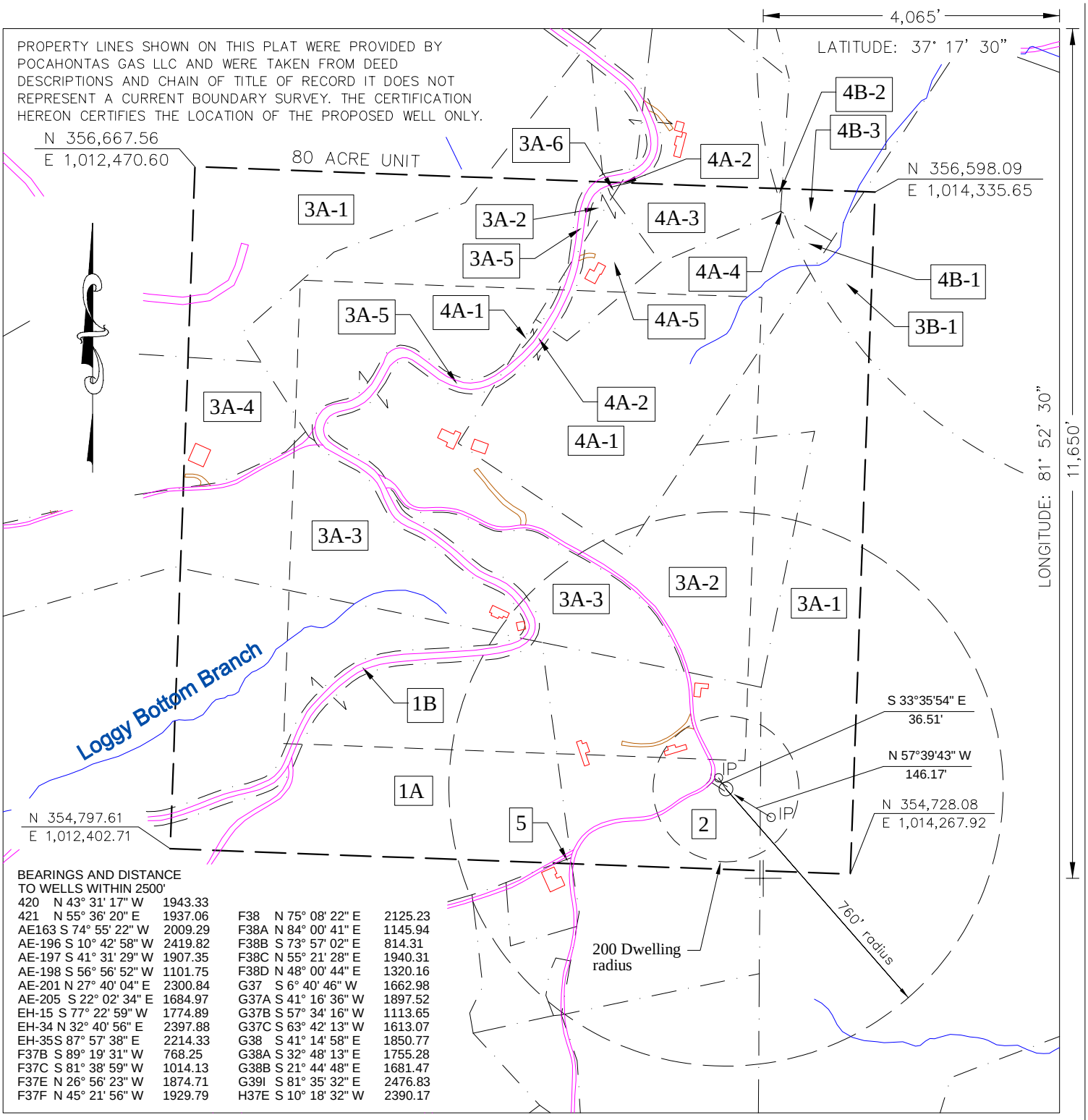
SITE AREA
1.5 ACRES

NOTE: SILT TO BE CONTROLLED BY
BRUSH WINDROWS AND/OR SILT FENCE, ETC.

SITE PLAN

SITE PLAN & X-SECTIONS
WELL NO. CBM-F37A

SCALE: 1" = 50'	POCAHONTAS GAS LLC PO BOX 570 POUNDING MILL, VA. 24637	DRAWN BY: DRC
DATE: 07-22-25		FILE: F37A EXHIBIT 3
DATE REVISED: 04-01-26		
D.R. PRICE ENGINEERING & LAND SURVEYING INC., PC P.O. BOX 1270, HONAKER, VA. 24260 PHONE: (276) 991-9100 FAX. (276) 991-9103		EXHIBIT 3



BEARINGS AND DISTANCE TO WELLS WITHIN 2500'

420	N 43° 31' 17" W	1943.33			
421	N 55° 36' 20" E	1937.06	F38	N 75° 08' 22" E	2125.23
AE163	S 74° 55' 22" W	2009.29	F38A	N 84° 00' 41" E	1145.94
AE-196	S 10° 42' 58" W	2419.82	F38B	S 73° 57' 02" E	814.31
AE-197	S 41° 31' 29" W	1907.35	F38C	N 55° 21' 28" E	1940.31
AE-198	S 56° 56' 52" W	1101.75	F38D	N 48° 00' 44" E	1320.16
AE-201	N 27° 40' 04" E	2300.84	G37	S 6° 40' 46" W	1662.98
AE-205	S 22° 02' 34" E	1684.97	G37A	S 41° 16' 36" W	1897.52
EH-15	S 77° 22' 59" W	1774.89	G37B	S 57° 34' 16" W	1113.65
EH-34	N 32° 40' 56" E	2397.88	G37C	S 63° 42' 13" W	1613.07
EH-35	S 87° 57' 38" E	2214.33	G38	S 41° 14' 58" E	1850.77
F37B	S 89° 19' 31" W	768.25	G38A	S 32° 48' 13" E	1755.28
F37C	S 81° 38' 59" W	1014.13	G38B	S 21° 44' 48" E	1681.47
F37E	N 26° 56' 23" W	1874.71	G39I	S 81° 35' 32" E	2476.83
F37F	N 45° 21' 56" W	1929.79	H37E	S 10° 18' 32" W	2390.17

THE ACTUAL WELL LOCATION WILL BE WITHIN 10 FEET OF THE PROPOSED LOCATION ACCORDING TO 4 VAC 25-150-290 AND 45.1-361.30.

WELL LOCATION PLAT

Company POCAHONTAS GAS LLC Well Name or Number CBM F37A

Tract No. WILLIAM B. DENNIS, ET AL (16.67 ACRE TRACT) Scale: 1" = 400'

County BUCHANAN District GARDEN Quadrangle PATTERSON Date

Elevation 2446.92' Well Elevation Determined By Trig. Levels From Pocahontas Gas LLC Benchmarks

Well Coordinates N 354,961.56 E 1,013,926.95 (Virginia State Plane – South Zone – NAD 27)

Well Coordinates N 3,635,841.71 E 10,496,915.12 (Virginia State Plane – South Zone – NAD 83)

This plat is a new plat ; an updated plat X ; or a final plat ;

+ Denotes the location of a well on United States Topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

COMMONWEALTH OF VIRGINIA
ALLEN MITCHELL
Lic. No. 2289
LAND SURVEYOR

4/6/26

Form DGO-GO-7
Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor (Surveyed)

IFFH 1040 YouTube Link

https://www.youtube.com/watch?v=29jk-Xrayc0

Transcript of Meeting

Date: April 27, 2026
Case: In re: Virginia Gas and Oil Board

Planet Depos
Phone: 888.433.3767
Email: clientservices@planetdepos.com
planetdepos.com
Michigan #8598 | Nevada #089F | New Mexico #566

COMMONWEALTH OF VIRGINIA: VIRGINIA GENERAL ASSEMBLY AND OIL BOARD MEETING

----------x

In re: VIRGINIA GAS AND OIL BOARD,: Case No.

----------x IFFH1041

MEETING

Cedar Bluff, Virginia

Monday, April 27, 2026

1:10 p.m.

Job No.: 631218

Pages 1 - 99

Transcribed By: Jennifer Candela-Alvarez

Meeting, held at the offices of:

Virginia Energy Training Center
2677 Steelsburg Highway
Suite 2
Cedar Bluff, VA 24609

Pursuant to agreement, before Maya Sampson, Notary Public in and for the Commonwealth of Virginia.

A P P E A R A N C E S

ON BEHALF OF DIVERSIFIED PRODUCTION, LLC:

SCOTT A. STEPHENSON, ESQUIRE
BEN STREET, ESQUIRE
GENTRY LOCKE (ROANOKE)
Truist Bank Building
10 Franklin Road Southeast, Suite 900
Roanoke, VA 24011
(540) 983-9300

ON BEHALF OF BUCHANAN ENERGY:

THOMAS L. PRUITT, ESQUIRE
THOMAS L. PRUITT ATTORNEY at LAW, P.C.
1080 Walnut Street
Gundy, VA 24614
(276) 935-4525

ALSO PRESENT:

Sarah Gilmer, VA Department of Energy
Brad Boyd, VA Department of Energy
Phil Skorupa, Director of VA Department of Energy
Lydia Sinemus, Agency Safety Officer
Marshall Jason Davidson, Witness

A P P E A R A N C E S (Continued)

Richard Bailey, Witness

Mark Swartz, Esquire, Pocahontas Gas, LLC (Remote)

Ben Street, Esquire, Diversified Production

Beverly Webb (Remote)

Kelli Berry (Remote)

Charles Akers (Remote)

Travis Cooke (Remote)

Stephanie Blevins (Remote)

Kathleen Wright (Remote)

Jonathan Hess

James D. Bunn II

Eric Conley

Rocky Stilwell

Kristian Jamieson (Remote)

C O N T E N T S

No. 1041_Permit Application No. 64170 (F37A) 6
EXAMINATION OF JASON DAVIDSON PAGE
By Mr. Pruitt 11
EXAMINATION OF RICHARD BAILEY PAGE
By Mr. Pruitt 14
No. 1040_Permit Application No. 64170 (F37A) 35
No. 1042_Permit Application No. 64222 (G37B) 50
EXAMINATION OF BEVERLY WEBB PAGE
By Mr. Street 56
No. 1043_Permit Application No. 64223 (G37C) 92

E X H I B I T S

(Retained by counsel.)

MEETING EXHIBIT

Exhibit 1 Buchanan Energy Collective Exhibit 15, 47
Exhibit 3 Energy's Oakwood Orders 55
Exhibit 5 Energy's Oakwoods Orders 55
Exhibit 7 Energy's Oakwoods Orders 55
Exhibit 8 Energy's Oakwoods Orders 55
Exhibit 9 Energy's Oakwoods Orders 55
Exhibit 11 Energy's Oakwoods Orders 55

P R O C E E D I N G S

MR. SKORUPA: I appreciate everybody's patience to go through the little bit of technical difficulties. But we're up and running, and we'll get started with our first hearing for today.

Today is Monday, April the 27th, 2026, and it's approximately 1 p.m., a little after, and we are located in Cedar Bluff, Virginia, having this hearing today.

The case docket number for this informal fact-finding hearing is IFFH1041. This hearing is convened under the Virginia Gas and Oil Act, Section 45.2-1637, which allows for objections to permit applications to be filed by those with standing under section 45.2-1632.

Objections under the statute have been filed against the permit for Pocahontas Gas, LLC for coalbed methane Well F37A, Application No. 64170. Objections were filed by a Mr. James Bunn II on behalf of Buchanan Energy as the surface owner. The objections were filed in a timely manner as required by Section 45.2-1637.

Notice to the parties regarding gas operation or protection of the environment are important elements of Virginia law. This hearing today is a part of that process.

Sarah, the question is if notification has been sent to all parties to appear before this conference as required by Section 45.2-1637(G).

MS. GILMER: Yes.

MR. SKORUPA: Okay. And did that notice include the date, time, and place of this conference?

MS. GILMER: Yes.

MR. SKORUPA: Okay. Let's move on to the next part in this case. Who will be testifying today -- to identify yourselves.

MR. PRUITT: Yes, Mr. Director, Tom Pruitt, Attorney for Buchanan Energy. Testimony will be by Jason Davidson, the property manager of Buchanan Energy and by Richard Bailey, Surveyor.

MR. SKORUPA: Okay.

MR. SWARTZ: Mark Swartz on behalf of

Pocahontas. I will be the primary witness. It's possible that I would ask a question or two of Kelli Berry or Beverly Webb, but I think I'm going to have the lion's share of the response.

MR. SKORUPA: Okay.

Sarah, at this point, would you want to go ahead and swear in all the witnesses that are going to be testifying today?

MS. GILMER: Yes.

(The witnesses were sworn.)

MR. SKORUPA: Okay. Section 45.2-1637 of the Virginia Gas and Oil Act allows objections to the permit by the surface owners who are entitled to notification of proposed operation. According to the permit, Buchanan Energy Company is a surface owner in the subject drilling unit. As such, Buchanan Energy has standing to object to this permit application.

The objections have been filed by the surface owner against the permit application for Pocahontas Gas in accordance with 45.2-1637 and objections to -- to permit, the criteria on which

1 Buchanan Energy's objection is based upon the
2 following from subsection B, the only objections to
3 permits that may be raised by a surface owner.
4 And under that section is the location
5 of a coalbed methane or well pipeline will
6 unreasonably infringe on the surface owner's use of
7 the surface. So as long as reasonable alternative
8 site is available within the unit, and granting the
9 objection will not materially impair any right
10 contained in an agreement, valid at the time of the
11 objection between the surface owner and the
12 operator or their predecessors or successors in
13 interest.
14 Since this is an informal hearing today
15 scheduled under the Administrative Process Act, we
16 do have -- you can request to take a recess to
17 discuss something. You do have that. All you need
18 to do is request it.
19 And I would like to set some ground
20 rules so that everybody is aware of the ground
21 rules in this case. The purpose of this informal
22 fact-finding conference is to obtain the facts

pertaining to the issues at hand, objections at hand. And the rule is the objector in this case, which is Buchanan Energy, would be the -- would be -- would go first. At that time you'll have the opportunity for direct testimony from your witness, present any exhibits that you wish and/or documents relative to this issue.

And once -- the once the objector goes, the objectee, which is Pocahontas Gas in this case, they will -- they will have the same opportunity for -- to present their testimony from witnesses and present any exhibits or documentation relative to the issues for consideration.

One of the key things at an informal fact-finding conference -- there is no cross-examination of witnesses allowed, and there may be questions I ask for clarification purposes. Other than that, I'm ready to go forward.

And, Mr. Pruitt, would you like to start off?

MR. PRUITT: Director Skorupa, I call Jason Davidson.

JASON DAVIDSON,
being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

DIRECT EXAMINATION BY COUNSEL FOR BUCHANAN ENERGY BY MR. PRUITT:

Q Mr. Davidson, what is your full name?

A Jason -- Marshall Jason Davidson.

Q And are you the property manager for Buchanan Energy Company?

A Yes, sir.

Q What are your duties and responsibilities as a property manager?

A To oversee the property associated with Buchanan Energy being coal, gas, and mineral leases.

Q Are you familiar with the well permit CBM F37A that we're here about today?

A Yes, sir.

Q Okay. And are you familiar with the property boundaries of Buchanan Energy's surface tract within that immediate location?

A Yes, sir.
Q Have you commissioned a boundary line survey for today?
A Yes, sir.
Q Have you seen the survey?
A I have.
Q And does the survey agree with your understanding of Buchanan Energy's boundary line?
A Yes.
Q What is your understanding of the Buchanan Energy boundary line as it relates to the proposed well in Application F37A?
A Based upon the state plane coordinate values in the well application, that well would be located on Buchanan Energy property.
Q Is that Buchanan Energy's mineral property? Surface property? Coal property? Gas property? Which?
A It's the fee property.
Q Does Buchanan Energy and its gas lessee, Diversified, have exclusive right to possess the surface in that location?

A Yes.
Q Are you authorized to grant third parties access or to deny third parties access to Buchanan Energy's land?
A Yes.
Q Has Buchanan Energy granted to CNX or Pocahontas Gas the right to enter onto the surface property owned by Buchanan Energy and to produce gob gas from the location shown on F37A?
A No.
Q To your knowledge, does any written lease or license agreement exist to provide the right of access to CNX or Pocahontas Gas to drill a well in the location shown on F37A for the purpose of producing gob gas?
A No.
Q Are you aware of any verbal permission granted by anyone within Buchanan Energy that has been granted to CNX for Pocahontas Gas for access to the well site shown on F37A?
A I am not.
Q So to your knowledge, would Buchanan

Energy consider the drilling of a gob gas well and producing of a gob gas well on its surface in that location to be contrary to its title?

A Yes.

Q And would that be a trespass?

A It would.

MR. PRUITT: All right. That's all I have of this witness.

MR. SKORUPA: Okay. Mr. Pruitt, do you want to call your other witness?

MR. PRUITT: Yes. I call Richard Bailey.

RICHARD BAILEY,

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR BUCHANAN ENERGY BY MR. PRUITT:

Q Mr. Bailey, you've been sworn, haven't you?

A Yes, sir.

Q Will you state your full name.

A Richard Lester Bailey.
Q What's your profession, Mr. Bailey?
A I'm a registered professional mining engineer and a registered land surveyor.
Q Were you asked to perform a survey on behalf of Buchanan Energy in the location of CBM applied for a well for F37A?
A Yes, I was.
Q And were you also, as part of your employment, asked to provide an affidavit of your findings and then your resume or your, as we like to call it as attorneys, curriculum vitae and a plat of your survey?
A Yes.
MR. PRUITT: All right. Mr. Director, for identification purposes only, I have a -- an exhibit, Exhibit A, which I would like for you to examine.
(Buchanan Energy Collective Exhibit 1 was identified.)
It is a duplicate of the materials that I filed with you prior to this hearing, and these

1 documents have been provided to all parties.
2 MR. SKORUPA: Okay. Can I see this? I
3 might not have a copy.
4 MR. PRUITT: All right.
5 Mr. Bailey, I'm handing you this exhibit
6 that is, for identification purposes, identified as
7 Buchanan Energy's Collective Exhibit 1. Take a
8 moment and look through that, please.
9 THE WITNESS: Okay.
10 BY MR. PRUITT:
11 Q Are you familiar with those documents?
12 A Yes, sir.
13 Q What are they?
14 A That is the affidavit and information
15 that I read, understood, signed, and had notarized,
16 along with a copy of my resume and a copy of the
17 plat that I prepared.
18 Q And that plat is prepared as to the
19 boundary line in the location of the well we're
20 here about today?
21 A Yes.
22 Q And the boundary line is the boundary

line of Buchanan Energy --

A Yes.

Q -- Company?

A Yes.

MR. PRUITT: Director Skorupa, these documents, as -- as we've discussed, have been provided to you previously. I'd like to move them into evidence at this time.

MR. SKORUPA: Okay. I've seen the documents. Yes.

(Buchanan Energy Collective Exhibit 1 was received in evidence.)

Q Mr. Bailey, how many boundary surveys have you performed in your career?

A Probably close to a thousand I'd say or more.

MR. PRUITT: I -- I move to qualify Mr. Bailey as an expert in the field of land surveying so that these documents can be considered as the affidavit and documents of an expert into land surveying for the purposes of this record.

MR. SKORUPA: Yes.

BY MR. PRUITT:
Q Mr. Bailey, does your affidavit reflect your testimony today?
A Yes.
Q Is your resume accurate?
A Yes.
Q And does your plat reflect the results of your survey?
A Yes.
Q Are there any changes between the time these documents were submitted and now that you would call to the director's attention?
A As far as the well location, yes, sir. The well that we located on or that I certified to as the location on March the 13th has now been moved approximately 70 feet in the northwest direction.
Q Now you observed -- did you observe stakes of the moving and -- and the different location on the ground?
A Yes.
Q Now there's been no application change

to your knowledge, has there?
A Not to my knowledge, no.
Q So the official well site that we're here on today is the well site described in the application for F37A. Do you understand that?
A Yes.
Q And if that well goes in in the location that is described on the application, the original location, is it your opinion that that well is -- is it on or is it off of Buchanan Energy surface tract?
A It is on Buchanan Energy's tract by about approximately 7 feet.
Q Okay. And is your opinion rendered today your professional opinion?
A Yes.
Q And is it to a reasonable degree of certainty in your field?
A Yes.
Q Do you have anything you would add at this point in time to your testimony?
A No. I think we've -- we've covered

everything. You know, we did extensive work not only on the line in question but areas to the west and farther to the west, also to the south, and some prior work that I've done, not in relation to this property to the South, that all seemed to verify what we've placed and certified here today.

MR. PRUITT: Director Skorupa, I have no further questions of this officer, but certainly you may ask him if you have any.

MR. SKORUPA: No, I don't -- I don't have any questions at this time.

MR. SWARTZ: I actually have a question. I have a question. Can I ask it now?

MR. SKORUPA: Yes. Well, are -- are you through or --

MR. PRUITT: I am through with this witness. Of course, this question is not in the form of a cross-examination.

MR. SKORUPA: No. No, sir.

Go ahead, Mr. Swartz.

MR. SWARTZ: You indicated that there is a second state location that you've been out to

see.

THE WITNESS: You want me to answer it?

MR. PRUITT: That was his testimony. Yes.

MR. SWARTZ: Okay. Okay. Is it -- is it -- can you confirm that that second location, which you've looked at, is -- is not on Buchanan Energy's surface based on your survey?

THE WITNESS: It is not.

MR. SWARTZ: Okay. And then the only other thing I would ask --

Mr. Skorupa, I believe we filed a permit modification. Do you have it?

MR. SKORUPA: Yes.

MR. SWARTZ: Okay. And -- and I think perhaps Buchanan Energy or Diversified haven't picked up their mail and obviously were unaware of it, but it is our intention to -- well, we filed a permit modification to move the location of the well to the second location that we've just discussed.

MR. SKORUPA: If you would, Mark, let's

go ahead if got anybody else that would like to speak. Let's -- we'll do your turn, and we can -- we can come back to this if that's okay.

MR. PRUITT: Sure.

MR. SKORUPA: Is that good with you, Mark?

MR. SWARTZ: Okay. That's fine with me.

MR. SKORUPA: Okay.

MR. PRUITT: Mr. Director, if -- or Director Skorupa, if -- if they have, in fact, filed a modification, we haven't received it, and I take it that the modification would contain a plat and a layout of the new well design. Since we're so close to the boundary line, I think -- I think that would be something that would perhaps prevent additional problems if we could see what they have in mind.

MR. BOYD: I have not seen the application although we do have it.

MR. PRUITT: We did get a revision that was handed out on Friday.

MR. BOYD: Right.

MR. PRUITT: It -- it came in to us. It was resubmitted with the change on it, and that came in Friday afternoon to our office. We have it. We did a complete review of that, but we did receive it on Friday. That's when we received it in the division.

(Crosstalk)

Am I correct -- is -- is my understanding, correct that this new location is approximately 70 feet away from the original location, Mr. Swartz?

MR. SWARTZ: I think it might be helpful just for you to show the witness the -- the new plat. The revised plat.

MR. SKORUPA: So, Counsel, do you have any objection to anyone seeing the plat?

MR. PRUITT: I have no objection to us looking at it.

MR. SKORUPA: Well, you know, there's two issues: one, if you haven't seen it, maybe you haven't received notice. So therefore --

MR. PRUITT: We have not.

MR. SKORUPA: I understand that.
MR. PRUITT: Yeah.
MR. SKORUPA: You know the question is whether you've actually received notice.
MALE SPEAKER: Let's take a recess. We haven't seen it.
MR. PRUITT: Yeah. Let's take a recess --
MR. SKORUPA: Okay.
MR. PRUITT: -- just to give it to them.
(A recess was taken.)
MR. SKORUPA: Okay. I think we're back from recess at this point.
Mr. Swartz, you had the floor last when we -- when we stopped. Well, do you wish to continue? Call any other witnesses at this point?
MR. SWARTZ: Well, I guess -- I guess my question was of the surveyor, who doesn't appear to be at the stand anymore, whether or not he could confirm that the new location is, in fact, off of Buchanan Energy property.
MR. SKORUPA: Well, I do have the -- the

new plat. If you want to show it, we can show it to everybody.

MR. PRUITT: Director Skorupa, when -- when I read the applicant -- when I read the regulations on this hearing -- we've been very careful to spell out our -- our objection, and you've been very careful to -- to lay out our standing and you checked notice. Now with this last change, there hasn't been notice before today. We didn't get it. And --

MR. SKORUPA: That was an issue I raised before that this has been submitted. Your testimony would be you have not -- haven't been noticed.

MR. PRUITT: That's right.

MR. SKORUPA: You have not received notice officially.

MR. PRUITT: That's right. And -- and we think -- we think this -- this application should be dismissed. If they want to come back and refile and provide notice to everyone, but at this point in time, they've moved the well more than --

obviously more than 10 feet. And looking at the plat, it appears to impinge upon the county road, which I'm not sure they can do. We'll have to look into that.

It just wouldn't be advisable to go forward with this application today. There are many questions that we think are very important questions. It's a tight area in there. Our property line is right there. They're sandwiched between the road and us. And without looking at this much closer, it's going to result probably in a trespass, or it's going to impinge on that county road.

And I just feel like going forward today under the old application -- it should be dismissed and just start over. There's plenty of time to do this.

MR. SWARTZ: Well, we filed a modification. So there's no dismissal. We move to modify the permit. If Mr. Pruitt has -- continues to object that we're on the surface, I guess he needs to file an objection that says the new

location is -- is -- is -- remains on their surface. So, you know, if -- I guess I'm trying to, like, move forward with as little expense as possible.

And my question is for their surveyor: Is the new plat location on or off of Buchanan Energy surface? If the surveyor says it's off their surface, well we're done. We've moved the well to accommodate. I mean, part of the notice for today was, you know, if there was an objection -- quote/unquote, unreasonably infringe on the surface owner's use -- if there's another available site within the unit, and we've moved it. So I guess is there a surface owner objection continuing or not?

MR. PRUITT: Mr. Director, I'm not going to submit my witness to his questioning here. Same issue. There's no notice of this, and it's surprise. They knew our objection long before. They knew we had a survey long before. We did not even receive an email notice of this filing. So we can't go forward today.

MR. SWARTZ: Well, I guess I'm a little disturbed with the surprise since the surveyor has been out and looked at the new location and measured it from the original location. So, you know, I guess I'm taking surprise with a huge grain of salt. I guess the choices at this point are we can either conclude this hearing, and I think that determination needs to be based on the surveyor's testimony that, if we are going -- committing to go with the second location, we're off their surface. That's choice one, and you deny the objection.

Choice two is you attend to Mr. Pruitt's contention that he's surprised and he wants to be able to, quote/unquote, object or not object again. And so I guess we can continue this hearing to give him the statutory period of 15 days to object to the modification. I guess those are the two choices.

MR. PRUITT: You know, Mr. Director, the surprise isn't that we saw stakes on the ground -- the surveyor's -- my questions to him were has the application changed? No. So we don't know the

application changed. We didn't know until we were handed this today, and we're entitled to notice under the statute. So whether or not he thinks the surveyor is surprised or not is irrelevant.

MR. SKORUPA: Okay. Okay. At this point, since both parties have had an opportunity to state their objections -- and would you like to make a summary, Mr. Pruitt --

MR. PRUITT: I would.

MR. SKORUPA: -- of your position on this?

MR. PRUITT: I would. The -- the hearing today concerns the application. It's the only thing we have notice of, and we have proved that the well in the original application is on Buchanan Energy's property, and we have proved that by a certified land surveyor. That's the only thing that we can be responsible for answering today. Otherwise, it denies us of due process because we're entitled to notice.

And so our evidence is sufficient to show that there is a trespass, and this must be

1 changed. Well, apparently it has been changed.
2 And if it has been changed to the director's
3 satisfaction -- I don't think the director can
4 reach that decision yet until proper notice has
5 been given to all parties and we've had a chance to
6 examine the circumstances of this filing and the
7 particulars of the engineering.
8 And so we can't go any farther than
9 we've gone today. And I don't think that there can
10 be any conclusion based upon this new filing
11 because there's been no -- there's been no notice.
12 The Court can rule that on the old filing that
13 we're here on today there was -- there was a well
14 location on Buchanan Energy's property, but I
15 believe that's the limit of what we can do today.
16 That's all I have.
17 MR. SKORUPA: Mr. Swartz?
18 MR. SWARTZ: Well, I guess, you know, to
19 be on the safe side in terms of protecting against
20 appeals, I would recommend that Mr. Pruitt be given
21 15 days from the date he receives the mail. It's
22 probably sitting there waiting to be picked up by

his client, but he should be given the -- Buchanan Energy should be given the appropriate amount of time to file another objection to the permit modification. And if they object, they decide to object again to surface issues, we'll have another hearing, and when Mr. Pruitt comes back, he won't be able to say he didn't have notice, and he wasn't prepared.

So I -- I guess I would say continue the case, give him his statutory 15 days from when his client receives the notice to object or not object, and we'll come back if he objects.

MR. PRUITT: May I ask the director: do you consider the notice we received today of this modification to be sufficient?

MR. SKORUPA: As far as I know, you haven't received notice.

MR. PRUITT: All right.

MR. SKORUPA: I mean, do you -- there's no -- no evidence presented that you had notice.

MR. PRUITT: We -- we assert to you that we did not. Brad handed us that.

1 MR. SKORUPA: I mean, it's the -- I
2 understand the issue.
3 MR. PRUITT: Okay.
4 MR. SKORUPA: Notification.
5 MR. PRUITT: We -- we -- we think that
6 the process should begin again.
7 MR. SWARTZ: Well, it has. The
8 modification has been mailed to everybody. Just
9 you didn't get it yet. So the process has started
10 over. The modification will be received, and it's
11 been mailed to everyone, and everybody will have 15
12 days to object to the modification if -- if they
13 choose to. And if you object again, we'll be back.
14 If you don't, we don't have to come back. The
15 permit will be issued.
16 MR. PRUITT: I have nothing more to add.
17 MR. SKORUPA: Okay. So having both --
18 heard both parties, I realize that at this point
19 the parties do not agree on the position that they
20 have. I can take all this into consideration --
21 what's been presented today -- and make a ruling,
22 according to the APA, as to the disposition of this

1 issue.
2 MR. PRUITT: That's acceptable,
3 Mr. Director. The time period on the 15-day
4 response shouldn't begin to run until you make your
5 decision. I would suggest that to you because we
6 don't know what your decision is.
7 MR. SKORUPA: Okay.
8 MR. PRUITT: It may be to dismiss it.
9 It may be to allow the modification.
10 MR. SKORUPA: True. Today is an
11 informal hearing. It's a fact-finding hearing.
12 It's based on the facts presented today.
13 MR. PRUITT: Yes, sir.
14 MR. SKORUPA: This whole hearing is.
15 There's no cross-examination, no discrediting
16 anybody. It's the opportunity to put the facts.
17 You give me your facts, Mr. Swartz gives me his
18 facts, and then I make a ruling, make a decision
19 based on facts.
20 MR. PRUITT: Yes, sir.
21 MR. SKORUPA: And I do -- I do have time
22 to do it. In fact, APA allows me 90 days to do it

under 2.2-4021. You know, I -- if nothing happens, I can have a decision a whole lot quicker than 90 days.

MR. PRUITT: Yes, sir. And -- and is it -- is it your position today that the 15-day response period does not begin to run until your decision is made?

MR. SKORUPA: It could be a part of the decision. I would not dismiss that. I'll be straight up front with you. I would not dismiss it.

MR. PRUITT: All right. Thank you.

MR. SKORUPA: Mr. Swartz? Anybody? Last comment?

MR. SWARTZ: No. I think -- I think we've taken care of this one.

MR. SKORUPA: Mr. Pruitt?

MR. PRUITT: No, sir.

MR. SKORUPA: Okay. Having -- having both parties made their summations and heard any opinions that I have, this hearing today is formally adjourned, and it is officially concluded.

No new evidence to be submitted in this case. This is --

MR. PRUITT: Yes, sir.

MR. SKORUPA: Okay. All parties understood? Okay. Officially --

MR. SWARTZ: Understood.

MR. PRUITT: Understood.

MR. SKORUPA: Officially adjourned.

MR. PRUITT: Thank you.

(End of hearing.)

MR. SKORUPA: Again, good afternoon. Today is Monday, April 27th, 2026. It's approximately almost 2 p.m., and we are located in Cedar Bluff, Virginia. And the purpose of this meeting today is to look at Case Docket No., for this informal fact-finding conference, of IFFH1040.

This hearing again is being convened under the Virginia Gas and Oil Act, Section 45.2-1637, which allows to objections to permit application being filed by those with standing as specified under Section 45.2-1632. Objections under the statute have been filed against the

1 permit for Pocahontas Gas, LLC coalbed methane well
2 F37A, Application No. 64170.
3 Objections were filed by Mr. Eric Conley
4 on behalf of Diversified Production, LLC as a
5 royalty owner. The objections were filed in a
6 timely manner as required by Section 45.2-1637.
7 Notices to the parties regarding gas and oil
8 operation and the protection of the environment are
9 important elements of Virginia's law. Today's
10 hearing is a part of that process.
11 The question to you, Sarah. Were
12 notifications sent to all parties to appear before
13 this conference as required by Section 45.2-
14 1637(G)?
15 MS. GILMER: Yes.
16 MR. SKORUPA: And did that notice
17 include the date, time, and place of this
18 conference?
19 MS. GILMER: Yes.
20 MR. SKORUPA: Okay. Will each person
21 who plans to testify in this conference please
22 state your name.

MR. STREET: Mr. Skorupa, before we do that, I need to make a couple of motions: the first motion I'm going to make is that this -- this item be dismissed. Apparently, we're now finding out for the first time today that there's been some sort of amendment to this permit application.

In the informal conference that immediately preceded this one, we learned that Pocahontas Gas purportedly filed an amendment or sought permission to file an amendment on Friday. To my knowledge, that's not been ruled upon.

I received -- unlike I think every other filing that I have seen before the board over the last ten months, I received no email. My clients received no email. I heard in the last conference that there may have been a mailing. We have not received that. Apparently that happened on Friday.

As you know, my office is in Grundy and -- unless it was overnighted to me, and even then I would not have been able to receive that before I left my office this morning. So the appearance is that this was calculated to -- to bring us over

here and have us prepared on one application and then basically change the tenor of what the hearing and the application would be like.

And I agree a notice is an important element of these proceedings, and that's not -- that's not real notice right there. Notice is more than getting halfway through a proceeding and then alerting the parties that the underlying pleadings have been changed. That's the antithesis of fair notice.

And if -- if Pocahontas Gas is going to allow the parties before us, and attempt to do so here, get into a hearing and then raise the issue of an amendment, it's too late. Every court, every tribunal, every hearing that I've ever appeared before, when -- when it comes time for the trial or the hearing or the conference, you proceed on what's been accepted and filed, not on the amendment that you hope to get filed.

So that's putting the cart before the horse. That's building the roof before you build or putting the roof on before you build the walls.

All the parties need to know what the particular pleading is that we're here on today. And by statute, that's an application. And by statute, when a party files an application, Your -- Your Honor has to file -- have a hearing, unless the parties agree otherwise, no less than 15 days after that application is filed and no more than 30 as I recall.

So the statutory framework contemplates that, once someone gets an application, they have some time to process that and evaluate that. Fifteen days. And that's what we had, and we used that time. We -- the parties -- we -- we -- we hired a surveyor. We disclosed the survey. We disclosed our objection. We reviewed everything. We reviewed -- reviewed where the proposed well location might be.

I don't know how much of that has changed today, but I know this: we need time -- if we're going to be asked to defend against the new amended application, the first thing that needs to happen is, if you're if you're inclined to do so,

you can grant the motion to amend their application, and then we get 15 days.

If you don't want to do that, if you want to deny the amendment, then we can proceed today on what's before us, but we can't do both. We can't -- we can't defend on the pleading that we don't know which one it is and one of which I haven't even looked at.

I haven't had my surveyor look at it. I haven't asked Coronado to look at the well location. The other 35 people that got notice of this application -- I don't -- I bet you they haven't been noticed either.

So you've got all kinds of problems if you proceed right now, and they're all created by Mr. -- by Pocahontas Gas. So don't let Mr. Swartz confuse you here. This is not anybody's fault but theirs. They could have -- he could have called me on Friday. He could have sent me an email or a text. There's a reason he didn't do that. So it's not fair to hold that against Pocahontas Gas and the other people that were entitled to notice and

1 review this.
2 I can't tell you whether I'm going to
3 object to that or not or how I might defend that
4 case because I haven't seen it. My team hasn't
5 seen it. No one has seen it. To the extent that
6 you have started a hearing today -- and we haven't
7 called any witnesses. So maybe you haven't. But
8 if you have, it's too late to grant their
9 amendment. It -- you -- the thing to do is dismiss
10 the case that it's here upon and let them refile.
11 That's what should be done.
12 In the alternative, if you want to
13 continue this case, that's fine too, but I can tell
14 you this: the thing that should not be done,
15 because it's going to violate all the notice
16 requirements that you all have to follow, is to
17 proceed to hear evidence today without the parties
18 knowing which operative pleading we're here on,
19 which we're entitled to have.
20 And there's really no reason we
21 shouldn't have had this. We -- he's known for
22 months that we were objecting based on where the

1 location of the well was. So that's -- continue it
2 for -- I mean, it -- I think you ought to dismiss
3 it, but if you don't want to dismiss it, allow him
4 to amend it, and then set it for hearing 15 to 30
5 days out.
6 He's going to have to re-notice all of
7 these people, though. I don't know if he sent that
8 on Friday or not. He can answer that. But you got
9 all kinds of notice issues. This -- this case does
10 not need to be presented today for -- for a final
11 ruling on the substantive issues. That's -- that
12 is clear.
13 So we do ask you for a ruling on the
14 motion to dismiss, and to the extent it's necessary
15 -- necessitated, on the motion to amend the
16 application before we proceed further. So that's
17 what we're asking for right now.
18 MR. SWARTZ: My response is fairly brief
19 but as follows: Diversified's objections to this
20 permit application and the next two that we have on
21 for this afternoon -- none of them involve
22 objections as a surface owner. My understanding is

1 the only thing that has changed in the modification
2 that we filed is the well location. Okay?
3 So obviously we're -- we're -- we're --
4 we're not talking about royalty owner interests
5 which are the objections that they -- they made
6 previously. We're talking about surface
7 objections. I anticipate if I -- if I just left it
8 at that, I would hear that the change of the
9 surface location needs to be something that they
10 need to look at as well.
11 So I guess my response is, first, we
12 have a right to file a permit modification. We
13 don't have to seek permission, and we have filed
14 that. You have received it. It has been mailed to
15 everybody. My understanding is that the post
16 office has it waiting for pickup by Diversified.
17 On the other hand, it's, you know, last minute.
18 That I acknowledge that.
19 So my -- my suggestion would be that you
20 continue this hearing, give parties an opportunity
21 to object further, if they wish to do so, within 15
22 days of receipt of the new mailing, which has been

mailed to everybody, and we'll come back if there's an objection -- if there's a continuing objection by Diversified and/or by Buchanan Energy on the F37A, but we're good to go on the G objections this afternoon. We can just move forward to those.

MR. SKORUPA: Mr. Street, any more comments at this point?

MR. STREET: Well, I -- I mean, I -- I don't have anything that I'm going to tell you that's not a repetition of what I said before, but the -- the -- I think, as I understand it, Mr. Swartz is now asking for a continuance of this case, and he would rather you do that instead of dismiss it, and -- and I've asked you to dismiss it; but in the alternative, if you say no, then I've asked you to continue it. That's where we are.

And so I -- so I think both parties agree that the merits should not be heard today. It's now up to you whether you want to acknowledge or grant the amendment. I'm not aware of some unilateral right just to amend pleadings. I mean,

1 if there's a rule that says that -- I -- I don't
2 know them all, but it seems to me that you would
3 need to make a ruling to allow the amendment to the
4 application, if that's the way you're supposed to
5 do that, and then, as he suggested, continue it for
6 15 to 30 days, or we can work together with you on
7 scheduling.
8 But I do -- I do stand on my initial
9 objection, which is it needs to be dismissed,
10 because the circumstances are a bit extreme here.
11 We went to a lot of expense to hire a surveyor.
12 You started one hearing on the application that was
13 before us before they even whispered the idea of an
14 amendment. It was like a got you at the end of the
15 evidence.
16 I mean, this is not, you know, what you
17 normally see in litigation. You know, let's let
18 someone put on all the evidence, and then, at the
19 very end, we're going to pop the amendment if it
20 doesn't look like the evidence is going great. I
21 mean, that -- it's kind of extreme. And because of
22 that, I think it is appropriate to dismiss it, make

them refile it, which is really no different than what they did on Friday. The only difference is they would have to back up and notify all of the interest holders, which, to me, seems like the prudent course anyway.

So maybe it's a slight distinction without a difference, if they notice everyone, whether you call it an amendment or call it a new filing. But I know one thing. One of those two things needs to happen, and I'm asking you to dismiss it. Mr. Swartz is asking you to continue it, and I guess, set it down for hearing on the amended version.

MR. SWARTZ: Well, you know, we've already mailed the modification to everybody. Everybody's going to have 15 days from receipt of that modification to file an objection. So what I'm suggesting is we don't have this hearing today. We wait for the time to expire for people to object upon receipt, and then we come back if people continue -- I mean, I'm expecting perhaps that Buchanan Energy will acknowledge the change of

1 location got off of their surface, and we may not
2 have an objection from them, but, you know, it's up
3 to them to look at that.
4 What I'm hearing from Mr. Street is he's
5 -- he's -- he's got objections that are not
6 resolved by changing the location, and he's
7 definitely going to continue to object. But the --
8 the issue is, I think, a notice issue. We've
9 mailed to everybody. Everyone has 15 days to
10 object or not object, and we need to wait for that
11 to happen and come back; and if there are
12 objections, we'll address them.
13 MR. SKORUPA: Okay. At this time, I --
14 I request to take a recess for a few minutes to
15 discuss this with staff.
16 (A recess was taken.)
17 MR. SKORUPA: Okay. We're back on
18 record after rethinking the testimony that was
19 presented. I do want both of these (indiscernible
20 00:50:53). And thinking it further through, I
21 don't know. I've heard the evidence early on. I'm
22 going to rule on F37A in both cases for Buchanan

and for Diversified. I am going to dismiss both of those today.

On the other part of it -- notification -- you have 15 days from receipt of notification to refile objections. That's my -- that's my ruling. If -- if I need to do a written decision, I can. That's fine. Or we can take this and move on.

MR. STREET: I don't need a written decision for that.

MR. SKORUPA: Okay.

Mr. Swartz?

MR. SWARTZ: Well, just to be clear, they will have 15 days from receipt of the notification --

MR. SKORUPA: Yes.

MR. SWARTZ: -- of the modification?

MR. SKORUPA: Yes.

MR. SWARTZ: Is that -- okay.

MR. SKORUPA: That is correct.

MR. SWARTZ: Okay. Just -- and it'll be a start over in terms of --

MR. SKORUPA: Start over.

MR. SWARTZ: -- their ability to object, and you'll set a hearing based on that?

MR. PRUITT: This is an informal hearing. I do have a question here. We got some papers handed to us by Brad, who I -- I trust implicitly, but we haven't received it yet.

MR. SKORUPA: Right. Then they got -- they have 15 days from receipt.

MR. PRUITT: Okay.

MR. SKORUPA: That's -- that's the code. That's the law. So I'm sticking with you got 15 days. This is the re-notice on this -- on this particular amendment permit. There's been a change. So this is new notice required. You got 15 days.

MR. PRUITT: Thank you.

MR. SKORUPA: With that in -- in mind, unless there's any further comments on it, I've made the ruling on it. We can -- I will call this hearing officially adjourned, and we'll go from there. Thank you.

(End of hearing.)

MR. SKORUPA: Okay. Good afternoon. Today is Monday, April the 27th, 2026, and we are located in Cedar Bluff, Virginia. And the purpose of this informal fact-finding hearing today is in relationship to Case Docket No. IFFH1042.

This hearing is convened under the Virginia Gas and Oil Act, Section 45.2-1637, which allows for objections to permit applications to be filed with those withstanding as required under Section 45.2-1632.

Objections under the statute have been filed against the permit for Pocahontas Gas, LLC coalbed methane well G37B, Application No. 64222. Objections were filed by Mr. Eric Conley on behalf of Diversified Production as a royalty owner. The objections were filed in a timely manner as required by Section 45.2-1637.

Notice to the parties regarding gas operation and the protection of the environment are important elements of Virginia's law. Today's hearing is part of that process.

Again, to you, Sarah. Was notification

sent to all parties to appear before this conference as required by 45.2-1637(G)?

MS. GILMER: Yes.

MR. SKORUPA: And did the notice include the date, time, and place of this conference?

MS. GILMER: Yes.

MR. SKORUPA: Okay. So at this point, will each party that will be testifying identify yourself?

MR. STREET: Yes, sir. I'm Ben Street, and I represent Diversified Production. You'd think I know that after all these months. And to my right is Scott Stephenson, co-counsel, also representing Diversified.

MR. SKORUPA: Any -- any other parties?

MR. STREET: I don't think we're going to call witnesses, but if we do, it would be (crosstalk) --

MR. SKORUPA: At that point we can -- we can address it and swear the witnesses in.

(Scott Stephenson, Esquire was sworn.)

MR. STEPHENSON: Yes.

MR. STREET: Just to be clear, I'm not going to call him. He's a lawyer.

MR. STEPHENSON: That's okay.

MR. STREET: And these -- these lawyers, including Mr. Swartz, should not be testifying.

MR. STEPHENSON: Yeah.

MS. GILMER: Sorry. I didn't know you were a lawyer.

MR. STREET: That's all right.

MR. STEPHENSON: It's all right. It just keeps you on your toes.

MALE SPEAKER: Nobody else thinks I'm a lawyer either. So it's okay.

MR. STREET: He's got that honest look about him.

MR. STEPHENSON: He does.

MR. SKORUPA: Okay. Let me continue on, and then we'll get on into the hearing. Section 45.2-1637 of the Virginia Gas and Oil Act allows objections to the permit by royalty owners who are entitled to notification of the proposed operation. According to the permit, Diversified Production,

LLC is a royalty owner in the subject drilling unit and has standing to object to the permit application.

The objections have been filed by the royalty owner against the permit application for Pocahontas Gas, LLC in accordance with 45.2-1637, and objections to the permit is the criteria on which Diversified's objection is based upon the following: subsection C. The only objections to the permit or permit modification may be raised by a royalty owner or that the proposed work well will directly impinge upon the royalty owners gas and oil interests, threaten to violate the objecting royalty owner's property or statutory rights aside from his contractual rights.

And, again, since this is an informal hearing, if we need to take a recess, we can. And I'm going to repeat the ground rules for it -- for this hearing. Since today is an informal fact-finding conference, the purpose is to obtain the relative facts pertaining to the issue at hand. In this case, the objectant, which is Diversified

Production, will go first, and you can do testimony. You can present exhibits, documents, or any other information relative for consideration.

The objectee in this case will be Pocahontas Gas, and they will have an opportunity to do so after the objectant finishes. Excuse me. Cross-examination is not allowed during this -- during an IFFH. However, questions may be asked for clarification purposes.

And once all parties have had a chance to present their facts and evidence, then at the end each party will have an opportunity to recall a witness for additional testimony and/or present a summary of -- of their position in this issue.

Having said that, we're ready to move forward, Mr. Street.

MR. STREET: Okay. Yes, sir. We -- we pre-filed possible documentation for possible use of exhibits last week, and we identified 11 for the -- as a group just for all of the cases today. I -- at this point I would just move into -- move that some of them be admitted, and I'll just list

them off for you. I've got hard copies if you would like them, but you probably have a digital one. You let me know if you want the hard copy.

Exhibit 3 are for Oakwood orders. Those are your gas and oil board orders. So Exhibit 3, Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9, and Exhibit 11 -- Exhibit 3, Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9, and Exhibit 11.

(Exhibit 3, Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9, and Exhibit 11 were identified.)

MR. SWARTZ: I'm sorry, Ben. Is -- is Exhibit 6 included?

MR. STREET: Yes.

MR. SWARTZ: Okay. So --

MR. STREET: Yeah.

MR. SWARTZ: Okay. So Exhibit 3, Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9, Exhibit 11?

MR. STREET: Yes, sir.

MR. SWARTZ: Okay.

MR. STREET: Yeah.

And then I will call Beverly Webb since

she's here. Ms. Webb is on the screen.

BEVERLY WEBB,

being first duly sworn or affirmed to testify to the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR DIVERSIFIED PRODUCTION

By MR. STREET:

Q Good afternoon, Ms. Webb. I'm going to be quick. Okay?

A Okay.

Q You're -- you're the -- are you the primary person that was responsible for putting the well permit application together in this matter?

A I'm the actual supervisor.

Q Okay. Did someone work under you to make this happen?

A Yes.

Q Who was that, ma'am?

A That would be Stephanie Blevins.

Q Okay. Have you -- have you reviewed your -- reviewed the application that Stephanie Blevins worked on under your supervisory

role?
A Yes.
Q And I -- I -- I have looked at this. I cannot find where anyone signed the application. Can you -- can you tell me on what page someone signed this application on behalf of Pocahontas Gas.
A It doesn't look like it showed up on the print, but it is signed online on the eForms.
Q So the copy that I would have downloaded -- there'd be no way I could see the -- see where there's a signature?
A I don't think there's a signature on any of them.
Q Okay.
A That's not the way eForms works.
Q Well, there could have been a signature stand in, though, right?
A That's not the way eForms works. So if you look above, like on -- its page 1 of 2. There is my name representing Pocahontas Gas, at the bottom of the page.

Q Okay.
A That is how that looks on eForms.
Q There is, on the very first page -- I'm sorry, Ms. Webb. I think I may have interrupted you, ma'am.
A It's from 1 -- page 1 of 2 at the very bottom of the page, application certification, and it says, Beverly Webb, representing Pocahontas Gas, LLC.
Q Okay.
A And that's how it works in eForms. There is not an actual physical signature. That's the way eForms is set up.
Q eForms is just like the -- the --
A It's the same website.
Q -- the program that is used through the Virginia Gas and Oil Board for filing that Charity does all the work on at my office? You don't know Charity.
A That is correct.
Q Yeah. Okay. Do you know what a verified signature is?

A I do.
Q Okay. And is a verified signature a signature that's under oath?
A Yes.
Q And is this application signed under oath?
A Yes. To the best of my information and my knowledge.
Q Who would have put -- okay. So who signed it under oath? Was that -- Ms. Webb -- Ms. Webb, was that you? Or who -- who would have signed it?
A I signed it. I signed it, and then Josh Ball signs on behalf of Virginia Operation (indiscernible 01:04:45) and completion.
Q Is Josh Ball's name on here somewhere?
A It is not physically on this application, but it's on eForms.
Q How -- how does one go about submitting an eForm under oath? What's the procedure that you use for that?
A I will have to defer to Phil or Brad.

Q Have you ever signed an application for a well permit and submitted it in a similar fashion as here and done so under oath such that you could tell me the process you went through?

A Okay. So if you look on the --

MR. SKORUPA: Just a minute. Let -- let me let Brad explain the eForm process, so you can hear it, because that's -- that's the best source of how our eForm work.

MR. BOYD: So the eForms is an electronic submission system that we use in Virginia for all of our permits, applications, et cetera, any kind of submissions that goes -- that gets submitted to us. We do have a section in -- it's on what will be page 7 of our eForm application. We do have a section that is basically the application certification section, and that -- that's the section that Ms. Webb pointed to where they basically certified all persons required to be notified of the application, the proof of notices, and the application permit. That's -- that this application is submitted by our

regulations and they're able to conduct operations in Virginia, and the requirement there is they have the name of the person that's in charge of Virginia operations, and their title is put into that section.

MR. STREET: The -- the application, on my version anyway, it has a front page. Do you have that on yours, Mr. Boyd?

MR. BOYD: No.

MR. STREET: It's just a letter? That's -- is there a way for a -- an applicant to basically create a letter and sign it and make it a part of the application and upload it into your system?

MR. BOYD: We have a section in eForms that's called Administrative attachments. We have a section on page 7, things that we don't cover under the required permitting application under that process. If we have administrative documents that we need to put there, there is a section for that. If somebody needed to put something additional to what we require in there.

MR. STREET: That -- that would be possible?

MR. BOYD: Yeah.

MR. STREET: Okay. And is there a process that your office has where you can basically verify someone's signature for purposes of the application? Is there someone -- you know, notarize or verify a pleading? Do you all have that capacity?

MR. BOYD: We do not. Not in this eForm application.

MR. STREET: Okay.

THE WITNESS: This is exactly like the application that Diversified has submitted to us. It's the same signature process just -- just so you all will know.

BY MR. STREET:

Q Okay. But we didn't -- we didn't file a well application, though, did we?

A Diversified has. Yes.

Q You mean on -- you mean on --

A (Crosstalk) --

Q -- on other occasions?
A Yes. Yes. On other occasions. Yes. I'm sorry.
Q Well, the reason I'm --
A (Crosstalk). For an example --
Q I didn't hear you.
A -- for an example, page 38. We received a permit application, and it's signed exactly like we do ours. Yeah.
Q Okay. The reason I ask is because Virginia Code Section 45.2-1631(A), it -- as I read this, it says, Every permit application filed with the director shall be verified by the permit applicant.
And I was just wondering -- I was just wondering if you did that. Did you -- did you file a verified application? And if the answer is no, that's -- you tell me, but that's what -- it sounds like you did not do that. Is that fair? Are you -- did you -- I'm sorry.
A I -- I -- I signed it as I was required by eForms --

Q Okay.
A -- is how I --
Q Did -- did anyone place you under oath right before you signed it?
A No.
Q Okay.
MR. STREET: Okay. Mr. Skorupa, we filed a -- we filed a letter on or about February 22nd listing our objections. We fleshed them out. I don't think you want to hear me reread them to you. So if you don't mind, I'll just incorporate those in, and then I'll proceed to the motion to stay, which we filed as well.
MR. SKORUPA: I'd prefer you to briefly read them in.
MR. STREET: Read them in?
MR. SKORUPA: Yes. Or at least cover it in general. Summarize it.
MR. STREET: Okay. All right. Well, this is from a February 25th, 2026, letter. We submitted objections, pursuant to Virginia law, Virginia Code, Section 45.2-1637(C) and 4VAC25-150-

1 140(C). We submitted two categories of objections
2 and, in addition, a request for a stay.
3 The two categories are the proposed work
4 directly impinges upon Diversified's gas and oil
5 interests. The second category is the proposed
6 work threatens to violate Diversified's property
7 and statutory rights. The first of those
8 categories had two subcategories. The first dealt
9 with the -- the -- the various costs and expenses
10 occasioned by the well.
11 The second one -- this one you may want
12 to take a second look at because you haven't heard
13 about this before, but the underlying pooling
14 application submitted by Pocahontas did not
15 identify this well or any well for that matter, and
16 it did not contemplate or seek permission for the
17 sharing of expenses, and it's our position that
18 there should have been at least one well designated
19 in that pooling application and order and that, you
20 know, the failure to do so, then, is not curable by
21 coming directly to the director. It, in effect,
22 usurps the board's authority.

And then the -- the broad second category -- we -- we incorporated the first two, of course. The second of those is -- is basically the same as the first one -- the usurping of the Gas and Oil board.

And then the -- in the second category, we also -- and this -- this will be a good segue into the motion for a stay. But, as you know and as Mr. Swartz knows, we have this -- the unit that -- that encompasses this proposed well was pooled back in -- around the 1st of November of 2025, and we have appealed. Of course, we have -- my client has appealed that pooling order, and it's on appeal before the Circuit Court of Buchanan County, Judge Reece Hale presiding.

The -- the -- the well application today is entirely dependent upon the successful -- successful (indiscernible 01:13:31) for Pocahontas Gas appeal, such that if that appeal goes against Pocahontas Gas, this permit application would be mooted.

And -- and as you may know, the circuit

1 court judge has the final say on that pooling
2 application. And it -- and I know you were there
3 for that long set of days for the trial, but
4 there's lots of issues, including, for example,
5 reimbursed costs that -- that the Court is going to
6 have to -- we're going to ask the Court to consider
7 and rule upon.
8 And Mr. Swartz -- he's positive that he
9 and his team will prevail, and we feel confident or
10 maybe equally or more so confident that we will.
11 But in any event, that judge is going to have to
12 rule on that stuff one way or the other. And until
13 the Court does that, allowing Pocahontas to go onto
14 the property and drill a well is premature because
15 we have to wait on that Court to do that.
16 You have the authority by statute to
17 stay whatever your decision is in this case or stay
18 the proceedings, pending the outcome of that.
19 This, to me -- this, to us, seems like an ideal
20 situation for that because we have a bona fide
21 appeal that everyone's taking very seriously.
22 There's been oodles of lawyers and lots of clients,

1 and they're interested, and everyone's prosecuting
2 it. Until the circuit court judge rules on that,
3 whatever you do today is going to be subject to
4 that judge's order.
5 So I don't know. I've -- I've not done
6 this with you before. I don't know what the --
7 what criteria you look at for stays or what your
8 litmus test is. There's no precedential authority
9 that I can find to give me guidance on what you
10 look at for that, but, to me, this is a paradigm
11 case for that.
12 This is a perfect case for that because
13 we actually have a -- an appeal with novel issues,
14 by the way, that I think everyone -- so I always
15 hesitate to speak for Mr. Swartz, but I know the
16 board acknowledged, in its decision and in these
17 units, that they were novel issues that it had not
18 addressed before.
19 And so for novel issues that have never
20 been addressed and that would -- would merit
21 scrutiny and a close attention by a reviewing
22 court, that, to me, seems like it presents a good

case, a good candidate, to stay these until we know what the reviewing court should do. And -- and I -- I contrast that because there are certainly appeals out there that are taken willy nilly and -- but this is not one of those.

We have -- we have real novel issues that haven't been addressed, and that I think all parties will benefit from knowing what the answers are. And for all of those reasons, it seems to me to make better sense to put this on hold until we know what the judge is going to do on the underlying unit before we start granting permits, drilling holes, installing equipment because that may very well prejudice some of the parties' rights on appeal, and that's not fair.

So for that reason -- that's -- that covers, I guess, two things at once: part of the substantive objections is -- is that the circuit court really has the authority at this point to rule before we jump ahead here, and also for Your Honor to exercise your authority under -- this is in -- in the in the letter, of course, but it's

4VAC25-150-140(C)(5), which is authority to stay, pending the final decision, the statutory final decision on the de novo appeal to circuit court.

And if you have any questions -- I was trying to go fast, but I'll be glad to answer them. Otherwise, that's what I had to say. That's -- that's all I have.

MR. SKORUPA: All right.

Mr. Swartz?

MR. STEPHENSON: I think he's muted.

MR. SKORUPA: You're muted.

MR. SWARTZ: I have that problem. I have that problem. Thank you for reminding me. My first and -- and I think overall response to what we're hearing from Diversified is the reason we have a -- well, the reason why we have the Virginia Gas and Oil Act of 1990, and obviously amended from time to time thereafter, was to prevent people, such as Diversified or Buchanan Energy, from preventing coalbed methane development by making objections along the lines of that we're hearing today.

1 You know, we've heard repeatedly that
2 Buchanan Energy and Diversified are parties to or
3 successors in interest to an oil and gas lease.
4 They have contractual rights among themselves.
5 We've heard all of this before. And, frankly, the
6 -- the Virginia Gas and Oil Act was intended to
7 prevent people from coming in and saying we don't
8 want this development. We want to -- we want to
9 delay it. We want to put it off. We want to
10 prevent it. We have forced pooling so that people
11 who object, unless they fall within the categories
12 of the objections here to a well permit to prevent
13 them from -- from deferring or delaying or
14 absolutely preventing development.
15 Now turning more specifically to what we
16 have here, the board has pooled G37. On October
17 21st, the board had a meeting. They announced
18 their decision with regard to G37 and some other
19 units. It's -- that unit has been force pooled.
20 Pocahontas Gas is the designated operator
21 authorized under that pooling order to produce
22 unsealed coalbed methane gas from a panel which was

1 described in that pooling application.
2 So, you know, we have -- the permit
3 applicant here actually has a pooling order in its
4 favor from the board saying you may develop this
5 gas in this unit -- unsealed gob gas, and we're
6 here to get a permit, actually several permits in
7 this panel, to allow that to happen.
8 And what we're hearing in response is,
9 well, they may have a pooling order, but we don't
10 like that pooling order, and we have an appeal.
11 Well, yeah, they didn't prevail in front of the
12 board. They made all the same arguments that we're
13 hearing today about leases, about contracts,
14 everything else, and the board decided we're going
15 to pool this unit, and we're going to designate
16 Pocahontas Gas as operator.
17 So the board has heard this, what you're
18 hearing today, and they've made a decision, and
19 they appointed Pocahontas Gas as operator, and
20 we're here pursuing development under that board
21 order. You know, in fact, you know, they need to
22 win an appeal to -- to displace this. It's not --

1 you know, they're a couple of steps away from
2 suggesting that Pocahontas Gas doesn't have the
3 right to develop unsealed gob gas in this unit. We
4 have an order that says we can, and we're here on a
5 permit application to allow us to do that.
6 The exhibits that have been offered
7 today with regard to this application really aren't
8 -- aren't germane to whether or not the permit
9 application is appropriate. You know, I submit
10 that the -- well, I need to make one other -- one
11 other observation with regard to the pooling order.
12 Under the pooling order, people who --
13 everybody -- royalty, owners, lessees, everyone --
14 gets an opportunity to make an election. So when
15 -- when the board pools a unit, it says to people
16 who have interests in the unit, you have an
17 opportunity to decide how you want to proceed. Do
18 you want to participate in this unit? Do you want
19 to be a partner? Do you want to be carried? Do
20 you want to take a pass?
21 And Diversified has a lease from
22 Buchanan Energy, and we've heard all about that.

1 And in this particular unit, the G unit -- G37
2 Unit, Diversified exercise their election
3 opportunity and said we're going to participate,
4 and we're going to be carried.
5 So we have, you know, people in front of
6 you today. We have -- Pocahontas Gas has a pooling
7 order. Diversified has elected to participate as a
8 carried operator under that pooling order which
9 protects their lease interest.
10 I mean, the -- the argument here is --
11 is very confusing to me. Because of Diversified's
12 lease, they have an opportunity to become a partner
13 that would give them precisely the same working
14 interests they would have if they developed the
15 property themselves. If they have a one percent
16 interest in this unit, the coalbed methane unit,
17 and they develop this unit, other people would have
18 an opportunity to elect a working interest on the
19 other 99 percent of that working interest.
20 It's the reverse here. They've got a
21 small interest here, but they -- they do have an
22 interest. And by electing to be carried, they have

protected their leasehold interests.

So they're saying that somehow the pooling order has impaired their rights as distinguished interests, whatever, when the -- when the reality is the pooling order and their election of that pooling order has actually given them an opportunity to preserve their rights and -- and -- and to protect their rights.

So, in summary, I would suggest, one, this unit's been pooled. Pocahontas is the operator. They have filed a permit application to produce gob gas, unsealed gob gas consistent with the terms of that pooling order. They have provided election opportunities to everybody. Diversified has elected to be carried. They could have elected to participate and pay up front, but they elected to be carried. But, nevertheless, they're going to be a carried operator.

So I would -- I would argue to the -- to -- to -- to -- to you, sir, that the -- the objections that we have somehow impacted their contractual rights, their property rights, their

1 statutory rights, their gas and oil interests is
2 simply not true. Their rights were protected by
3 the board and -- and -- and are protected under the
4 act. So those objections should not be treated as
5 having any merit, and you should issue the permit
6 with regard to -- with regard -- the permit
7 application with regard to this unit.
8 MR. STREET: There are lots of appeals
9 all the time, obviously, in our country. In some
10 of them, the parties' positions don't change any
11 while it's on appeal, and it doesn't create the
12 problems that we have right here. And -- and
13 that's -- it'd be nice if that were the case here.
14 We could appeal this, and we would get a ruling --
15 we would get a ruling from circuit court. And then
16 probably we could come back and apply that ruling
17 to the cases.
18 The problem here is that part of the
19 position of the parties will be changing if the
20 permit is granted and Pocahontas Gas proceeds to
21 put in a well. They're going to put in a $750,000
22 well. They're going to drill a hole. They're

1 going to connect it to pipes. There's going to be
2 assets sitting on the ground. They're going to own
3 it. They're going to be -- they're going to be, I
4 guess, producing and selling gas before we get back
5 with a ruling.
6 And then once we get a ruling -- what if
7 we win? What if my side wins at that point and
8 said, wait. You know, you have to re-pool, or you
9 have to go through another pooling, or, no,
10 Diversified already -- Diversified should have this
11 unit.
12 Now fast forward to that position, and
13 we're now looking at a situation on the ground
14 where so much has changed. It's going to be a big
15 problem, and that's what I'm trying to avoid. Yes,
16 we have to appeal it. I mean, I -- I -- trust me.
17 I'm aware of that. I've -- I've worked on the
18 appeal. I was there when -- when I lost the case.
19 I know that.
20 But because that -- that -- that
21 negative opinion followed by the appeal and a --
22 and a -- and a well permit and a well in place is

1 going to change the respective -- the respective
2 position of the parties drastically, that's the
3 reason we think it should be stayed is -- is to
4 maintain the status quo on the ground so that we
5 don't have to try to unwind a whole three quarters
6 of a million dollar well that's sitting in place
7 and owned by Pocahontas Gas.
8 Because you know what they're going to
9 say when we get to the appeal. They're going to
10 say we've already got a well in. We've already
11 spent $750,000. We're -- we're already pumping
12 gas. You know, make them go away. And that's not
13 -- that's not the best way to proceed on an appeal
14 is to have the parties changing their -- their
15 position so drastically, and that's what's going to
16 happen.
17 And I don't blame Pocahontas Gas for
18 wanting to make that happen. If I were Mr. Swartz,
19 that's what I would be doing too -- get an
20 advantage for my client. That doesn't change the
21 fact that that's not a -- that's not an advantage
22 that the board and the court would -- should want

1 to see. They should -- they should want the
2 parties to be able to appeal on the merits of that
3 decision and get an unbiased, fair ruling based on
4 the merits and the status quo at the time of that
5 decision, not be looking at it with all this new
6 infrastructure on the ground because infrastructure
7 means a lot in these cases, as we've learned.
8 So this is not -- this is not us trying
9 to subvert the Virginia Gas and Oil Board process.
10 In fact, that process contemplates an appeal de
11 novo to the trial court, and we're just -- we're
12 using the process that's -- that is in -- in the
13 statute. So I respectfully disagree with
14 Mr. Swartz on that. That's -- this is just part of
15 the way the act is designed to function.
16 And there's a reason why there's a
17 statute that gives you the power to stay, and it is
18 for -- it is for -- it's got to be for some
19 circumstance; right? I mean, this seems -- I can't
20 think of a better one than this to head off a
21 situation where Pocahontas come -- Gas comes to
22 court or on the appeal and says, oh, guess what,

1 Judge? We've got -- you know, we put in three
2 wells, and they're 750,000 wells that we own. You
3 know, that's the problem. So that's why we're
4 asking for that.
5 MR. SWARTZ: I just want to respond just
6 to the stay question. This well is in a -- is in a
7 location dictated by a mining company. You know,
8 Coronado locates these wells, these gob wells,
9 consistent with their mine plan, with their
10 longwall mining. To degas this coal, just like
11 they're drilling short holes in these panels -- to
12 degas their coal in advance of longwall mining in
13 the interest of miner safety.
14 I mean, so in terms of the delay here,
15 you know, this panel -- these panels are either out
16 -- are either developed, you know, and isolated or
17 are in the process of being isolated. You know,
18 we're looking at longwall mining. We're looking at
19 miners. We're looking at, you know, impending
20 mining, and there are -- the really awesome reason
21 not to stay this is mine safety.
22 I mean, these wells are located -- are

1 -- are placed where Coronado wants them. They're
2 degas wells. There's mining entries that are being
3 developed. We don't need to wait for however long
4 it's going to take the circuit court to decide this
5 case or however long it's going to take an appeal
6 from the circuit court to an appellate court to
7 decide this case.
8 I mean, you know, the mining is
9 proceeding, and we need to degas this coal in
10 advance of longwall mining, and that's why we
11 shouldn't be talking about a stay. We have a board
12 order. We have a mining company proceeding with
13 this longwall mining, and we need these wells.
14 MR. STREET: Thank you for the freedom
15 to talk so much, but I know you're eager to get
16 done. We all know that that's a bit of a red
17 herring because Coronado can vent that gas anytime
18 they want. So that's -- they -- they did that long
19 before there was pooling and long before there was
20 -- there was gas production. They were -- they
21 were degasifying longwall panels. That's -- that's
22 just a scare tactic. So that's not really an

1 issue.
2 And I -- I meant to mention this earlier
3 before. Yes, we -- we did exercise an election on
4 this unit, but it was very clear that that election
5 was with full preservation of all rights to object
6 and contest and without prejudice. So that -- that
7 -- that -- the board and -- and the -- the board --
8 the board cannot use that to our prejudice on these
9 -- on these types of arguments. That was part of
10 our agreement and the order that was entered.
11 So -- and that's -- unless he comes up
12 with something else, I'll stop talking.
13 MR. SKORUPA: Well, thank you for
14 answering my one question. I was getting ready to
15 ask you the question about the election and how
16 Diversified took in this situation.
17 MR. STREET: Yeah. You may not have
18 been on the phone at that point, but we were -- we
19 had a hearing before Judge Robertson, and it's like
20 at so many of these hearings. We -- we did a lot,
21 and then we finally agreed that we would go ahead
22 and exercise an election, but it was explicitly

agreed and put in writing that it would not -- would not be prejudicial to any of our positions before the board.

MR. SKORUPA: That was right before Christmas, I believe.

MR. STREET: I don't have anything further, and I -- I know -- I can see by Mr. Swartz's face he's going to give me the last word this time. So --

MR. SKORUPA: Well, I do have one more question for you, Mr. Street.

MR. STREET: Okay.

MR. SKORUPA: In -- in recording that, you stated that -- that your prejudiced to other stuff being recorded where?

MR. STREET: Say -- ask me that one more time.

MR. SKORUPA: As far as you say that you entered the election with prejudice, that, you know, prejudice against it or not against it wouldn't be held against you? Or is that officially -- who -- who --

MR. STREET: That's --

MR. SKORUPA: -- who is that agreement with?

MR. STREET: -- that's -- that's in an order. Who is it with?

MR. SKORUPA: Mm-hmm. And where?

MR. STREET: That's an order that I believe is in the circuit court records; is that right?

MR. STEPHENSON: It's a stipulation on the record --

MR. STREET: A stipulation on the record.

MR. STEPHENSON: -- before the judge at the hearing. And I think it's also listed in our notice of election.

MR. STREET: That's right.

MR. SKORUPA: Well, I just want to clarify where -- where that's recorded.

MR. STREET: Yeah.

MR. SKORUPA: Where it's been put. Because I was present when that was said. I just

didn't know how it was recorded or what all took place.

MR. STREET: Yeah.

MR. SKORUPA: And -- and I was asking you to clarify that for me.

MR. STEPHENSON: We have a transcript of that hearing if you'd like to have it for the record here, if you'd like us to submit something.

MR. STREET: Mr. Swartz was there too. I don't -- I think he would -- he probably remembers as well. It's on the record.

MR. SWARTZ: My argument -- my argument wasn't about prejudice. My argument was about the law. The law says that, to protect people, they have election rights, and -- and all I'm saying is, under the law, people like Diversified have the right to preserve their working interests.

The law protects people like you. I'm not saying you waive anything. I'm just saying the design of the law is to protect people in your position -- to protect lessees, to protect royalty owners. That's all I'm saying.

MR. STREET: No. We -- we were --

MR. SWARTZ: It was designed to -- I anticipated this.

MR. STREET: -- we were -- we were trying to satisfy Mr. Skorupa's questions about whether or not there was a specific reservation of rights under that agreement. That -- that's what we were trying to answer.

MR. SKORUPA: Well -- and I still have one follow-up of my own. You made an election, and, you know, the other part that's -- there's a lot to be said one way or the other for it, but you did definitely choose to make an election on this unit; correct?

MR. STREET: We did. Yes, sir.

MR. SKORUPA: Okay. That's a straight answer.

MR. STREET: Yeah.

MR. SKORUPA: Okay.

MR. STREET: It is -- it is --

MR. SKORUPA: I don't have any other questions.

MR. STREET: -- it is conditional on the appeal.

MR. SKORUPA: Yeah. I understand.

MR. STREET: Yeah.

MR. SKORUPA: But you did make an election.

MR. STREET: No. We did because the time limit was running and --

MR. SKORUPA: I mean, it's a fact. This is what I meant. It's a fact you made an election. Other stuff is not -- not necessarily a fact.

MR. STREET: Okay. The -- when -- by other stuff, do you mean was it a -- did we reserve our rights --

MR. SKORUPA: Yeah.

MR. STREET: -- so that it was not prejudiced?

MR. SKORUPA: I mean, but you still made an election, and that's a (crosstalk).

MR. STREET: Yes. But -- but to understand what election we made, I think you have to understand the circumstances.

MR. SKORUPA: That -- that -- that was -- Diversified's call is what election you made. I mean, however you made it, whatever circumstances, you still made the election. That's all I'm asking. A straight yes answer or no.

MR. STREET: I -- I can't -- that is not a question that can be answered in a yes/no, but I'll tell you what we did, and I hope this will answer it completely. We filed a motion, first, with the Virginia Gas and Oil Board to delay and suspend the election time period. And because we filed it, like, six days in advance, I think the board ended up, and you agreed, that it was filed too late. So the board didn't consider it. So we had to appeal it.

So we went to Judge Reece Hale, and we had -- we -- I think we filed a different motion. We may have briefed it. I don't remember. We had a full hearing, and in the middle of that hearing -- and Pocahontas Gas was there. We were there. The judge was there. I forgot who -- who suggested it, but by the end of it, we agreed that we -- that

we would go ahead and have the right to file an election but with the very important understanding and agreement, which was the -- the key to the whole thing, which was we would not be prejudicing any of our rights to object or contest in any other matters.

And it took us a while to get there, but the judge was happy with that, and that's what we did. So, yes, we -- and then we -- and then we filed a written election, and within that election document -- I think he's saying this, and I think he's right -- we included specific -- specific language that, pursuant to the court order, we were not waiving or releasing any of the rights to object or to be prejudiced on any related matter.

So, yes, we filed -- we did file an election, and I think it was carried, but I do think you have to understand the caveats and the -- and what went on with that election to get the whole picture. But I --

MR. SKORUPA: I was present in that meeting with the judge.

MR. STREET: Okay. All right. I -- I'd forgotten that. I'm sorry.

MR. SKORUPA: Yes.

MR. STREET: Does that -- does what I said fit with your recollection?

MR. SKORUPA: You've answered my -- you've answered question.

MR. STREET: Okay. Good. Good. All right.

MR. SWARTZ: I'm not going to take the lid off the jar, sir.

MR. SKORUPA: No further comments, Mr. Swartz?

MR. STREET: Me either. Me either. I don't know what he said, but --

MR. SKORUPA: No further comments?

MR. STREET: -- me either.

MR. SWARTZ: No further comments. I think we've -- we've -- we've finished.

MR. SKORUPA: Okay. Having -- both parties have had their opportunity to present their facts. I will take all the facts into

consideration and will issue a written decision within the timeframe.

MR. SWARTZ: Okay. Before everybody disappears, Ben, can we just say that we would have the same hearing on the next matter? Do we need to start over with that? Or are we -- is there anything different?

MR. STREET: I think I'm okay with that. Let me -- let me ask my co-counsel.

MR. SKORUPA: Well, let's close this one, and we can do it.

MR. SWARTZ: Okay.

MR. SKORUPA: We can do it. My suggestion, if that's what you want to do, we can close this one, briefly just open it, and that's the agreement. I stipulated we can.

MR. SWARTZ: Okay. Let them have a moment, though.

MR. SKORUPA: Yes.

MR. SWARTZ: Because I think they want to talk.

MR. SKORUPA: So this -- this one's

officially adjourned.

(End of hearing.)

MR. SKORUPA: Good afternoon. Today is Monday, April 27th of 2026, and it's approximately 3:15 p.m. And, again, we have another informal fact-finding hearing -- IFFH1043. And this hearing is being convened under the Virginia Gas and Oil Act, Section 45.2-1637, which allows objections to permit applications to be filed for those who have standing under Section 45.2-1632.

Objections under the statute have been filed against the permit for Pocahontas Gas, LLC for the coalbed methane well G37C, Application No. 64223. Objections were filed by Eric Conley on behalf of Diversified Production as a royalty owner, and the objections were filed in a timely manner as required by Section 45.2-1637.

Notice to the parties regarding gas operation and the protection of environment are important elements of Virginia law. Today's hearing is also a part of that process.

Again, Sarah, was notification sent to

all parties to appear for this conference as required by Section 45.2-1637(G)?

MS. GILMER: Yes.

MR. SKORUPA: And did that notice include the date, time, and place of this conference?

MS. GILMER: Yes.

MR. SKORUPA: Okay. To the next one, who will be testifying or who will be representing each side, please state your name and position relative to this.

MR. STREET: Afternoon. Ben Street for Diversified, and to my right is Scott Stephenson, co-counsel also for Diversified. And except for incorporating testimony from the last hearing, we won't be calling any witnesses.

MR. SKORUPA: Okay.

Mr. Swartz?

MR. SWARTZ: Mark -- yes. Mark Swartz on behalf of Pocahontas Gas. I agree that it's an efficient thing to incorporate the testimony from the last hearing. The only thing I would add -- I

guess Mr. Street could object to this. I -- I think we were talking about the election and the reservation of -- of objections that -- that Ben has referenced.

I've got an email ready with a copy attached of the actual election letter and the reservations that you incorporated into that letter. I think it makes sense maybe to -- to let Mr. Skorupa have that. It didn't occur to me until we were talking about it that he -- he would not have access to that if we don't provide it. Does that work for you, Ben?

MR. STREET: I think so, but can we also submit the excerpt from the transcript before the judge where we talked about what we were doing? And then you're talking about --

MR. SWARTZ: Sure.

MR. STREET: -- whatever -- whatever --

MR. SWARTZ: Sure.

MR. STREET: -- materials we have on that.

MR. SWARTZ: Right. Right.

MR. SKORUPA: I'm fine with that. I'm fine with submitting those.

MR. STREET: Okay.

MR. SKORUPA: And we can --

MR. SWARTZ: So I will --

MR. SKORUPA: (Crosstalk).

MR. SWARTZ: Momentarily, I will send that email.

And, then Ben, when you do that -- your transcript -- you should just copy me when you send it.

MR. STREET: Okay. And then -- and so there -- there will also be some language relevant to that in the election letter as well. So we'll submit that and the excerpts and then whatever emails we might have.

MR. SWARTZ: Well, actually I'm going to send them your letter. So he'll have that.

MR. SKORUPA: Yeah. Both of those documents are --

MR. STREET: Okay. I got you. I'm sorry.

MR. SWARTZ: Yeah.

MR. SKORUPA: Both of those documents are accepted, you know, as a part of this hearing.

MR. SWARTZ: Good. Good.

MR. STREET: Okay.

MR. SKORUPA: And we can just, a little bit more, continue on. I'll just say that, you know, that you have filed -- Diversified has filed as a royalty owner against this one, and we do know what you -- what you were standing and your reasoning. So at this point, do you want to make a motion, either of both parties, to incorporate the evidence and the previous testimony from the previous hearing for the other one and this one together.

MR. STREET: I'll make that motion.

MR. SWARTZ: So moved.

MR. STREET: I'll -- I'll modify Mr. Swartz's motion a little bit, and -- but we'll use the exhibits, the same exhibits, same testimony, same comment as it would be applicable to this new petition or this new application.

Similar -- the same -- it would be applicable the same because Ms. Webb and I talked about the other application. So let's just stipulate that the same answers would be the case for this new application.

MR. SWARTZ: Right. I -- it's the same process. So I'm good with that. I will second that motion, or I will join it. Whatever's -- whatever's better so that we can efficiently move forward.

MR. STREET: Yes, sir.

MR. SKORUPA: Okay. The motion is approved for both parties that we're in agreement, and I will do a written decision, and we can take this hearing officially closed for today.

MR. STREET: Okay. Thank you.

MR. SKORUPA: Thank you everyone.

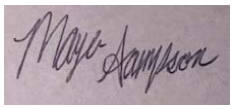
MR. SWARTZ: Thank you sir.

(Off the record at 3:22 p.m.)

CERTIFICATE OF COURT REPORTER - NOTARY PUBLIC

I, Maya Sampson, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings were fully sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Notary Registration No.: 00353346
My Commission Expires: 8/31/2029



_____
MAYA SAMPSON, AAERT CER
NOTARY PUBLIC FOR THE COMMONWEALTH OF VIRGINIA

CERTIFICATE OF TRANSCRIBER

I, Jennifer Candela-Alvarez, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding; that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; and that I am neither counsel for, related to, nor employed by any of the parties to the case and have no interest, financial or otherwise, in its outcome.

_____

JENNIFER CANDELA-ALVAREZ

APRIL 30, 2026

A
aaert 98:20
ability 49:1, 98:10, 99:7
able 28:14, 31:7, 37:20, 61:1, 79:2
about 11:18, 16:20, 19:13, 43:4, 43:6, 52:15, 59:19, 64:8, 65:13, 72:13, 73:22, 81:11, 82:15, 85:13, 86:5, 94:2, 94:10, 94:15, 94:16, 97:2
above 57:20
absolutely 71:14
acceptable 33:2
accepted 38:18, 96:3
access 13:3, 13:13, 13:19, 94:11
accommodate 27:9
accordance 8:21, 53:6
according 8:15, 32:22, 52:22
accurate 18:5, 98:9, 99:6
acknowledge 43:18, 44:20, 46:22
acknowledged 68:16
act 6:12, 8:12, 9:15, 35:18, 50:7, 52:19, 70:17, 71:6, 76:4, 79:15, 92:8
actual 56:14, 58:12, 94:6
actually 20:12, 24:4, 68:13, 72:3, 72:6, 75:6, 95:17
add 19:20, 32:16, 93:22
addition 65:2
additional 22:16, 54:13, 61:22
address 47:12, 51:20
addressed 68:18, 68:20, 69:7
adjourned 34:22, 35:8, 49:20, 92:1
administrative 9:15, 61:16, 61:19
admitted 54:22
advance 80:12, 81:10, 88:12
advantage 78:20, 78:21
advisable 26:5
affidavit 15:10, 16:14, 17:20, 18:2
affirmed 11:2, 14:14, 56:3
after 6:7, 39:7, 47:18, 51:12, 54:6
afternoon 23:3, 35:11, 42:21, 44:5, 50:1, 56:8, 92:3, 93:12
again 28:14, 31:5, 32:6, 32:13, 35:11, 35:17, 50:22, 53:16, 92:5, 92:22
against 6:17, 8:20, 30:19, 35:22, 39:20, 40:21, 50:12, 53:5, 66:19, 83:20, 83:21, 92:12, 96:9
agency 3:21
agree 12:7, 32:19, 38:4, 39:6, 44:19, 93:20
agreed 82:21, 83:1, 88:13, 88:22
agreement 2:10, 9:10, 13:12, 82:10, 84:2, 86:7, 89:3, 91:16, 97:12
ahead 8:7, 20:20, 22:1, 69:20, 82:21, 89:1
akers 4:9
alerting 38:8
all 7:6, 8:7, 9:17, 14:7, 15:15, 16:1, 16:4, 20:5, 30:5, 30:16, 31:18, 32:20, 34:12, 35:4, 36:12, 39:1, 40:14, 40:15, 41:15, 41:16, 42:6, 42:9, 45:2, 45:18, 46:3, 51:1, 51:12, 52:9, 52:10, 54:10, 54:20, 58:18, 60:12, 60:19, 62:8, 62:16, 64:19, 69:7, 69:9, 70:7, 70:8, 71:5, 72:12, 73:22, 76:9, 79:5, 81:16, 82:5, 85:1, 85:15, 85:22, 88:4, 90:1, 90:8, 90:22, 93:1
allow 33:9, 38:12, 42:3, 45:3, 72:7, 73:5
allowed 10:16, 54:7
allowing 67:13
allows 6:13, 8:12, 33:22, 35:19, 50:8, 52:19, 92:8
almost 35:13
along 16:16, 70:21
already 46:15, 77:10, 78:10, 78:11
also 3:16, 15:9,

20:3, 51:13, 66:7, 69:20, 84:15, 92:21, 93:14, 94:13, 95:13
alternative 9:7, 41:12, 44:15
although 22:19
always 68:14
amend 40:1, 42:4, 42:15, 44:22
amended 39:21, 46:13, 70:17
amendment 37:6, 37:9, 37:10, 38:14, 38:19, 40:4, 41:9, 44:21, 45:3, 45:14, 45:19, 46:8, 49:13
among 71:4
amount 31:2
announced 71:17
another 27:12, 31:3, 31:5, 77:9, 92:5
answer 21:2, 42:8, 63:17, 70:5, 86:8, 86:17, 88:5, 88:9
answered 88:7, 90:6, 90:7
answering 29:18, 82:14
answers 69:8, 97:4
anticipate 43:7
anticipated 86:3
antithesis 38:9
any 9:9, 10:6, 10:12, 13:11, 13:17, 18:10, 20:9, 20:11, 23:16, 24:16, 30:8, 30:10, 34:20, 41:7, 44:6, 49:18, 51:15, 54:3, 57:13, 60:13, 65:15, 67:11, 70:4, 76:5, 76:10, 83:2, 86:21, 89:5, 89:14, 89:15, 93:16, 98:4, 98:12, 99:9
anybody 22:1, 33:16, 34:13
anybody's 40:17
anymore 24:19
anyone 13:18, 23:16, 57:4, 64:3
anything 19:20, 44:9, 83:6, 85:19, 91:7
anytime 81:17
anyway 46:5, 61:7
apa 32:22, 33:22
apparently 30:1, 37:4, 37:17
appeal 66:13, 66:19, 67:21, 68:13, 69:15, 70:3, 72:10, 72:22, 76:11, 76:14, 77:16, 77:18, 77:21, 78:9, 78:13, 79:2, 79:10, 79:22, 81:5, 87:2, 88:15
appealed 66:12, 66:13
appeals 30:20, 69:4, 76:8
appear 7:6, 24:18, 36:12, 51:1, 93:1
appearance 37:21
appeared 38:15
appears 26:2
appellate 81:6
applicable 96:21, 97:1
applicant 25:4, 61:11, 63:14, 72:3
application 5:2, 5:7, 5:8, 5:11, 6:18, 8:18, 8:20, 12:12, 12:14, 18:22, 19:5, 19:8, 22:19, 25:19, 26:6, 26:15, 28:22, 29:1, 29:13, 29:15, 35:20, 36:2, 37:6, 38:1, 38:3, 39:3, 39:4, 39:7, 39:10, 39:21, 40:2, 40:12, 42:16, 42:20, 45:4, 45:12, 50:13, 53:3, 53:5, 56:13, 56:21, 57:4, 57:6, 58:7, 59:5, 59:18, 60:1, 60:16, 60:17, 60:20, 60:21, 60:22, 61:6, 61:13, 61:18, 62:7, 62:11, 62:14, 62:19, 63:8, 63:12, 63:17, 65:14, 65:19, 66:16, 66:20, 67:2, 72:1, 73:5, 73:7, 73:9, 75:11, 76:7, 92:13, 96:22, 97:3, 97:4
applications 6:14, 50:8, 60:12, 92:9
applied 15:7
apply 76:16
appointed 72:19
appreciate 6:2
appropriate 31:2, 45:22, 73:9
approved 97:12
approximately 6:7, 18:16, 19:13, 23:10, 35:13, 92:4
april 1:8, 6:6, 35:12, 50:2, 92:4, 99:15
area 26:8

areas
20:2
aren't
73:7, 73:8
argue
75:19
argument
74:10, 85:12, 85:13
arguments
72:12, 82:9
around
66:11
aside
53:14
asked
15:5, 15:10, 39:20, 40:10, 44:14, 44:16, 54:8
asking
42:17, 44:12, 46:10, 46:11, 80:4, 85:4, 88:5
assembly
1:2
assert
31:21
assets
77:2
associated
11:14
attached
94:6
attachments
61:16
attempt
38:12
attend
28:12
attention
18:12, 68:21
attorney
3:12, 7:17
attorneys
15:12
audio
98:8, 99:4
authority
65:22, 67:16, 68:8, 69:19, 69:21, 70:1
authorized
13:2, 71:21
available
9:8, 27:12
avoid
77:15
aware
9:20, 13:17, 44:21, 77:17
away
23:10, 73:1, 78:12
awesome
80:20

B

back
22:3, 24:12, 25:20, 31:6, 31:12, 32:13, 32:14, 44:1, 46:3, 46:20, 47:11, 47:17, 66:11, 76:16, 77:4
bailey
4:2, 5:5, 7:19, 14:12, 14:13, 14:19, 15:1, 15:2, 16:5, 17:13, 17:18, 18:2
ball
59:14
ball's
59:16
bank
3:6
based
9:1, 12:13, 21:8, 28:8, 30:10, 33:12, 33:19, 41:22, 49:2, 53:8, 79:3
basically
38:2, 60:17, 60:19, 61:12, 62:6, 66:3
because
29:20, 30:11, 33:5, 41:4, 41:15, 45:10, 45:21, 60:8, 63:10, 65:12, 67:14, 67:20, 68:12, 69:3, 69:13, 74:11, 77:20, 78:8, 79:6, 81:17, 84:22, 87:7, 88:11, 91:20, 97:2
become
74:12
been
6:16, 7:6, 8:19, 13:19, 14:19, 16:1, 17:6, 18:15, 18:22, 20:22, 25:5, 25:7, 25:9, 25:12, 25:13, 28:3, 30:1, 30:2, 30:5, 30:11, 32:8, 32:11, 32:21, 35:22, 37:5, 37:11, 37:16, 37:20, 38:9, 38:18, 40:13, 43:14, 43:22, 49:13, 50:11, 53:4, 57:17, 65:18, 67:22, 68:20, 69:7, 71:19, 73:6, 75:10, 82:18, 84:21, 92:11
before
2:10, 7:6, 25:9, 25:12, 27:19, 27:20, 36:12, 37:1, 37:13, 37:20, 38:12, 38:16, 38:20, 38:21, 38:22, 40:5, 42:16, 44:10, 45:13, 51:1, 64:4, 65:13, 66:14, 68:6, 68:18, 69:12, 69:20, 71:5, 77:4, 81:19, 82:3, 82:19, 83:3, 83:4, 84:14, 91:3, 94:14, 98:2
begin
32:6, 33:4, 34:6
behalf
3:2, 3:10, 6:20, 7:22, 15:6, 36:4, 50:14, 57:6, 59:14, 92:15, 93:20
being
11:2, 11:15, 14:14, 35:17, 35:20, 56:3, 80:17, 81:2, 83:15, 92:7
believe
21:12, 30:15, 83:5, 84:8
ben
3:4, 4:5, 51:10, 55:11, 91:4, 93:12, 94:3, 94:12, 95:9
benefit
69:8
berry
4:8, 8:3
best
59:7, 60:8,

78:13, 98:9, 99:6
bet
40:12
better
69:10, 79:20, 97:8
between
9:11, 18:10, 26:10
beverly
4:7, 5:9, 8:3, 55:22, 56:2, 58:8
big
77:14
bit
6:3, 45:10, 81:16, 96:7, 96:19
blame
78:17
blevins
4:11, 56:19, 56:22
bluff
1:7, 2:6, 6:8, 35:14, 50:3
board
1:2, 1:4, 37:13, 55:5, 58:17, 66:5, 68:16, 71:16, 71:17, 72:4, 72:12, 72:14, 72:17, 72:20, 73:15, 76:3, 78:22, 79:9, 81:11, 82:7, 82:8, 83:3, 88:10, 88:13, 88:14
board's
65:22
bona
67:20
both
29:6, 32:17, 32:18, 34:20, 40:5, 44:18, 47:19, 47:22, 48:1, 90:20, 95:19, 96:2, 96:12, 97:12
bottom
57:22, 58:7
boundaries
11:21
boundary
12:2, 12:8, 12:11, 16:19, 16:22, 17:13, 22:14
boyd
3:18, 22:18, 22:22, 60:10, 61:8, 61:9, 61:15, 62:3, 62:10
brad
3:18, 31:22, 49:5, 59:22, 60:7
brief
42:18
briefed
88:18
briefly
64:14, 91:15
bring
37:22
broad
66:1
buchanan
3:10, 5:15, 6:20, 7:17, 7:19, 8:15, 8:17, 9:1, 10:3, 11:5, 11:10, 11:15, 11:21, 12:8, 12:11, 12:15, 12:16, 12:20, 13:4, 13:6, 13:8, 13:18, 13:22, 14:17, 15:6, 15:19, 16:7, 17:1, 17:11, 19:10, 19:12, 21:7, 21:16, 24:21, 27:6, 29:16, 30:14, 31:1, 44:3, 46:22, 47:22, 66:14, 70:19, 71:2, 73:22
build
38:21, 38:22
building
3:6, 38:21
bunn
4:14, 6:19

C

c
65:1
calculated
37:22
call
10:21, 14:10, 14:11, 15:12, 18:12, 24:16, 46:8, 49:19, 51:17, 52:2, 55:22, 88:2
called
40:18, 41:7, 61:16
calling
93:16
came
23:1, 23:3
can't
27:22, 30:8, 40:5, 40:6, 41:2, 79:19, 88:6
candela-alvarez
1:22, 99:2, 99:14
candidate
69:1
cannot
57:4, 82:8
capacity
62:9
care
34:16
career
17:14
careful
25:6, 25:7
carried
73:19, 74:4, 74:8, 74:22, 75:15, 75:17, 75:18, 89:17
cart
38:20
case
1:4, 6:10, 7:14, 9:21, 10:2, 10:9, 31:10, 35:1, 35:15, 41:4, 41:10, 41:13, 42:9, 44:13, 50:5, 53:22, 54:4, 67:17, 68:11, 68:12, 69:1, 76:13, 77:18, 81:5, 81:7, 97:4, 98:12, 99:9
cases
47:22, 54:20, 76:17, 79:7
categories
65:1, 65:3, 65:8, 71:11
category
65:5, 66:2, 66:6
caveats
89:18
cbm
11:18, 15:6
cedar
1:7, 2:6, 6:8, 35:14, 50:3
center
2:3

cer
98:20
certainly
20:8, 69:3
certainty
19:18
certificate
98:1, 99:1
certification
58:7, 60:17
certified
18:14, 20:6, 29:17, 60:19
certify
98:4, 99:3
cetera
60:13
chance
30:5, 54:10
change
18:22, 23:2, 25:9, 38:2, 43:8, 46:22, 49:14, 76:10, 78:1, 78:20
changed
28:22, 29:1, 30:1, 30:2, 38:9, 39:19, 43:1, 77:14
changes
18:10
changing
47:6, 76:19, 78:14
charge
61:3
charity
58:17, 58:19
charles
4:9
checked
25:8
choice
28:11, 28:12
choices
28:6, 28:18
choose
32:13, 86:13
christmas
83:5
circuit
66:14, 66:22, 68:2, 69:18, 70:3, 76:15, 81:4, 81:6, 84:8
circumstance
79:19
circumstances
30:6, 45:10, 87:22, 88:3
clarification
10:17, 54:9
clarify
84:19, 85:5
clear
42:12, 48:12, 52:1, 82:4
client
31:1, 31:11, 66:12, 78:20
clients
37:14, 67:22
close
17:15, 22:14, 68:21, 91:10, 91:15
closed
97:14
closer
26:11
cnx
13:6, 13:13, 13:19
co-counsel
51:13, 91:9, 93:14
coal
11:15, 12:17, 80:10, 80:12, 81:9
coalbed
6:18, 9:5, 36:1, 50:13, 70:20, 71:22, 74:16, 92:13
code
49:10, 63:11, 64:22
collective
5:15, 15:19, 16:7, 17:11
come
22:3, 25:20, 31:12, 32:14, 44:1, 46:20, 47:11, 76:16, 79:21
comes
31:6, 38:16, 79:21, 82:11
coming
65:21, 71:7
comment
34:14, 96:21
comments
44:7, 49:18, 90:12, 90:16, 90:18
commission
98:16
commissioned
12:2
committing
28:9
commonwealth
1:1, 2:12, 98:21
company
8:15, 11:10, 17:3, 80:7, 81:12
complete
23:4
completely
88:9
completion
59:15
concerns
29:13
conclude
28:7
concluded
34:22
conclusion
30:10
conditional
87:1
conduct
61:1
conference
7:7, 7:11, 9:22, 10:15, 35:16, 36:13, 36:18, 36:21, 37:7, 37:15, 38:17, 51:2, 51:5, 53:20, 93:1, 93:6
confident
67:9, 67:10
confirm
21:6, 24:20
confuse
40:17
confusing
74:11
conley
4:15, 36:3, 50:14, 92:14
connect
77:1
consider
14:1, 31:14, 67:6, 88:14
consideration
10:13, 32:20, 54:3, 91:1
considered
17:19
consistent
75:12, 80:9
contain
22:12
contained
9:10
contemplate
65:16
contemplates
39:9, 79:10
contention
28:13
contest
82:6, 89:5

continuance
44:12
continue
24:16, 28:15, 31:9, 41:13, 42:1, 43:20, 44:16, 45:5, 46:11, 46:21, 47:7, 52:17, 96:7
continued
4:1
continues
26:20
continuing
27:14, 44:2
contracts
72:13
contractual
53:15, 71:4, 75:22
contrary
14:3
contrast
69:3
convened
6:12, 35:17, 50:6, 92:7
cooke
4:10
coordinate
12:13
copies
55:1
copy
16:3, 16:16, 55:3, 57:10, 94:5, 95:10
coronado
40:10, 80:8, 81:1, 81:17
correct
23:8, 23:9, 48:19, 58:20, 86:14
costs
65:9, 67:5
could
22:16, 24:19, 34:8, 40:18, 40:19, 57:11, 57:17, 60:3, 75:15, 76:14, 76:16, 94:1
counsel
5:13, 11:5, 14:17, 23:15, 56:6, 98:11, 99:8
country
76:9
county
26:2, 26:12, 66:14
couple
37:2, 73:1
course
20:17, 46:5, 66:3, 66:12, 69:22
court
30:12, 38:14, 66:14, 67:1, 67:5, 67:6, 67:13, 67:15, 68:2, 68:22, 69:2, 69:19, 70:3, 76:15, 78:22, 79:11, 79:22, 81:4, 81:6, 84:8, 89:13, 98:1
cover
61:17, 64:17
covered
19:22
covers
69:17
create
61:12, 76:11
created
40:15
criteria
8:22, 53:7, 68:7
cross
10:15
cross-examination
20:18, 33:15, 54:7
crosstalk
23:7, 51:18, 62:22, 63:5, 87:19, 95:6
curable
65:20
curriculum
15:12

D

date
7:10, 30:21, 36:17, 51:5, 93:5
davidson
3:22, 5:3, 7:18, 10:22, 11:1, 11:7, 11:8
day
33:3, 34:5
days
28:16, 30:21, 31:10, 32:12, 33:22, 34:3, 39:6, 39:12, 40:2, 42:5, 43:22, 45:6, 46:16, 47:9, 48:4, 48:13, 49:8, 49:12, 49:15, 67:3, 88:12
de
70:3, 79:10
dealt
65:8
decide
31:4, 73:17, 81:4, 81:7
decided
72:14
decision
30:4, 33:5, 33:6, 33:18, 34:2, 34:7, 34:9, 48:6, 48:9, 67:17, 68:16, 70:2, 70:3, 71:18, 72:18, 79:3, 79:5, 91:1, 97:13
defend
39:20, 40:6, 41:3
defer
59:22
deferring
71:13
definitely
47:7, 86:13
degas
80:10, 80:12, 81:2, 81:9
degasifying
81:21
degree
19:17
delay
71:9, 80:14, 88:10
delaying
71:13
denies
29:19
deny
13:3, 28:11, 40:4
department
3:17, 3:18, 3:19
dependent
66:17
described
19:4, 19:8, 72:1
design
22:13, 85:20
designate
72:15
designated
65:18, 71:20
designed
79:15, 86:2

determination
28:8
develop
72:4, 73:3, 74:17
developed
74:14, 80:16, 81:3
development
70:20, 71:8, 71:14, 72:20
dictated
80:7
difference
46:2, 46:7
different
18:19, 46:1, 88:17, 91:7
difficulties
6:4
digital
55:2, 98:8, 99:4
direct
10:5, 11:5
direction
18:17
directly
53:12, 65:4, 65:21
director
3:19, 7:16, 10:21, 15:15, 17:5, 20:7, 22:9, 22:10, 25:3, 27:16, 28:19, 30:3, 31:13, 33:3, 63:13, 65:21
director's
18:12, 30:2
disagree
79:13
disappears
91:4
disclosed
39:14, 39:15
discrediting
33:15
discuss
9:17, 47:15
discussed
17:6, 21:21
dismiss
33:8, 34:9, 34:10, 41:9, 42:2, 42:3, 42:14, 44:14, 45:22, 46:11, 48:1
dismissal
26:19
dismissed
25:20, 26:15, 37:4, 45:9
displace
72:22
disposition
32:22
distinction
46:6
distinguished
75:4
disturbed
28:2
diversified
3:2, 4:5, 12:21, 21:16, 36:4, 43:16, 44:3, 48:1, 50:15, 51:11, 51:14, 52:22, 53:22, 56:6, 62:14, 62:20, 70:15, 70:19, 71:2, 73:21, 74:2, 74:7, 75:15, 77:10, 82:16, 85:16, 92:15, 93:13, 93:14, 96:8
diversified's
42:19, 53:8, 65:4, 65:6, 74:11, 88:2
division
23:6
docket
6:10, 35:15, 50:5
document
89:11
documentation
10:12, 54:18
documents
10:6, 16:1, 16:11, 17:6, 17:10, 17:19, 17:20, 18:11, 54:2, 61:19, 95:20, 96:2
doing
78:19, 94:15
dollar
78:6
done
20:4, 27:8, 41:11, 41:14, 60:3, 68:5, 81:16
down
46:12
downloaded
57:10
drastically
78:2, 78:15
drill
13:13, 67:14, 76:22
drilling
8:16, 14:1, 53:1, 69:13, 80:11
due
29:19
duly
11:2, 14:14, 56:3
duplicate
15:21
during
54:7, 54:8
duties
11:12

E

each
36:20, 51:8, 54:12, 93:10
eager
81:15
earlier
82:2
early
47:21
effect
65:21
efficient
93:21
efficiently
97:8
eform
59:20, 60:7, 60:9, 60:15, 62:10
eforms
57:9, 57:16, 57:19, 58:2, 58:11, 58:13, 58:14, 59:18, 60:10, 61:15, 63:22
either
28:7, 40:13, 52:13, 80:15, 80:16, 90:14, 90:17, 96:12
elect
74:18
elected
74:7, 75:15, 75:16, 75:17
electing
74:22
election
73:14, 74:2, 75:5, 75:14, 82:3, 82:4, 82:15, 82:22, 83:19, 84:16, 85:15, 86:10, 86:13, 87:6, 87:10, 87:19, 87:21, 88:2, 88:4, 88:11, 89:2, 89:10,

89:17, 89:19, 94:2, 94:6, 95:14
electronic 60:11
element 38:5
elements 7:3, 36:9, 50:20, 92:20
else 22:1, 52:12, 72:14, 82:12
email 27:21, 37:14, 37:15, 40:19, 94:5, 95:8
emails 95:16
employed 98:11, 99:8
employment 15:10
encompasses 66:10
end 35:10, 45:14, 45:19, 49:22, 54:12, 88:22, 92:2
ended 88:13
energy 2:3, 3:10, 3:17, 3:18, 3:20, 5:15, 6:20, 7:17, 7:19, 8:15, 8:17, 10:3, 11:5, 11:10, 11:15, 12:11, 12:15, 12:20, 13:6, 13:8, 13:18, 14:1, 14:17, 15:6, 15:19, 17:1, 17:11, 19:10, 21:16, 24:21, 27:7, 31:2, 44:3, 46:22, 70:19, 71:2, 73:22
energy's 5:17, 5:18, 5:19, 5:20, 5:21, 5:22, 9:1, 11:21, 12:8, 12:16, 13:4, 16:7, 19:12, 21:8, 29:16, 30:14
engineer 15:4
engineering 30:7
enter 13:7
entered 82:10, 83:19
entirely 66:17
entitled 8:14, 29:2, 29:20, 40:22, 41:19, 52:21
entries 81:2
environment 7:2, 36:8, 50:19, 92:19
equally 67:10
equipment 69:13
eric 4:15, 36:3, 50:14, 92:14
esquire 3:3, 3:4, 3:11, 4:3, 4:5, 51:21
et 60:12
evaluate 39:11
even 27:21, 37:19, 40:8, 45:13
event 67:11
ever 38:15, 60:1
every 37:12, 38:14, 38:15, 63:12
everybody 9:20, 25:2, 32:8, 32:11, 43:15, 44:1, 46:15, 47:9, 73:13, 75:14, 91:3
everybody's 6:2, 46:16
everyone 25:21, 32:11, 46:7, 47:9, 68:14, 73:13, 97:16
everyone's 67:21, 68:1
everything 20:1, 39:15, 72:14
evidence 17:8, 17:12, 29:21, 31:20, 35:1, 41:17, 45:15, 45:18, 45:20, 47:21, 54:11, 96:13
exactly 62:13, 63:8
examination 5:3, 5:5, 5:9, 10:16, 11:5, 14:17, 56:6
examine 15:18, 30:6
examined 11:4, 14:16, 56:5
example 63:5, 63:7, 67:4
except 93:14
excerpt 94:14
excerpts 95:15
exclusive 12:21
excuse 54:6
exercise 69:21, 74:2, 82:3, 82:22
exhibit 5:14, 5:15, 5:16, 5:17, 5:18, 5:19, 5:20, 5:21, 5:22, 15:17, 15:19, 16:5, 16:7, 17:11, 55:4, 55:5, 55:6, 55:7, 55:8, 55:9, 55:10, 55:12, 55:16, 55:17
exhibits 10:6, 10:12, 54:2, 54:19, 73:6, 96:20
exist 13:12
expecting 46:21
expense 27:3, 45:11
expenses 65:9, 65:17
expert 17:18, 17:20
expire 46:19
expires 98:16
explain 60:7
explicitly 82:22

extensive
20:1
extent
41:5, 42:14
extreme
45:10, 45:21

F

fa
5:2, 5:7, 6:18, 11:18, 12:12, 13:9, 13:14, 13:20, 15:7, 19:5, 36:2, 44:4, 47:22
face
83:8
fact
22:10, 24:20, 33:22, 53:19, 72:21, 78:21, 79:10, 87:9, 87:10, 87:11
fact-finding
6:11, 9:22, 10:15, 33:11, 35:16, 50:4, 92:6
facts
9:22, 33:12, 33:16, 33:17, 33:18, 33:19, 53:21, 54:11, 90:22
failure
65:20
fair
38:9, 40:21, 63:19, 69:15, 79:3
fairly
42:18
fall
71:11
familiar
11:17, 11:20, 16:11
far
18:13, 31:16, 83:18
farther
20:3, 30:8
fashion
60:2
fast
70:5, 77:12
fault
40:17
favor
72:4
february
64:8, 64:20
fee
12:19
feel
26:14, 67:9
feet
18:16, 19:13, 23:10, 26:1
few
47:14
fide
67:20
field
17:18, 19:18
fifteen
39:12
file
26:22, 31:3, 37:10, 39:5, 43:12, 46:17, 62:18, 63:16, 89:1, 89:16
filed
6:14, 6:17, 6:19, 6:21, 8:19, 15:22, 21:12, 21:18, 22:11, 26:18, 35:20, 35:22, 36:3, 36:5, 37:9, 38:18, 38:19, 39:7, 43:2, 43:13, 50:9, 50:12, 50:14, 50:16, 53:4, 63:12, 64:8, 64:13, 75:11, 88:9, 88:12, 88:13, 88:17, 89:10, 89:16, 92:9, 92:12, 92:14, 92:16, 96:8
files
39:4
filing
27:21, 30:6, 30:10, 30:12, 37:13, 46:9, 58:17
final
42:10, 67:1, 70:2
finally
82:21
financial
98:13, 99:10
find
57:4, 68:9
finding
37:4, 53:20
findings
15:11
fine
22:7, 41:13, 48:7, 95:1, 95:2
finished
90:19
finishes
54:6
first
6:5, 10:4, 11:2, 14:14, 37:3, 37:5, 39:21, 43:11, 54:1, 56:3, 58:3, 65:7, 65:8, 66:2, 66:4, 70:14, 88:9
fit
90:5
fleshed
64:9
floor
24:14
follow
41:16
follow-up
86:10
followed
77:21
following
9:2, 53:9
follows
11:4, 14:16, 42:19, 56:5
force
71:19
forced
71:10
foregoing
98:3, 98:4, 99:4
forgot
88:21
forgotten
90:2
form
20:18
formally
34:22
forward
10:18, 26:6, 26:14, 27:3, 27:22, 44:5, 54:16, 77:12, 97:9
framework
39:9
franklin
3:7
frankly
71:5
freedom
81:14
friday
22:21, 23:3, 23:5, 37:10, 37:17, 40:19, 42:8, 46:2
front
34:10, 61:7,

72:11, 74:5, 75:16
full
11:7, 14:22, 82:5, 88:19
fully
98:5
function
79:15
further
20:8, 42:16, 43:21, 47:20, 49:18, 83:7, 90:12, 90:16, 90:18

G

g
36:14
gas
1:4, 4:3, 6:12, 6:17, 7:1, 8:12, 8:21, 10:9, 11:15, 12:17, 12:20, 13:7, 13:9, 13:13, 13:15, 13:19, 14:1, 14:2, 35:18, 36:1, 36:7, 37:9, 38:11, 40:16, 40:21, 50:7, 50:12, 50:18, 52:19, 53:6, 53:12, 54:5, 55:5, 57:7, 57:21, 58:8, 58:17, 65:4, 66:4, 66:19, 66:20, 70:17, 71:3, 71:6, 71:20, 71:22, 72:5, 72:16, 72:19, 73:2, 73:3, 74:6, 75:12, 76:1, 76:20, 77:4, 78:7, 78:12, 78:17, 79:9, 79:21, 81:17, 81:20, 88:10, 88:20, 92:7, 92:12, 92:18, 93:20
gb
5:8, 50:13
gc
5:11, 92:13
general
1:1, 64:18
gentry
3:5
germane
73:8
getting
38:7, 82:14
gilmer
3:17, 7:8, 7:12, 8:9, 36:15, 36:19, 51:3, 51:6, 52:7, 93:3, 93:7
give
24:10, 28:15, 31:10, 33:17, 43:20, 68:9, 74:13, 83:8
given
30:5, 30:20, 31:1, 31:2, 75:6
gives
33:17, 79:17
glad
70:5
go
6:3, 8:7, 10:4, 10:18, 20:20, 22:1, 26:5, 27:22, 28:9, 30:8, 44:4, 49:20, 54:1, 59:19, 67:13, 70:5, 77:9, 78:12, 82:21, 89:1
gob
13:9, 13:15, 14:1, 14:2, 72:5, 73:3, 75:12, 80:8
goes
10:8, 19:7, 60:13, 66:19
going
8:3, 8:8, 26:11, 26:12, 26:14, 27:17, 28:9, 37:3, 38:11, 39:20, 41:2, 41:15, 42:6, 44:9, 45:19, 45:20, 46:16, 47:7, 47:22, 48:1, 51:16, 52:2, 53:18, 56:8, 67:5, 67:6, 67:11, 68:3, 69:11, 72:14, 72:15, 74:3, 74:4, 75:18, 76:21, 76:22, 77:1, 77:2, 77:3, 77:14, 78:1, 78:8, 78:9, 78:15, 81:4, 81:5, 83:8, 90:10, 95:17
gone
30:9
good
22:5, 35:11, 44:4, 50:1, 56:8, 66:7, 68:22, 69:1, 90:8, 92:3, 96:4, 97:6
grain
28:5
grant
13:2, 40:1, 41:8, 44:21
granted
13:6, 13:18, 13:19, 76:20
granting
9:8, 69:12
great
45:20
ground
9:19, 9:20, 18:20, 28:20, 53:18, 77:2, 77:13, 78:4, 79:6
group
54:20
grundy
37:18
guess
24:17, 26:21, 27:2, 27:14, 28:1, 28:5, 28:6, 28:15, 28:17, 30:18, 31:9, 43:11, 46:12, 69:17, 77:4, 79:22, 94:1
guidance
68:9
gundy
3:14

H

hale
66:15, 88:16
halfway
38:7
hand
10:1, 10:2, 43:17, 53:21
handed
22:21, 29:2, 31:22, 49:5
handing
16:5
happen
39:22, 46:10, 47:11, 56:16, 72:7, 78:16, 78:18

happened
37:17
happens
34:1
happy
89:8
hard
55:1, 55:3
he'll
95:18
head
79:20
hear
41:17, 43:8, 60:8, 63:6, 64:10
heard
32:18, 34:20, 37:15, 44:19, 47:21, 65:12, 71:1, 71:5, 72:17, 73:22
hearing
6:5, 6:9, 6:11, 7:3, 9:14, 15:22, 25:5, 28:7, 28:15, 29:13, 31:6, 33:11, 33:14, 34:21, 35:10, 35:17, 36:10, 38:2, 38:13, 38:15, 38:17, 39:5, 41:6, 42:4, 43:20, 45:12, 46:12, 46:18, 47:4, 49:2, 49:4, 49:20, 49:22, 50:4, 50:6, 50:21, 52:18, 53:17, 53:19, 70:15, 70:21, 72:8, 72:13, 72:18, 82:19, 84:15, 85:7, 88:19, 91:5, 92:2, 92:6, 92:21, 93:15, 93:22, 96:3, 96:14, 97:14
hearings
82:20
held
2:1, 83:21
helpful
23:12
here
11:18, 16:20, 19:4, 20:6, 27:17, 30:13, 38:1, 38:13, 39:2, 40:17, 41:10, 41:18, 45:10, 49:4, 56:1, 59:16, 60:3, 69:20, 71:12, 71:16, 72:3, 72:6, 72:20, 73:4, 74:10, 74:20, 74:21, 76:12, 76:13, 76:18, 80:14, 85:8
hereby
98:3, 99:3
herring
81:17
hesitate
68:15
hess
4:13
highway
2:4
hire
45:11
hired
39:14
hold
40:21, 69:10
holders
46:4
hole
76:22
holes
69:13, 80:11
honest
52:14
honor
39:5, 69:21
hope
38:19, 88:8
horse
38:21
however
54:8, 81:3, 81:5, 88:3
huge
28:5

I

idea
45:13
ideal
67:19
identification
15:16, 16:6
identified
15:20, 16:6, 54:19, 55:10
identify
7:15, 51:8, 65:15
iffh
1:5, 6:11, 35:16, 50:5, 54:8, 92:6
ii
4:14, 6:20
immediate
11:22
immediately
37:8
impacted
75:21
impair
9:9
impaired
75:3
impending
80:19
impinge
26:2, 26:12, 53:12
impinges
65:4
implicitly
49:6
important
7:3, 26:7, 36:9, 38:4, 50:20, 89:2, 92:20
inclined
39:22
include
7:10, 36:17, 51:4, 93:5
included
55:12, 89:12
including
52:5, 67:4
incorporate
64:11, 93:21, 96:12
incorporated
66:2, 94:7
incorporating
93:15
indicated
20:21
informal
6:10, 9:14, 9:21, 10:14, 33:11, 35:16, 37:7, 49:3, 50:4, 53:16, 53:19, 92:5
information
16:14, 54:3, 59:7
infrastructure
79:6
infringe
9:6, 27:11
initial
45:8
installing
69:13
instead
44:13
intended
71:6

intention
21:18
interest
9:13, 46:4, 71:3, 74:9, 74:16, 74:18, 74:19, 74:21, 74:22, 80:13, 98:13, 99:10
interested
68:1
interests
43:4, 53:13, 65:5, 73:16, 74:14, 75:1, 75:4, 76:1, 85:17
interrupted
58:4
involve
42:21
irrelevant
29:4
isolated
80:16, 80:17
issue
10:7, 25:11, 27:18, 32:2, 33:1, 38:13, 47:8, 53:21, 54:14, 76:5, 82:1, 91:1
issued
32:15
issues
10:1, 10:13, 23:20, 31:5, 42:9, 42:11, 67:4, 68:13, 68:17, 68:19, 69:6
it'd
76:13
it'll
48:20
item
37:4

J

james
4:14, 6:19
jamieson
4:17
jar
90:11
jason
3:22, 5:3, 7:18, 10:22, 11:1, 11:8
jennifer
1:22, 99:2, 99:14
job
1:20
join
97:7
jonathan
4:13
josh
59:14, 59:16
judge
66:15, 67:1, 67:11, 68:2, 69:11, 80:1, 82:19, 84:14, 88:16, 88:21, 89:8, 89:22, 94:15
judge's
68:4
jump
69:20

K

kathleen
4:12
keeps
52:11
kelli
4:8, 8:3
key
10:14, 89:3
kind
45:21, 60:13
kinds
40:14, 42:9
knew
27:19, 27:20
know
20:1, 23:19, 24:3, 27:2, 27:10, 28:5, 28:19, 28:22, 29:1, 30:18, 31:16, 33:6, 34:1, 37:18, 39:1, 39:18, 39:19, 40:7, 42:7, 43:17, 45:2, 45:16, 45:17, 46:9, 46:14, 47:2, 47:21, 51:12, 52:7, 55:3, 58:18, 58:21, 62:7, 62:16, 65:20, 66:8, 66:22, 67:2, 68:5, 68:6, 68:15, 69:1, 69:11, 71:1, 72:2, 72:21, 73:1, 73:9, 74:5, 77:8, 77:19, 78:8, 78:12, 80:1, 80:3, 80:7, 80:15, 80:16, 80:17, 80:19, 81:8, 81:15, 81:16, 83:7, 83:20, 85:1, 86:11, 90:15, 96:3, 96:8, 96:9
knowing
41:18, 69:8
knowledge
13:11, 13:22, 19:1, 19:2, 37:11, 59:8, 98:10, 99:7
known
41:21
knows
66:9
kristian
4:17

L

land
13:4, 15:4, 17:18, 17:21, 29:17
language
89:13, 95:13
last
24:14, 25:9, 34:14, 37:14, 37:15, 43:17, 54:19, 83:8, 93:15, 93:22
late
38:14, 41:8, 88:14
law
3:12, 7:3, 36:9, 49:11, 50:20, 64:21, 85:14, 85:16, 85:18, 85:20, 92:20
lawyer
52:2, 52:8, 52:13
lawyers
52:4, 67:22
lay
25:7
layout
22:13
learned
37:8, 79:7
lease
13:12, 71:3, 73:21, 74:9, 74:12
leasehold
75:1
leases
11:16, 72:13
least
64:17, 65:18
left
37:21, 43:7
less
39:6
lessee
12:20
lessees
73:13, 85:21

lester
15:1
let's
7:13, 21:22, 22:2, 24:5, 24:7, 45:17, 91:10, 97:3
letter
61:10, 61:12, 64:8, 64:20, 69:22, 94:6, 94:8, 95:14, 95:18
license
13:12
lid
90:11
limit
30:15, 87:8
line
12:2, 12:8, 12:11, 16:19, 16:22, 17:1, 20:2, 22:14, 26:9
lines
70:21
lion's
8:4
list
54:22
listed
84:15
listing
64:9
litigation
45:17
litmus
68:8
little
6:3, 6:7, 27:3, 28:1, 96:6, 96:19
llc
3:2, 4:4, 6:17, 36:1, 36:4, 50:12, 53:1, 53:6, 58:9, 92:12
located
6:8, 12:15, 18:14, 35:13, 50:3, 80:22
locates
80:8
location
9:4, 11:22, 12:22, 13:9, 13:14, 14:3, 15:6, 16:19, 18:13, 18:15, 18:20, 19:7, 19:9, 20:22, 21:6, 21:19, 21:20, 23:9, 23:11, 24:20, 27:1, 27:6, 28:3, 28:4, 28:10, 30:14, 39:17, 40:11, 42:1, 43:2, 43:9, 47:1, 47:6, 80:7
locke
3:5
long
9:7, 27:19, 27:20, 67:3, 81:3, 81:5, 81:18, 81:19
longwall
80:10, 80:12, 80:18, 81:10, 81:13, 81:21
look
16:8, 26:3, 35:15, 40:9, 40:10, 43:10, 45:20, 47:3, 52:14, 57:8, 57:20, 60:5, 65:12, 68:7, 68:10
looked
21:7, 28:3, 40:8, 57:3
looking
23:18, 26:1, 26:10, 77:13, 79:5, 80:18, 80:19
looks
58:2
lost
77:18
lot
34:2, 45:11, 79:7, 82:20, 86:12
lots
67:4, 67:22, 76:8
lydia
3:21

M

ma'am
56:18, 58:5
made
34:7, 34:20, 43:5, 49:19, 72:12, 72:18, 86:10, 87:10, 87:18, 87:21, 88:2, 88:3, 88:4
mail
21:17, 30:21
mailed
32:8, 32:11, 43:14, 44:1, 46:15, 47:9
mailing
37:16, 43:22
maintain
78:4
make
29:8, 32:21, 33:4, 33:18, 37:2, 37:3, 45:3, 45:22, 56:16, 61:12, 69:10, 73:10, 73:14, 78:12, 78:18, 86:13, 87:5, 96:11, 96:16
makes
94:8
making
70:20
male
24:5, 52:12
manager
7:19, 11:9, 11:13
manner
6:22, 36:6, 50:16, 92:17
many
17:13, 26:7, 82:20
march
18:15
mark
4:3, 7:22, 21:22, 22:6, 93:19
marshall
3:22, 11:8
materially
9:9
materials
15:21, 94:20
matter
56:13, 65:15, 89:15, 91:5
matters
89:6
maya
2:11, 98:2, 98:20
maybe
23:20, 41:7, 46:6, 67:10, 94:8
mean
27:9, 31:19, 32:1, 42:2, 44:8, 44:22, 45:16, 45:21, 46:21, 62:21, 74:10, 77:16,

79:19, 80:14, 80:22, 81:8, 87:9, 87:13, 87:18, 88:3
means 79:7
meant 82:2, 87:10
measured 28:4
meeting 1:2, 1:6, 2:1, 5:14, 35:15, 71:17, 89:22
mention 82:2
merit 68:20, 76:5
merits 44:19, 79:2, 79:4
methane 6:18, 9:5, 36:1, 50:13, 70:20, 71:22, 74:16, 92:13
middle 88:19
might 16:3, 23:12, 39:17, 41:3, 95:16
million 78:6
mind 22:17, 49:17, 64:11
mine 80:9, 80:21
miner 80:13
mineral 11:15, 12:16
miners 80:19
mining 15:3, 80:7, 80:10, 80:12, 80:18, 80:20, 81:2, 81:8, 81:10, 81:12, 81:13
minute 43:17, 60:6
minutes 47:14
mm-hmm 84:6
modification 21:13, 21:19, 22:11, 22:12, 26:19, 28:17, 31:4, 31:15, 32:8, 32:10, 32:12, 33:9, 43:1, 43:12, 46:15, 46:17, 48:16, 53:10
modify 26:20, 96:18
moment 16:8, 91:18
momentarily 95:7
monday 1:8, 6:6, 35:12, 50:2, 92:4
months 37:14, 41:22, 51:12
mooted 66:21
more 17:16, 25:22, 26:1, 32:16, 38:6, 39:7, 44:6, 67:10, 71:15, 83:10, 83:16, 96:7
morning 37:21
motion 37:3, 40:1, 42:14, 42:15, 64:12, 66:8, 88:9, 88:17, 96:12, 96:16, 96:19, 97:7, 97:11
motions 37:2
move 7:13, 17:7, 17:17, 21:19, 26:19, 27:3, 44:5, 48:7, 54:15, 54:21, 97:8
moved 18:16, 25:22, 27:8, 27:13, 96:17
moving 18:19
much 26:11, 39:18, 77:14, 81:15
must 29:22
muted 70:10, 70:11

N

name 11:7, 14:22, 36:22, 57:21, 59:16, 61:3, 93:10
nd 64:9
necessarily 87:11
necessary 42:14
necessitated 42:15
need 9:17, 37:2, 39:1, 39:19, 42:10, 43:10, 45:3, 47:10, 48:6, 48:8, 53:17, 61:20, 72:21, 73:10, 81:3, 81:9, 81:13, 91:5
needed 61:21
needs 26:22, 28:8, 39:21, 43:9, 45:9, 46:10
negative 77:21
neither 98:11, 99:8
never 68:19
nevertheless 75:17
new 22:13, 23:9, 23:13, 24:20, 25:1, 26:22, 27:6, 28:3, 30:10, 35:1, 39:20, 43:22, 46:8, 49:14, 79:5, 96:22, 97:4
next 7:14, 42:20, 91:5, 93:8
nice 76:13
nilly 69:4
nobody 52:12
none 42:21
normally 45:17
northwest 18:16
notarize 62:8
notarized 16:15
notary 2:11, 98:1,

98:15, 98:21
nothing
11:3, 14:15, 32:16, 34:1, 56:4
notice
7:1, 7:9, 23:21, 24:4, 25:8, 25:9, 25:17, 25:21, 27:9, 27:18, 27:21, 29:2, 29:14, 29:20, 30:4, 30:11, 31:7, 31:11, 31:14, 31:17, 31:20, 36:16, 38:4, 38:6, 38:10, 40:11, 40:22, 41:15, 42:9, 46:7, 47:8, 49:14, 50:18, 51:4, 84:16, 92:18, 93:4
noticed
25:14, 40:13
notices
36:7, 60:21
notification
7:5, 8:14, 32:4, 48:3, 48:4, 48:14, 50:22, 52:21, 92:22
notifications
36:12
notified
60:20
notify
46:3
novel
68:13, 68:17, 68:19, 69:6
november
66:11
novo
70:3, 79:11
number
6:10

O

oakwood
5:17, 55:4
oakwoods
5:18, 5:19, 5:20, 5:21, 5:22
oath
59:3, 59:6, 59:10, 59:20, 60:3, 64:3
object
8:17, 26:21, 28:14, 28:16, 31:4, 31:5, 31:11, 32:12, 32:13, 41:3, 43:21, 46:19, 47:7, 47:10, 49:1, 53:2, 71:11, 82:5, 89:5, 89:15, 94:1
objectant
53:22, 54:6
objectee
10:9, 54:4
objecting
41:22, 53:13
objection
9:1, 9:9, 9:11, 23:16, 23:17, 25:6, 26:22, 27:10, 27:14, 27:19, 28:11, 31:3, 39:15, 44:2, 45:9, 46:17, 47:2, 53:8
objections
6:13, 6:16, 6:19, 6:21, 8:12, 8:19, 8:22, 9:2, 10:1, 29:7, 35:19, 35:21, 36:3, 36:5, 42:19, 42:22, 43:5, 43:7, 44:4, 47:5, 47:12, 48:5, 50:8, 50:11, 50:14, 50:16, 52:20, 53:4, 53:7, 53:9, 64:9, 64:21, 65:1, 69:18, 70:21, 71:12, 75:21, 76:4, 92:8, 92:11, 92:14, 92:16, 94:3
objector
10:2, 10:8
objects
31:12
observation
73:11
observe
18:18
observed
18:18
obtain
9:22, 53:20
obviously
21:17, 26:1, 43:3, 70:17, 76:9
occasioned
65:10
occasions
63:1, 63:2
occur
94:9
october
71:16
offered
73:6
office
23:3, 37:18, 37:21, 43:16, 58:18, 62:5
officer
3:21, 20:8, 98:2
offices
2:1
official
19:3
officially
25:17, 34:22, 35:5, 35:8, 49:20, 83:22, 92:1, 97:14
oh
79:22
oil
1:2, 1:4, 6:12, 8:12, 35:18, 36:7, 50:7, 52:19, 53:13, 55:5, 58:17, 65:4, 66:5, 70:17, 71:3, 71:6, 76:1, 79:9, 88:10, 92:7
okay
7:9, 7:13, 7:21, 8:5, 8:11, 11:20, 14:9, 16:2, 16:9, 17:9, 19:14, 21:5, 21:10, 21:15, 22:3, 22:7, 22:8, 24:9, 24:12, 29:5, 32:3, 32:17, 33:7, 34:19, 35:4, 35:5, 36:20, 43:2, 47:13, 47:17, 48:10, 48:18, 48:20, 49:9, 50:1, 51:7, 52:3, 52:13, 52:17, 54:17, 55:14, 55:16, 55:20, 56:9, 56:10, 56:15, 56:20, 57:15, 58:1, 58:10, 58:21,

59:2, 59:9, 60:5, 62:4, 62:12, 62:18, 63:10, 64:1, 64:6, 64:7, 64:19, 83:12, 86:16, 86:19, 87:12, 90:1, 90:8, 90:20, 91:3, 91:8, 91:12, 91:17, 93:8, 93:17, 95:3, 95:12, 95:21, 96:5, 97:11, 97:15
old
26:15, 30:12
once
10:8, 39:10, 54:10, 69:17, 77:6
one
10:14, 23:20, 28:11, 34:16, 37:8, 38:1, 40:7, 41:5, 45:12, 46:9, 55:3, 59:19, 65:11, 65:18, 66:4, 67:12, 69:5, 73:10, 74:15, 75:9, 79:20, 82:14, 83:10, 83:16, 86:10, 86:12, 91:11, 91:15, 93:8, 96:9, 96:14
one's
91:22
online
57:9
only
9:2, 15:16, 20:2, 21:10, 29:14, 29:17, 43:1, 46:2, 53:9, 93:22
oodles
67:22
open
91:15
operation
7:2, 8:14, 36:8, 50:19, 52:21, 59:14, 92:19
operations
61:1, 61:4
operative
41:18
operator
9:12, 71:20, 72:16, 72:19, 74:8, 75:11, 75:18
opinion
19:9, 19:14, 19:15, 77:21
opinions
34:21
opportunities
75:14
opportunity
10:5, 10:10, 29:6, 33:16, 43:20, 54:5, 54:12, 73:14, 73:17, 74:3, 74:12, 74:18, 75:7, 90:21
order
65:19, 66:13, 68:4, 71:21, 72:3, 72:9, 72:10, 72:21, 73:4, 73:11, 73:12, 74:7, 74:8, 75:3, 75:5, 75:6, 75:13, 81:12, 82:10, 84:5, 84:7, 89:13
orders
5:17, 5:18, 5:19, 5:20, 5:21, 5:22, 55:4, 55:5
original
19:8, 23:10, 28:4, 29:15
other
10:17, 14:10, 21:11, 24:16, 37:12, 40:11, 40:22, 43:17, 48:3, 51:15, 54:3, 63:1, 63:2, 67:12, 71:18, 73:10, 73:11, 74:17, 74:19, 83:14, 86:11, 86:12, 86:21, 87:11, 87:13, 89:5, 96:14, 97:2
otherwise
29:19, 39:6, 70:6, 98:13, 99:10
ought
42:2
out
20:22, 22:21, 25:6, 25:7, 28:3, 37:5, 42:5, 64:9, 69:4, 80:15
outcome
67:18, 98:13, 99:10
over
26:16, 32:10, 37:13, 37:22, 48:21, 48:22, 91:6
overall
70:14
overnighted
37:19
oversee
11:14
own
77:2, 80:2, 86:10
owned
13:8, 78:7
owner
6:21, 8:16, 8:20, 9:3, 9:11, 27:14, 36:5, 42:22, 43:4, 50:15, 53:1, 53:5, 53:11, 92:16, 96:9
owner's
9:6, 27:12, 53:14
owners
8:13, 52:20, 53:12, 73:13, 85:22

P

page
5:3, 5:5, 5:9, 57:5, 57:20, 57:22, 58:3, 58:6, 58:7, 60:15, 61:7, 61:17, 63:7
pages
1:21
panel
71:22, 72:7, 80:15
panels
80:11, 80:15, 81:21
papers
49:5
paradigm
68:10
part
7:4, 7:14, 15:9, 27:9, 34:8, 36:10, 48:3, 50:21, 61:13, 69:17, 76:18, 79:14, 82:9, 86:11, 92:21, 96:3

participate
73:18, 74:3, 74:7, 75:16
particular
39:2, 49:13, 74:1
particulars
30:7
parties
7:1, 7:6, 13:3, 16:1, 29:6, 30:5, 32:18, 32:19, 34:20, 35:4, 36:7, 36:12, 38:8, 38:12, 39:1, 39:6, 39:13, 41:17, 43:20, 44:18, 50:18, 51:1, 51:15, 54:10, 69:8, 69:14, 71:2, 76:10, 76:19, 78:2, 78:14, 79:2, 90:21, 92:18, 93:1, 96:12, 97:12, 98:12, 99:9
partner
73:19, 74:12
party
39:4, 51:8, 54:12
pass
73:20
patience
6:3
pay
75:16
pending
67:18, 70:2
people
40:11, 40:22, 42:7, 46:19, 46:20, 70:18, 71:7, 71:10, 73:12, 73:15, 74:5, 74:17, 85:14, 85:16, 85:18, 85:20
percent
74:15, 74:19
perfect
68:12
perform
15:5
performed
17:14
perhaps
21:16, 22:15, 46:21
period
28:16, 33:3, 34:6, 88:11
permission
13:17, 37:10, 43:13, 65:16
permit
5:2, 5:7, 5:8, 5:11, 6:14, 6:17, 8:13, 8:15, 8:18, 8:20, 8:22, 11:17, 21:12, 21:19, 26:20, 31:3, 32:15, 35:19, 36:1, 37:6, 42:20, 43:12, 49:13, 50:8, 50:12, 52:20, 52:22, 53:2, 53:5, 53:7, 53:10, 56:13, 60:2, 60:21, 63:8, 63:12, 63:13, 66:20, 71:12, 72:2, 72:6, 73:5, 73:8, 75:11, 76:5, 76:6, 76:20, 77:22, 92:9, 92:12
permits
9:3, 60:12, 69:12, 72:6
permitting
61:18
person
36:20, 56:12, 61:3
persons
60:20
pertaining
10:1, 53:21
petition
96:22
phil
3:19, 59:22
phone
82:18
physical
58:12
physically
59:17
picked
21:17, 30:22
pickup
43:16
picture
89:20
pipeline
9:5
pipes
77:1
place
7:10, 36:17, 51:5, 64:3, 77:22, 78:6, 85:2, 93:5
placed
20:6, 81:1
plan
80:9
plane
12:13
plans
36:21
plat
15:13, 16:17, 16:18, 18:7, 22:12, 23:14, 23:16, 25:1, 26:2, 27:6
pleading
39:2, 40:6, 41:18, 62:8
pleadings
38:8, 44:22
please
16:8, 36:21, 93:10
plenty
26:16
pocahontas
4:3, 6:17, 8:1, 8:21, 10:9, 13:7, 13:13, 13:19, 36:1, 37:9, 38:11, 40:16, 40:21, 50:12, 53:6, 54:5, 57:6, 57:21, 58:8, 65:14, 66:18, 66:20, 67:13, 71:20, 72:16, 72:19, 73:2, 74:6, 75:10, 76:20, 78:7, 78:17, 79:21, 88:20, 92:12, 93:20
point
8:6, 19:21, 24:13, 24:16, 25:22, 28:6, 29:6, 32:18, 44:7, 51:7, 51:19, 54:21, 69:19, 77:7, 82:18, 96:11
pointed
60:19
pool
72:15
pooled
66:10, 71:16, 71:19, 75:10
pooling
65:13, 65:19, 66:13, 67:1,

71:10, 71:21, 72:1, 72:3, 72:9, 72:10, 73:11, 73:12, 74:6, 74:8, 75:3, 75:5, 75:6, 75:13, 77:9, 81:19
pools 73:15
pop 45:19
position 29:10, 32:19, 34:5, 54:14, 65:17, 76:19, 77:12, 78:2, 78:15, 85:21, 93:10
positions 76:10, 83:2
positive 67:8
possess 12:21
possible 8:2, 27:4, 54:18, 62:2
post 43:15
power 79:17
pre-filed 54:18
preceded 37:8
precedential 68:8
precisely 74:13
predecessors 9:12
prefer 64:14
prejudice 69:14, 82:6, 82:8, 83:19, 83:20, 85:13
prejudiced 83:14, 87:17, 89:15
prejudicial 83:2
prejudicing 89:4
premature 67:14
prepared 16:17, 16:18, 31:8, 38:1, 99:3
present 3:16, 10:6, 10:11, 10:12, 54:2, 54:11, 54:13, 84:22, 89:21, 90:21
presented 31:20, 32:21, 33:12, 42:10, 47:19
presents 68:22
preservation 82:5
preserve 75:7, 85:17
presiding 66:15
prevail 67:9, 72:11
prevent 22:15, 70:18, 71:7, 71:10, 71:12
preventing 70:20, 71:14
previous 96:13, 96:14
previously 17:7, 43:6
primary 8:1, 56:12
print 57:9
prior 15:22, 20:4
probably 17:15, 26:11, 30:22, 55:2, 76:16, 85:10
problem 70:12, 70:13, 76:18, 77:15, 80:3
problems 22:16, 40:14, 76:12
procedure 59:20
proceed 38:17, 40:4, 40:15, 41:17, 42:16, 64:12, 73:17, 78:13
proceeding 38:7, 81:9, 81:12, 99:5
proceedings 38:5, 67:18, 98:3, 98:5, 98:8, 99:6
proceeds 76:20
process 7:4, 9:15, 29:19, 32:6, 32:9, 36:10, 39:11, 50:21, 60:4, 60:7, 61:19, 62:5, 62:15, 79:9, 79:10, 79:12, 80:17, 92:21, 97:6
produce 13:8, 71:21, 75:12
producing 13:15, 14:2, 77:4
production 3:2, 4:6, 36:4, 50:15, 51:11, 52:22, 54:1, 56:6, 81:20, 92:15
profession 15:2
professional 15:3, 19:15
program 58:16
proof 60:21
proper 30:4
property 7:18, 11:9, 11:13, 11:14, 11:21, 12:15, 12:17, 12:18, 12:19, 13:8, 20:5, 24:21, 26:9, 29:16, 30:14, 53:14, 65:6, 67:14, 74:15, 75:22
proposed 8:14, 12:12, 39:16, 52:21, 53:11, 65:3, 65:5, 66:10
prosecuting 68:1
protect 75:8, 85:14, 85:20, 85:21
protected 75:1, 76:2, 76:3
protecting 30:19
protection 7:2, 36:8, 50:19, 92:19
protects 74:9, 85:18
proved 29:14, 29:16
provide 13:12, 15:10, 25:21, 94:11

provided
16:1, 17:7, 75:14
prudent
46:5
pruitt
3:11, 3:12, 5:4, 5:6, 7:16, 7:17, 10:19, 10:21, 11:6, 14:7, 14:9, 14:11, 14:18, 15:15, 16:4, 16:10, 17:5, 17:17, 18:1, 20:7, 20:16, 21:3, 22:4, 22:9, 22:20, 23:1, 23:17, 23:22, 24:2, 24:7, 24:10, 25:3, 25:15, 25:18, 26:20, 27:16, 28:19, 29:8, 29:9, 29:12, 30:20, 31:6, 31:13, 31:18, 31:21, 32:3, 32:5, 32:16, 33:2, 33:8, 33:13, 33:20, 34:4, 34:12, 34:17, 34:18, 35:3, 35:7, 35:9, 49:3, 49:9, 49:16
pruitt's
28:12
public
2:11, 98:1, 98:21
pumping
78:11
purportedly
37:9
purpose
9:21, 13:14, 35:14, 50:3, 53:20
purposes
10:17, 15:16, 16:6, 17:21, 54:9, 62:6
pursuant
2:10, 64:21, 89:13
pursuing
72:20
put
33:16, 45:18, 59:9, 61:4, 61:20, 61:21, 69:10, 71:9, 76:21, 80:1, 83:1, 84:21
putting
38:20, 38:22, 56:12

Q

qualified
98:7
qualify
17:17
quarters
78:5
question
7:5, 8:2, 20:2, 20:12, 20:13, 20:17, 24:3, 24:18, 27:5, 36:11, 49:4, 80:6, 82:14, 82:15, 83:11, 88:7, 90:7
questioning
27:17
questions
10:17, 20:8, 20:11, 26:7, 26:8, 28:21, 54:8, 70:4, 86:5, 86:22
quick
56:9
quicker
34:2
quo
78:4, 79:4
quote
27:11, 28:14

R

raise
38:13
raised
9:3, 25:11, 53:10
rather
44:13
re-notice
42:6, 49:12
re-pool
77:8
reach
30:4
read
16:15, 25:4, 63:11, 64:15, 64:16
ready
10:18, 54:15, 82:14, 94:5
real
38:6, 69:6
reality
75:5
realize
32:18
really
41:20, 46:1, 69:19, 73:7, 80:20, 81:22
reason
40:20, 41:20, 63:4, 63:10, 69:16, 70:15, 70:16, 78:3, 79:16, 80:20
reasonable
9:7, 19:17
reasoning
96:11
reasons
69:9
recall
39:8, 54:12
receipt
43:22, 46:16, 46:20, 48:4, 48:13, 49:8
receive
23:5, 27:21, 37:20
received
17:12, 22:11, 23:5, 23:21, 24:4, 25:16, 31:14, 31:17, 32:10, 37:12, 37:14, 37:15, 37:17, 43:14, 49:6, 63:7
receives
30:21, 31:11
recess
9:16, 24:5, 24:7, 24:11, 24:13, 47:14, 47:16, 53:17
recollection
90:5
recommend
30:20
record
17:21, 47:18, 84:11, 84:13, 85:8, 85:11, 97:18, 98:9, 99:6
recorded
83:15, 84:19, 85:1, 98:6
recording
83:13, 98:8, 99:4
records
84:8
red
81:16
reduced
98:6

reece
66:15, 88:16
referenced
94:4
refile
25:21, 41:10, 46:1, 48:5
reflect
18:2, 18:7
regard
71:18, 73:7, 73:11, 76:6, 76:7
regarding
7:1, 36:7, 50:18, 92:18
registered
15:3, 15:4
registration
98:15
regulations
25:5, 61:1
reimbursed
67:5
related
89:15, 98:11, 99:8
relates
12:11
relation
20:4
relationship
50:5
relative
10:7, 10:12, 53:21, 54:3, 93:11
releasing
89:14
relevant
95:13
remains
27:1
remember
88:18
remembers
85:11
reminding
70:13
remote
4:4, 4:7, 4:8, 4:9, 4:10, 4:11, 4:12, 4:17
rendered
19:14
repeat
53:18
repeatedly
71:1
repetition
44:10
reporter
98:1
represent
51:11
representing
51:14, 57:21, 58:8, 93:9
request
9:16, 9:18, 47:14, 65:2
require
61:22
required
6:22, 7:7, 36:6, 36:13, 49:14, 50:9, 50:17, 51:2, 60:20, 61:18, 63:21, 92:17, 93:2
requirement
61:2
requirements
41:16
reread
64:10
reservation
86:6, 94:3
reservations
94:7
reserve
87:13
resolved
47:6
respectfully
79:13
respective
78:1
respond
80:5
response
8:4, 33:4, 34:6, 42:18, 43:11, 70:14, 72:8
responsibilities
11:13
responsible
29:18, 56:12
resubmitted
23:2
result
26:11
results
18:7
resume
15:11, 16:16, 18:5
retained
5:13
rethinking
47:18
reverse
74:20
review
23:4, 41:1
reviewed
39:15, 39:16, 56:20, 56:21
reviewing
68:21, 69:2
revised
23:14
revision
22:20
richard
4:2, 5:5, 7:19, 14:12, 14:13, 15:1
right
9:9, 12:21, 13:7, 13:13, 14:7, 15:15, 16:4, 22:22, 25:15, 25:18, 26:9, 31:18, 34:12, 38:6, 40:15, 42:17, 43:12, 44:22, 49:7, 51:13, 52:9, 52:10, 57:18, 64:4, 64:19, 70:8, 73:3, 76:12, 79:19, 83:4, 84:9, 84:17, 85:17, 89:1, 89:12, 90:1, 90:9, 93:13, 94:22, 97:5
rights
53:14, 53:15, 65:7, 69:14, 71:4, 75:3, 75:7, 75:8, 75:22, 76:1, 76:2, 82:5, 85:15, 86:7, 87:14, 89:5, 89:14
road
3:7, 26:2, 26:10, 26:13
roanoke
3:5, 3:8
robertson
82:19
rocky
4:16
role
57:1
roof
38:21, 38:22
royalty
36:5, 43:4, 50:15, 52:20, 53:1, 53:5, 53:11, 53:12, 53:14, 73:13, 85:21, 92:15, 96:9
rule
10:2, 30:12,

45:1, 47:22, 67:7, 67:12, 69:20
ruled 37:11
rules 9:20, 9:21, 53:18, 68:2
ruling 32:21, 33:18, 42:11, 42:13, 45:3, 48:5, 49:19, 76:14, 76:15, 76:16, 77:5, 77:6, 79:3
run 33:4, 34:6
running 6:4, 87:8

S

safe 30:19
safety 3:21, 80:13, 80:21
said 44:10, 54:15, 74:3, 77:8, 84:22, 86:12, 90:5, 90:15, 98:8, 99:5
salt 28:6
same 10:10, 27:18, 58:15, 62:15, 66:4, 72:12, 74:13, 91:5, 96:20, 96:21, 97:1, 97:2, 97:3, 97:5
sampson 2:11, 98:2, 98:20
sandwiched 26:9
sarah 3:17, 7:5, 8:6, 36:11, 50:22, 92:22
satisfaction 30:3
satisfy 86:5
saw 28:20
say 17:15, 31:7, 31:9, 44:15, 67:1, 70:6, 78:9, 78:10, 83:16, 83:18, 91:4, 96:7
saying 71:7, 72:4, 75:2, 85:15, 85:19, 85:22, 89:11
says 26:22, 27:7, 45:1, 58:8, 63:12, 73:4, 73:15, 79:22, 85:14
scare 81:22
scheduled 9:15
scheduling 45:7
scott 3:3, 51:13, 51:21, 93:13
screen 56:1
scrutiny 68:21
second 20:22, 21:6, 21:20, 28:10, 65:5, 65:11, 65:12, 66:1, 66:3, 66:6, 97:6
section 6:13, 6:15, 6:22, 7:7, 8:11, 9:4, 35:18, 35:21, 36:6, 36:13, 50:7, 50:10, 50:17, 52:18, 60:14, 60:16, 60:17, 60:18, 61:5, 61:15, 61:17, 61:20, 63:11, 64:22, 92:8, 92:10, 92:17, 93:2
see 16:2, 21:1, 22:16, 45:17, 57:11, 79:1, 83:7
seeing 23:16
seek 43:13, 65:16
seemed 20:5
seems 45:2, 46:4, 67:19, 68:22, 69:9, 79:19
seen 12:5, 17:9, 22:18, 23:20, 24:6, 37:13, 41:4, 41:5
segue 66:7
selling 77:4
send 95:7, 95:10, 95:18
sense 69:10, 94:8
sent 7:6, 36:12, 40:19, 42:7, 51:1, 92:22
seriously 67:21
set 9:19, 42:4, 46:12, 49:2, 58:13, 67:3
several 72:6
shall 63:13
share 8:4
sharing 65:17
short 80:11
should 25:20, 26:15, 31:1, 31:2, 32:6, 41:11, 41:14, 44:19, 52:5, 65:18, 69:2, 76:4, 76:5, 77:10, 78:3, 78:22, 79:1, 95:10
shouldn't 33:4, 41:21, 81:11
show 23:13, 25:1, 29:22
showed 57:8
shown 13:9, 13:14, 13:20
side 30:19, 77:7, 93:10
sign 61:12
signature 57:12, 57:13, 57:17, 58:12, 58:22, 59:2, 59:3, 62:6, 62:15
signature-1apgj 99:11
signature-k9lvk 98:17

signed
16:15, 57:4, 57:6, 57:9, 59:5, 59:10, 59:12, 59:13, 60:1, 63:8, 63:21, 64:4
signs
59:14
similar
60:2, 97:1
simply
76:2
since
9:14, 22:13, 28:2, 29:6, 53:16, 53:19, 55:22
sinemus
3:21
sir
11:11, 11:19, 12:1, 12:4, 14:21, 16:12, 18:13, 20:19, 33:13, 33:20, 34:4, 34:18, 35:3, 51:10, 54:17, 55:19, 75:20, 86:15, 90:11, 97:10, 97:17
site
9:8, 13:20, 19:3, 19:4, 27:13
sitting
30:22, 77:2, 78:6
situation
67:20, 77:13, 79:21, 82:16
six
88:12
skills
98:10, 99:7
skorupa's
86:5
slight
46:6
small
74:21
some
9:19, 20:4, 37:5, 39:11, 44:21, 49:4, 54:22, 69:14, 71:18, 76:9, 79:18, 95:13
somebody
61:21
somehow
75:2, 75:21
someone
39:10, 45:18, 56:15, 57:5, 62:7
someone's
62:6
something
9:17, 22:15, 43:9, 61:21, 82:12, 85:8
somewhere
59:16
sorry
52:7, 55:11, 58:4, 63:3, 63:20, 90:2, 95:22
sort
37:6
sought
37:10
sounds
63:18
source
60:8
south
20:3, 20:5
southeast
3:7
speak
22:2, 68:15
speaker
24:5, 52:12
specific
86:6, 89:12
specifically
71:15
specified
35:21
spell
25:6
spent
78:11
st
71:17
staff
47:15
stakes
18:19, 28:20
stand
24:19, 45:8, 57:18
standing
6:15, 8:17, 25:8, 35:20, 53:2, 92:10, 96:10
start
10:19, 26:16, 48:21, 48:22, 69:12, 91:6
started
6:5, 32:9, 41:6, 45:12
state
12:13, 14:22, 20:22, 29:7, 36:22, 93:10
stated
83:14
status
78:4, 79:4
statute
6:16, 29:3, 35:22, 39:3, 39:4, 50:11, 67:16, 79:13, 79:17, 92:11
statutory
28:16, 31:10, 39:9, 53:14, 65:7, 70:2, 76:1
stay
64:13, 65:2, 66:8, 67:17, 69:1, 70:1, 79:17, 80:6, 80:21, 81:11
stayed
78:3
stays
68:7
steelsburg
2:4
stephanie
4:11, 56:19, 56:22
stephenson
3:3, 51:13, 51:21, 51:22, 52:3, 52:6, 52:10, 52:16, 70:10, 84:10, 84:14, 85:6, 93:13
steps
73:1
sticking
49:11
still
86:9, 87:18, 88:4
stilwell
4:16
stipulate
97:3
stipulated
91:16
stipulation
84:10, 84:12
stop
82:12
stopped
24:15
straight
34:10, 86:16, 88:5
street
3:4, 3:13, 4:5,

5:10, 37:1, 44:6, 44:8, 47:4, 48:8, 51:10, 51:16, 52:1, 52:4, 52:9, 52:14, 54:16, 54:17, 55:13, 55:15, 55:19, 55:21, 56:7, 61:6, 61:10, 62:1, 62:4, 62:12, 62:17, 64:7, 64:16, 64:19, 76:8, 81:14, 82:17, 83:6, 83:11, 83:12, 83:16, 84:1, 84:4, 84:7, 84:12, 84:17, 84:20, 85:3, 85:9, 86:1, 86:4, 86:15, 86:18, 86:20, 87:1, 87:4, 87:7, 87:12, 87:16, 87:20, 88:6, 90:1, 90:4, 90:8, 90:14, 90:17, 91:8, 93:12, 94:1, 94:13, 94:18, 94:20, 95:3, 95:12, 95:21, 96:5, 96:16, 96:18, 97:10, 97:15
stuff
67:12, 83:15, 87:11, 87:13
subcategories
65:8
subject
8:16, 53:1, 68:3
submission
60:11
submissions
60:13
submit
27:17, 73:9, 85:8, 94:14, 95:15
submitted
18:11, 25:12, 35:1, 60:2, 60:14, 60:22, 62:14, 64:21, 65:1, 65:14
submitting
59:19, 95:2
subsection
9:2, 53:9
substantive
42:11, 69:18
subvert
79:9
successful
66:17, 66:18
successors
9:12, 71:3
sufficient
29:21, 31:15
suggest
33:5, 75:9
suggested
45:5, 88:21
suggesting
46:18, 73:2
suggestion
43:19, 91:14
suite
2:5, 3:7
summarize
64:18
summary
29:8, 54:14, 75:9
summations
34:20
supervisor
56:14
supervisory
56:22
supposed
45:4
sure
22:4, 26:3, 94:17, 94:19
surface
6:20, 8:13, 8:16, 8:20, 9:3, 9:6, 9:7, 9:11, 11:21, 12:17, 12:22, 13:7, 14:2, 19:10, 21:8, 26:21, 27:2, 27:7, 27:8, 27:12, 27:14, 28:10, 31:5, 42:22, 43:6, 43:9, 47:1
surprise
27:19, 28:2, 28:5, 28:20
surprised
28:13, 29:4
survey
12:3, 12:5, 12:7, 15:5, 15:13, 18:8, 21:8, 27:20, 39:14
surveying
17:19, 17:21
surveyor
7:20, 15:4, 24:18, 27:5, 27:7, 28:2, 29:4, 29:17, 39:14, 40:9, 45:11
surveyor's
28:8, 28:21
surveys
17:13
suspend
88:11
swartz
4:3, 7:22, 20:12, 20:20, 20:21, 21:5, 21:10, 21:15, 22:7, 23:11, 23:12, 24:14, 24:17, 26:18, 28:1, 30:17, 30:18, 32:7, 33:17, 34:13, 34:15, 35:6, 40:16, 42:18, 44:12, 46:11, 46:14, 48:11, 48:12, 48:16, 48:18, 48:20, 49:1, 52:5, 55:11, 55:14, 55:16, 55:20, 66:9, 67:8, 68:15, 70:9, 70:12, 78:18, 79:14, 80:5, 85:9, 85:12, 86:2, 90:10, 90:13, 90:18, 91:3, 91:12, 91:17, 91:20, 93:18, 93:19, 94:17, 94:19, 94:22, 95:5, 95:7, 95:17, 96:1, 96:4, 96:17, 97:5, 97:17
swartz's
83:8, 96:19
swear
8:7, 51:20
sworn
8:10, 11:2, 14:14, 14:19, 51:21, 56:3, 98:5
system
60:11, 61:14

T

tactic
81:22
take
9:16, 16:7, 22:12, 24:5, 24:7, 32:20, 47:14, 48:7,

53:17, 65:12, 73:20, 81:4, 81:5, 90:10, 90:22, 97:13
taken
24:11, 34:16, 47:16, 69:4, 98:3
taking
28:5, 67:21
talk
81:15, 91:21
talked
94:15, 97:2
talking
43:4, 43:6, 81:11, 82:12, 94:2, 94:10, 94:16
team
41:4, 67:9
technical
6:3
tell
41:2, 41:13, 44:9, 57:5, 60:4, 63:18, 88:8
ten
37:14
tenor
38:2
terms
30:19, 48:21, 75:13, 80:14
test
68:8
testified
11:4, 14:16, 56:5
testify
11:2, 14:14, 36:21, 56:3
testifying
7:14, 8:8, 51:8, 52:5, 93:9
testimony
7:18, 10:5, 10:11, 18:3, 19:21, 21:3, 25:13, 28:9, 47:18, 54:2, 54:13, 93:15, 93:21, 96:13, 96:21
text
40:20
th
6:6, 18:15, 35:12, 50:2, 64:20, 92:4
thank
34:12, 35:9, 49:16, 49:21, 70:13, 81:14, 82:13, 97:15, 97:16, 97:17
theirs
40:18
themselves
71:4, 74:15
thereafter
70:18, 98:6
therefore
23:21
thing
21:11, 29:14, 29:18, 39:21, 41:9, 41:14, 43:1, 46:9, 89:4, 93:21, 93:22
things
10:14, 46:10, 61:17, 69:17
think
8:3, 19:22, 21:15, 22:14, 23:12, 24:12, 25:19, 26:7, 28:7, 30:3, 30:9, 32:5, 34:15, 37:12, 42:2, 44:11, 44:18, 45:22, 47:8, 51:12, 51:16, 57:13, 58:4, 64:10, 68:14, 69:7, 70:10, 70:14, 78:3, 79:20, 84:15, 85:10, 87:21, 88:12, 88:17, 89:11, 89:17, 89:18, 90:19, 91:8, 91:20, 94:2, 94:8, 94:13
thinking
47:20
thinks
29:3, 52:12
third
13:2, 13:3
thomas
3:11, 3:12
thousand
17:15
threaten
53:13
threatens
65:6
three
78:5, 80:1
through
6:3, 16:8, 20:15, 20:16, 38:7, 47:20, 58:16, 60:4, 77:9
tight
26:8
time
7:10, 9:10, 10:4, 17:8, 18:10, 19:21, 20:11, 25:22, 26:16, 31:3, 33:3, 33:21, 36:17, 37:5, 38:16, 39:11, 39:13, 39:19, 46:19, 47:13, 51:5, 70:18, 76:9, 79:4, 83:9, 83:17, 87:8, 88:11, 93:5
timeframe
91:2
timely
6:21, 36:6, 50:16, 92:16
title
14:3, 61:4
today
6:5, 6:6, 6:9, 7:4, 7:15, 8:8, 9:14, 11:18, 12:3, 16:20, 18:3, 19:4, 19:15, 20:6, 25:9, 26:6, 26:14, 27:10, 27:22, 29:2, 29:13, 29:19, 30:9, 30:13, 30:15, 31:14, 32:21, 33:10, 33:12, 34:5, 34:21, 35:12, 35:15, 37:5, 39:2, 39:19, 40:5, 41:6, 41:17, 42:10, 44:19, 46:18, 48:2, 50:2, 50:4, 53:19, 54:20, 66:16, 68:3, 70:22, 72:13, 72:18, 73:7, 74:6, 92:3, 97:14
today's
36:9, 50:20, 92:20
toes
52:11
together
45:6, 56:13, 96:15
tom
7:17

took
82:16, 85:1, 89:7
tract
11:22, 19:11, 19:12
training
2:3
transcribed
1:22
transcriber
99:1
transcript
85:6, 94:14, 95:10, 99:3, 99:5
transcriptionist
98:7
travis
4:10
treated
76:4
trespass
14:5, 26:12, 29:22
trial
38:16, 67:3, 79:11
tribunal
38:15
true
33:10, 76:2, 98:9, 99:5
truist
3:6
trust
49:5, 77:16
truth
11:3, 11:4, 14:15, 14:16, 56:4, 56:5
try
78:5
trying
27:2, 70:5, 77:15, 79:8, 86:5, 86:8
turn
22:2
turning
71:15
two
8:2, 23:20, 28:12, 28:17, 42:20, 46:9, 65:1, 65:3, 65:8, 66:2, 69:17
types
82:9
typewriting
98:7

U

unaware
21:17
unbiased
79:3
under
6:12, 6:15, 6:16, 9:4, 9:15, 26:15, 29:3, 34:1, 35:18, 35:21, 35:22, 50:6, 50:9, 50:11, 56:15, 56:22, 59:3, 59:5, 59:10, 59:20, 60:3, 61:18, 64:3, 69:21, 71:21, 72:20, 73:12, 74:8, 76:3, 85:16, 86:7, 92:7, 92:10, 92:11
underlying
38:8, 65:13, 69:12
understand
19:5, 24:1, 32:2, 44:11, 87:3, 87:21, 87:22, 89:18
understanding
12:8, 12:10, 23:9, 42:22, 43:15, 89:2
understood
16:15, 35:5, 35:6, 35:7
unilateral
44:22
unit
8:16, 9:8, 27:13, 53:1, 66:9, 69:12, 71:19, 72:5, 72:15, 73:3, 73:15, 73:16, 73:18, 74:1, 74:2, 74:16, 74:17, 76:7, 77:11, 82:4, 86:14
unit's
75:10
units
68:17, 71:19
unless
37:19, 39:5, 49:18, 71:11, 82:11
unlike
37:12
unquote
27:11, 28:14
unreasonably
9:6, 27:11
unsealed
71:22, 72:5, 73:3, 75:12
until
29:1, 30:4, 33:4, 34:6, 67:12, 68:2, 69:1, 69:10, 94:9
unwind
78:5
upload
61:13
use
9:6, 27:12, 54:18, 59:21, 60:11, 82:8, 96:20
using
79:12
usurping
66:4
usurps
65:22

V

va
2:6, 3:8, 3:14, 3:17, 3:18, 3:19
valid
9:10
values
12:14
various
65:9
vent
81:17
verbal
13:17
verified
58:22, 59:2, 63:13, 63:17
verify
20:6, 62:6, 62:8
version
46:13, 61:7
violate
41:15, 53:13, 65:6
virginia
1:1, 1:4, 1:7, 2:3, 2:12, 6:8, 6:12, 7:3, 8:12, 35:14, 35:18, 50:3, 50:7, 52:19, 58:17, 59:14, 60:12, 61:2, 61:3, 63:11, 64:21, 64:22, 70:16, 71:6, 79:9, 88:10, 92:7, 92:20, 98:21

virginia's
36:9, 50:20
vitae
15:12

W

wait
46:19, 47:10, 67:15, 77:8, 81:3
waiting
30:22, 43:16
waive
85:19
waiving
89:14
walls
38:22
walnut
3:13
want
8:6, 14:10, 21:2, 25:1, 25:20, 40:3, 40:4, 41:12, 42:3, 44:20, 47:19, 55:3, 64:10, 65:11, 71:8, 71:9, 73:17, 73:18, 73:19, 73:20, 78:22, 79:1, 80:5, 81:18, 84:18, 91:14, 91:20, 96:11
wanting
78:18
wants
28:13, 81:1
way
45:4, 57:11, 57:16, 57:19, 58:13, 61:11, 67:12, 68:14, 78:13, 79:15, 86:12
we'll
6:4, 22:2, 26:3, 31:5, 31:12, 32:13, 44:1, 47:12, 49:20, 52:18, 95:14, 96:19
we're
6:4, 11:18, 16:19, 19:3, 22:13, 24:12, 26:21, 27:8, 28:10, 29:2, 29:20, 30:13, 37:4, 39:2, 39:20, 41:18, 41:19, 42:17, 43:3, 43:4, 43:6, 44:4, 45:19, 47:17, 51:16, 54:15, 67:6, 70:15, 70:21, 72:5, 72:8, 72:12, 72:14, 72:15, 72:20, 73:4, 74:3, 74:4, 77:13, 78:11, 79:11, 80:3, 80:18, 80:19, 97:12
we've
17:6, 19:22, 20:6, 21:20, 25:5, 27:8, 27:13, 30:5, 30:9, 34:16, 46:14, 47:8, 71:1, 71:5, 73:22, 78:10, 79:7, 80:1, 90:19
webb
4:7, 5:9, 8:3, 55:22, 56:1, 56:2, 56:8, 58:4, 58:8, 59:10, 59:11, 60:18, 97:2
website
58:15
week
54:19
wells
80:2, 80:8, 80:22, 81:2, 81:13
went
45:11, 60:4, 88:16, 89:19
west
20:2, 20:3
whatever
67:17, 68:3, 75:4, 88:3, 94:18, 95:15
whatever's
97:7, 97:8
whether
24:4, 24:19, 29:3, 41:2, 44:20, 46:8, 73:8, 86:6
whispered
45:13
whole
11:3, 14:15, 33:14, 34:2, 56:4, 78:5, 89:4, 89:20
willy
69:4
win
72:22, 77:7
wins
77:7
wish
10:6, 24:15, 43:21
within
9:8, 11:22, 13:18, 27:13, 43:21, 71:11, 89:10, 91:2
without
26:10, 41:17, 46:7, 82:6
withstanding
50:9
witness
3:22, 4:2, 8:1, 10:5, 14:8, 14:10, 16:9, 20:17, 21:2, 21:9, 23:13, 27:17, 54:13, 62:13
witness(es
98:4
witnesses
8:7, 8:10, 10:11, 10:16, 24:16, 41:7, 51:17, 51:20, 93:16
wondering
63:15, 63:16
word
83:9
work
20:1, 20:4, 45:6, 53:11, 56:15, 58:18, 60:9, 65:3, 65:6, 94:12
worked
56:22, 77:17
working
74:13, 74:18, 74:19, 85:17
works
57:16, 57:19, 58:11
wouldn't
26:5, 83:21
wright
4:12
writing
83:1
written
13:11, 48:6, 48:8, 89:10, 91:1, 97:13

Y

yeah
24:2, 24:7,

52:6, 55:15, 55:21, 58:21, 62:3, 63:9, 72:11, 82:17, 84:20, 85:3, 86:18, 87:3, 87:4, 87:15, 95:19, 96:1
yourself
51:9
yourselves
7:15

$

$750,000
76:21, 78:11

(

(a
63:11
(c
64:22
(g
7:7, 51:2, 93:2

0

00
47:20
00353346
98:15
01
59:15, 66:18
04
59:15

1

1
1:9
10
1:9, 3:7, 26:1
1040
5:7, 35:16
1041
1:5, 5:2, 6:11
1042
5:8, 50:5
1043
5:11, 92:6
1080
3:13
11
5:4, 5:22, 54:19, 55:7, 55:8, 55:10, 55:18
13
18:15, 66:18
14
5:6
140
65:1, 70:1
15
5:16, 28:16, 30:21, 31:10, 32:11, 33:3, 34:5, 39:6, 40:2, 42:4, 43:21, 45:6, 46:16, 47:9, 48:4, 48:13, 49:8, 49:11, 49:15, 92:5
150
64:22, 70:1
1631
63:11
1632
6:15, 35:21, 50:10, 92:10
1637
6:13, 6:22, 7:7, 8:11, 8:21, 35:19, 36:6, 36:14, 50:7, 50:17, 51:2, 52:19, 53:6, 64:22, 92:8, 92:17, 93:2
1990
70:17
1st
66:11

2

2.2
34:1
2025
66:11
2026
1:8, 6:6, 35:12, 50:2, 64:20, 92:4, 99:15
2029
98:16
21
71:17
22
64:9, 97:18
24011
3:8
24609
2:6
24614
3:14
25
64:20, 64:22, 70:1
2677
2:4
27
1:8, 6:6, 35:12, 50:2, 92:4
276
3:15

3

3
92:5, 97:18
30
39:7, 42:4, 45:6, 99:15
31
66:18, 98:16
35
5:7, 40:11
37
5:2, 5:7, 5:8, 5:11, 6:18, 11:18, 12:12, 13:9, 13:14, 13:20, 15:7, 19:5, 36:2, 44:4, 47:22, 50:13, 71:16, 71:18, 74:1, 92:13
38
63:7

4

4021
34:1
45
59:15
45.2
6:13, 6:15, 6:22, 7:7, 8:11, 8:21, 35:18, 35:21, 36:6, 36:13, 50:7, 50:10, 50:17, 51:2, 52:19, 53:6, 63:11, 64:22, 92:8, 92:10, 92:17, 93:2
4525
3:15
47
5:16
4vac-
64:22
4vac--(c)(5
70:1

5

50
5:8, 47:20
53
47:20
540
3:9
55
5:17, 5:18, 5:19, 5:20, 5:21, 5:22
56
5:10

6

631218
1:20

64170
5:2, 5:7, 6:19, 36:2
64222
5:8, 50:13
64223
5:11, 92:14

7

70
18:16, 23:10
750,000
80:2

9

90
33:22, 34:2
900
3:7
92
5:11
9300
3:9
935
3:15
983
3:9
99
1:21, 74:19

T.R. Scott, Jr.
J.W. Bowman
R.J. Breimann
S.T. Mullins
R.V. Presley, II
B.A. Street
C.A. Barger
M.R. McGeorge

STREET LAW FIRM, LLP

A LIMITED LIABILITY PARTNERSHIP
P.O. BOX 2100
1142 RIVERVIEW STREET
GRUNDY, VIRGINIA 24614

E.K. Street
[1943-1990]

Telephone
[276] 935-2128

Fax
[276] 935-4162

March 11, 2026

Virginia Department of Energy
Division of Gas and Oil
James P. Skorupa, Division Director
3405 Mountain Empire Road
Big Stone Gap, VA 24210
Phil.Skorupa@energy.virginia.com

Sarah Gilmer
3405 Mountain Empire Road
Big Stone Gap, VA 24210
Sarah.Gilmer@energy.virginia.gov

Re: *Objections – Pocahontas Gas LLC's Well Permit Applications for CBM Gob Well CMB-F37A W/PL (Application No. 64170); CBM Gob Well CMB-G37B W/PL (Application No. 64222); and CBM Gob Well CMB-G37C W/PL (Application No. 64223).*

Director Skorupa:

Diversified provides this *Reply* to Pocahontas Gas LLC's ("*Pocahontas*"') letter dated March 8, 2026 (provided to you on March 6th) ("*Letter*") in connection with *Diversified Production's Objections to well work permit applications F37A, G37B and G37C.*

Pocahontas' Letter conjures two pseudo conclusions which collapse under clear statutory authority and practical reason.

First, in the same breath by which Pocahontas Gas admits that Diversified is a Gas Owner, it also irreconcilably asserts that Diversified lacks standing to object. The Virginia Code is crystal clear that Gas Owners have standing to object:

- Virginia Code § 45.2-1637(A) states that objections to a well permit application "may be filed with the Director by ***any person having standing as set out in Virginia Code § 45.2-1632***" (emphasis added).

- Subsection (D) of § 45.2-1632, provides, in relevant part, that "***a person entitled to notice under subsection A, B, or C [of § 45.2-1632] shall have standing to object*** to the issuance of the proposed permit or permit modification"

- Subsection (A)(4) of § 45.2-1632 states that "***[e]very gas . . . owner*** . . . (ii) within the boundaries of a drilling unit" ***is entitled to notice of the well permit application***. Va. Code § 45.2-1632(A)(4) (emphasis added).

- Pocahontas concedes in its Letter that Diversified "is within the definition of 'gas or oil owner'" under Virginia Code § 45.2-1600. In doing so, it effectively admits that Diversified has standing to object.

- The Letter misdirects when it states that "Diversified's allegations that it has standing to object to the permits in question <u>is predicated solely</u> upon an allegation that it is a royalty owner . . ."). At first glance, Pocahontas seems to have forgotten that Diversified explained in its March 5th letter that it is also a **Gas Owner with standing to object**. And it seems to have forgotten the need to formulate a substantive response to that basis for standing. But Pocahontas did not actually forget – it just does not have a meaningful response; it just does not have an answer. Be assured that if Pocahontas were able to develop a basis to argue that Gas Owners (as it admits Diversified is one) lack standing to object, it would have done so. The reality is that Va. Code § 45.2-1637(A) leaves no room for Pocahontas to argue lack of gas-owner standing, so it is left pretending that standing is "solely predicated" upon something else.

Accordingly, under Virginia Code § 45.2-1637(A), Diversified has "standing as set out in Virginia Code § 45.2-1632" as a "gas owner" to file objections to Pocahontas' well permit applications.

Second, Diversified is also a "royalty owner" with equal standing and entitlement to object to Pocahontas' well permit applications. As the Letter concedes, a "royalty owner" is "any . . . owner of gas or **oil rights**, ***who is eligible to <u>receive payment</u> based on the production of gas*** or oil." Va Code § 45.2-1600 (emphasis added). Diversified is unquestionably the owner of gas rights in units F-37 and G-37 and "is eligible to receive payment based on the production of gas" in those units. Among other things, Diversified has an existing frac well on F-37, its operation of which plainly renders it eligible to receive payment based on the

production from that well. Diversified is also "eligible to receive payment based on the production of [gob] gas" on F-37 and G-37 as a participating operator.[1]

Pocahontas pretends that when § 45.2-1600 states "eligible to ***receive payment***" it actually means "***eligible to receive a royalty***" and embraces the fiction that the statute defines a "royalty owner" to narrowly include only a passive owner of gas or gas rights that is eligible to receive "production royalties" (like Buchanan Energy Company, LLC). The statute simply does not use Pocahontas' preferred language of "production royalty" to define a royalty owner, but rather defines a royalty owner as an interest holder entitled to "payment" from production—and such "payment" includes the "share of production" to which participating and nonparticipating operators are entitled under §§ 45.2-1600; 45.2-1620(C)(7) as well as a true "royalty" payment.

The Division should follow the letter of statutory law –not the strained, expedient interpretation urged by Pocahontas. The statute is phrased the way it is for good reason, and Pocahontas' limited interpretation would create instances of unfairness and unreasonableness. For example, the incumbent operator of an existing frac well could be stripped of any right or voice as to whether another operator may construct additional wells on that same unit regardless of the circumstances. Or lessees of natural gas would not have any right to be heard on the location and planned operation of another operator's wells or pipelines. Such outcomes would be nonsensical, unfair, and threaten to lead the Division astray.

Diversified respectfully reiterates its request that informal fact-finding conferences be scheduled on the Applications and the associated objections.

With best regards, I remain

Yours truly,

/s/ *Benjamin A. Street*

Cc Mark Swartz, Esq. (by email)
Eric Conley, Esq. (by email)
Scott A. Stephenson, Esq. (by email)
Kathleen L. Wright, Esq. (by email)
Tom Pruitt, Esq. (by email)

[1] Diversified was compelled to make this election under protest, and without waiver to its rights on appeal of the Board's decisions regarding pooling of F-37 and G-37. Nothing herein is intended to be, nor may it be construed, as any waiver of or prejudice to those rights.

T.R. Scott, Jr.
J.W. Bowman
R.J. Breimann
S.T. Mullins
R.V. Presley, II
B.A. Street
C.A. Barger
M.R. McGeorge

STREET LAW FIRM, LLP

A LIMITED LIABILITY PARTNERSHIP

P.O. BOX 2100
1142 RIVERVIEW STREET
GRUNDY, VIRGINIA 24614

E.K. Street
[1943-1990]

Telephone
[276] 935-2128

Fax
[276] 935-4162

February 24, 2026

Virginia Department of Energy
Division of Gas and Oil

James P. Skorupa, Division Director
3405 Mountain Empire Road
Big Stone Gap, VA 24210
Phil.Skorupa@energy.virginia.com

Sarah Gilmer
3405 Mountain Empire Road
Big Stone Gap, VA 24210
Sarah.Gilmer@energy.virginia.gov

Re: Diversified Production LLC's Objections to Pocahontas Gas LLC's Permit Application for CBM Gob Well CMB-F37A W/PL, Application No. 64170.

Division Director Skorupa:

We represent Diversified Production LLC ("*Diversified*"). Diversified received notice of the above-referenced Well and Pipeline Application filed by Pocahontas Gas LLC ("*Pocahontas*"), noted as Application No. 64170 ("*Application*") in connection with drilling unit F-37 ("Unit F-37") on or around February 12, 2026 and submits objections to the Application ("*Objections*") set forth herein. The Application identifies Diversified as one of the "Gas, oil and royalty owners." Diversified has standing to submit these Objections under applicable law including pursuant to Virginia Code §§ 45.2-1625(A) and 45.2-1637(C). Diversified additionally requests a stay of the Application and any permit pursuant to 4VAC25-150-140(C)(5).

These Objections are filed, submitted, asserted, and intended to be filed, received and considered part and parcel with, and incorporated into, the undersigned's electronic submission of even date herewith.

OBJECTIONS PURSUANT TO VIRGINIA LAW, VA. CODE
§ 45.2-1637(C), AND 4VAC25-150-140(C)

Diversified submits the following Objections:

1. **<u>The proposed work directly impinges upon Diversified's gas and oil interests</u>.**

   a. The Application seeks permission to construct and drill a gob well upon property owned, in-part by Buchanan Energy Company LLC (hereinafter, "*Acreage*" and "*Buchanan Energy*"). Buchanan Energy owns the Acreage in fee and leases the surface and coalbed methane ("*CBM*") gas interests in the Acreage exclusively to Diversified for the exploration, production, transportation, and sale of the CBM gas. Pocahontas does not have the legal rights necessary/required to drill the proposed well and perform the other proposed work in connection with the well on the surface of the Acreage. Pocahontas' construction and drilling of a well on the surface of the Acreage—surface owned by Buchanan Energy and leased exclusively to Diversified—will impinge Diversified's interests in the surface and the CBM gas on the Acreage as a gas "owner." *See* Va. Code § 45.2-1600.

   b. Pocahontas will impose unreasonable, arbitrary, unduly burdensome, and/or reimbursed expenses and costs of drilling, producing, measuring, gathering and transporting gas including costs and expenses of plugging well bores, impinging Diversified's interest in the CBM gas on the Acreage and its entitlement to a "fair and reasonable opportunity to obtain and produce his just and equitable share of production of the gas . . . without being required to . . . incur other unnecessary expenses to recover or receive the gas[.]" *See* Va. Code § 45.2-1600.

2. **<u>The proposed work threatens to violate Diversified's property and statutory rights:</u>**

   a. Diversified incorporates its Objection No. 1 above by reference as if fully set forth herein.

   b. Diversified's exclusive interest in the surface of the Acreage for purposes of gas operations and its gas rights in and to the Acreage are property interests. Pocahontas' application for the construction and drilling of a well on the surface of the Acreage thus threatens to violate Diversified's property rights and the statutory protections provided to such rights under the common and statutory law of Virginia ("*Virginia Law*"), including under the Virginia Gas and Oil Act ("*Act*"); *see* Va. Code §§ 45.2-1602(3), (7); rights of possession, enjoyment, and use enforceable under Virginia Law including by actions for unlawful entry, detainer, ejectment, injunction, and/or trespass.

   c. Diversified, through its predecessor in interest, pooled ***all*** CBM gas and CBM interests and estates in Unit F-37 by prior Order of the Virginia Gas and Oil Board ("Board") in VGOB 10-0921-2800. Specifically, the Board designated Diversified as the unit operator of Unit F-37 and ruled:

> ***all the interests and estates*** in and to the Gas in Subject Drilling Unit, including that of the Applicant and of the known and unknown unleased persons listed on Exhibit B3, attached hereto and made a part hereof, and their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote, be and hereby ***are pooled***[.]

See April 28, 2011, Findings and Order (Dkt. No. 10-0921-2800) (emphasis added). Diversified operates a current and existing CBM gas well on Unit F-37 pursuant to the order.

Any modification to a Board order or the removal of an incumbent operator must follow specific procedures under the Act, the Virginia Gas and Oil Regulations, and the Virginia Gas and Oil Board Regulations. Pocahontas' application for the construction and drilling of a well in Unit F-37 thus threatens Diversified's legal rights as the incumbent operator and authority over all the CBM gas interests and estates in Unit F-37 under the Act and its associated regulations. *See* Va. Code § 45.2-1620; 4VACS25-160-120; 4VAC25-160-150. The Application incorrectly omits the Board's prior pooling order and does not answer or address the question raised on page one of the Application: "*Increased Density: Is this well an increased density well for the unit*."

d. Pocahontas will impose unreasonable, arbitrary, unduly burdensome, non-existent and/or reimbursed expenses and costs of drilling, producing, measuring, gathering and transporting gas including costs and expenses of plugging well bores that threaten to violate the statutory protections provided to the correlative rights of interest holders under the Act. Va. Code §§ 45.2-1600, 45.2-1614(B)(2).

e. Pocahontas bases its Application upon a pooling order entered in "Docket #: 4312," (i.e., VGOB Docket #25-0715-4312) which is before the Buchanan County Circuit Court on *de novo* appeal pursuant to Virginia Code § 45.2-1609 of the Act. *Diversified Production LLC v. Virginia Gas and Oil Board, Gas and Oil Division, Virginia Department of Energy, et al.,* Case No. CL25000988-00 (Buchanan County Cir. Ct., 2025). Under § 45.2-1609, the Court will enter a "final decision" regarding the validity and legality of the Board's order. 4VAC25-160-150(C) provides that "[i]n the event that an appeal is taken from any order of the board, the time between the filing of the petition for appeal and the final order of the circuit court shall be excluded in calculating the time period" limitations on orders in 4VAC25-160-150(B)—a recognition that the Board's order in the subject appeal is not conclusively valid unless or until the Circuit Court deems it so. Pocahontas' application for the construction and drilling of a well based on a pooling order currently

challenged on appeal thus threatens to violate Diversified's statutory right to appeal the order *de novo* and entitlement to a "final decision" by the circuit court on the matter.

REQUEST AND JUSTIFICATION FOR STAY UNDER 4VAC25-150-140(C)(5)

For the reasons stated above, which are incorporated by reference here, Diversified requests a stay of this application proceeding pending a final decision in the Circuit Court in Diversified's appeal of the Board order in VGOB Docket #25-0715-4312. Proceeding with the Application threatens to violate Diversified's statutory right to appeal the order *de novo* and entitlement to a "final decision" by the circuit court on the matter.

CONCLUSION

For the foregoing reasons, Diversified respectfully requests that the Director deny the Application, or, alternatively, stay the Application pending final resolution of the Board's order in VGOB Docket #25-0715-4312 by the Circuit Court. Diversified reserves the right to supplement and/or revise the foregoing matters and address same at the informal fact-finding conference.

Respectfully Submitted,

Diversified Production LLC

/s/ Benjamin A. Street

BAS/sdh

31465\0001\13185749v1

T.R. Scott, Jr.
J.W. Bowman
R.J. Breimann
S.T. Mullins
R.V. Presley, II
B.A. Street
C.A. Barger
M.R. McGeorge

STREET LAW FIRM, LLP

A LIMITED LIABILITY PARTNERSHIP

P.O. BOX 2100
1142 RIVERVIEW STREET
GRUNDY, VIRGINIA 24614

E.K. Street
[1943-1990]

Telephone
[276] 935-2128

Fax
[276] 935-4162

March 5, 2026

Virginia Department of Energy
Division of Gas and Oil
James P. Skorupa, Division Director
3405 Mountain Empire Road
Big Stone Gap, VA 24210
Phil.Skorupa@energy.virginia.com

Sarah Gilmer
3405 Mountain Empire Road
Big Stone Gap, VA 24210
Sarah.Gilmer@energy.virginia.gov

Re: *Objections – Pocahontas Gas LLC's Well Permit Applications for CBM Gob Well CMB-F37A W/PL (Application No. 64170); CBM Gob Well CMB-G37B W/PL (Application No. 64222); and CBM Gob Well CMB-G37C W/PL (Application No. 64223).*

Director Skorupa:

Diversified Production LLC ("*Diversified*") provides this Reply to Pocahontas Gas LLC's ("*Pocahontas*") March 3, 2026 *Response to Diversified Production's Objections to well work permit applications F37A, G37B and G37C* ("*Response*").

Without a single citation to ***any*** legal or factual authority, Pocahontas summarily concludes that "Diversified is not a royalty owner" under Virginia Code §§ 45.2-1600, 45.2-1632, and 45.2-1637 of the Virginia Gas and Oil Act ("Act"). Then—and again without citing any authority—Pocahontas concludes that Diversified is a "mineral owner." Pocahontas then applies that designation to categorically limit and suppress Diversified's objections to its well permit applications (referenced above; "*Applications*"). Pocahontas is wrong in its positions, and Diversified respectfully requests that it be heard on its objections—rather than silenced.

I. Pocahontas purports to impeach its prior, verified statements in the Applications.

The positions adopted by Pocahontas in the Response are directly contrary to its Applications. ***Pocahontas specifically states in each Application that Diversified is one of the "Gas, oil and royalty owners."*** *See Applications*, Form DGO-GO-5E, p.2. These are not simply allegations submitted on information and belief; they are ***verified*** allegations pursuant to Virginia

Code § 45.2-1631(A), which mandates that "[e]very permit application . . . filed with the Director . . . be *verified* by the permit applicant . . ." (emphasis added). Moreover, Pocahontas did ***not*** state that Diversified is a "mineral owner" in the Applications. Each Form DGO-GO-5E filed with the Applications contains a category for "Surface, coal and mineral owners on this tract to drilled." Pocahontas did ***not*** include Diversified in this category.

Pocahontas has taken this exact same approach in prior well permit applications. Take, for example, its applications for CBM G38 W/L, CBM G38A W/L, and CBM G38B in 2025. In each of these applications, Pocahontas verified that Diversified was in the group of "Gas, oil and royalty owners" and likewise omitted Diversified from the group of "Surface, coal and mineral owners." Ironically, Pocahontas references these applications in the Response as supporting its current assertions.

The doctrine of approbate and reprobate is well-established in Virginia. A party cannot, in the course of a proceeding, take inconsistent positions. On at least six (6) separate occasions before this Division, Pocahontas has submitted permit applications upon verified representations that Diversified is one of the "Gas, oil and royalty owners" and ***not*** a "mineral owner." Pocahontas cannot now change its tune to suit the exigencies of the moment and suppress the interests of an interested party that clearly has standing to be heard under the Act.

II. Diversified is a "gas owner" and a "royalty owner" under the Act, and has asserted valid objections under Virginia Code §§ 45.2-1632 and 45.2-1637.

Virginia Code § 45.2-1632 of the Act identifies those with standing to object to well permit applications. Virginia Code § 45.2-1632(D) states, in relevant part, that "[o]nly a person entitled to notice under subsection A, B, or C shall have standing to object to the issuance of the proposed permit or permit modification for a gas, oil, or geophysical operation as the use may be." Virginia Code § 45.2-1632(A) then provides a lengthy list of those persons:

- § 45.2-1632(A)(1): Every surface owner, coal owner, and mineral owner on the tract to be drilled;
- § 45.2-1632(A)(2): Every coal operator who has registered an operation plan with the Department for activities located on the tract to be drilled;
- § 45.2-1632(A)(3): Every surface owner on a tract where the surface is to be disturbed;
- § 45.2-1632(A)(4): ***Every gas, oil, or royalty owner (i) within one half of the distance specified in § 45.2-1616 for that type of well or one half of the distance to the nearest well completed in the same pool, whichever is less, or (ii) within the boundaries of a drilling unit*** established pursuant to the provisions of this chapter;
- § 45.2-1632(A)(5): Every coal operator who has applied for or obtained a mining or prospecting permit with respect to a tract located within 500 feet of the

proposed well location or, in the case of a proposed coalbed methane gas well location, within 750 feet thereof;

- § 45.2-1632(A)(6): Every coal owner or mineral owner on a tract located within 500 feet of the proposed well location or, in the case of a proposed coalbed methane gas well location, within 750 feet thereof; and

- § 45.2-1632(A)(7): Every operator of a gas storage field certificated by the State Corporation Commission as a public utility facility whose certificated area includes the well location or whose certificated boundary is within 1,250 feet of the proposed well location.

Va. Code § 45.2-1632(A) (emphasis added). The statute thus establishes the standing of the foregoing categories of persons to object to a well permit application.

Virginia § 45.2-1637 then differentiates between the types of objections that these various owners/operators may assert, depending on the category/categories under which they fall. For example, Virginia § 45.2-1637(B) provides the objections that a "surface owner" may assert, while Virginia § 45.2-1637(C) states the objections that a "royalty owner" may assert. Each of these "owners" is defined by the Act in § 45.2-1600. These definitions therefore drive the application of § 45.2-1637.

Two definitions are relevant to Diversified: "gas owner" and "royalty owner":

- "Gas owner" is defined, in relevant part, as "any person who owns, leases, has an interest in, or has the right to explore for, drill, or operate a gas or oil well as principal or lessee."

- "Royalty owner" is any owner of gas or oil in place, or owner of gas or oil rights, who is eligible to receive payment based on the production of gas or oil.

Pocahontas represented—and therefore admitted—in its Applications and the prior 2025 applications that Diversified is a "gas owner" and a "royalty owner," and that concession is supported by both fact and law. Diversified is a "gas owner" because it has a lease with Buchanan Energy Company, LLC, through which it "has the right to explore for, drill, and operate" gas wells. Diversified is also a "royalty owner" because it owns exclusive gas exploration, production, and marketing rights under its lease, and is unquestionably eligible to receive payment based on the production of gas. Accordingly, Diversified submitted valid objections to the Applications under Virginia Code § 45.2-1637 as a "gas owner" and a "royalty owner."

III. Gas is not a "mineral" under the Act, and Pocahontas has not shown that Diversified is a "mineral owner" under the Act.

Pocahontas does not argue that Diversified lacks standing under Virginia § 45.2-1632. When Pocahontas provided Diversified with notice of its Applications pursuant to Virginia Code

§ 45.2-1632, it confirmed that Diversified has standing to object to the Applications. The only issue is the scope of those objections.

Pocahontas now claims that while Diversified has standing, it cannot speak because Diversified is purportedly a "mineral owner" limited to the set of objections that a "coal owner" may raise, and the coal owner has not raised any objections. Pocahontas misreads the relevant provisions of the Act in claiming otherwise.

Under the Act, "gas," "coal," and "mineral" are distinct subjects that can be extracted and produced. The Act defines each one separately, and defines the owner of each separately.

- "Gas" is "all natural gas, whether hydrocarbon, nonhydrocarbon, or any combination or mixture thereof, including hydrocarbons, hydrogen sulfide, helium, carbon dioxide, nitrogen, hydrogen, casing head gas, and all other fluids not defined as oil[.]" Coalbed methane gas is a separately-defined gas subset, and means "occluded natural gas produced from coalbeds and rock strata associated with it." Va. Code § 45.2-1600

- A "Gas owner" is defined, in relevant part, as "any person who owns, leases, has an interest in, or has the right to explore for, drill, or operate a gas or oil well as principal or lessee." Va. Code § 45.2-1600.

- A "coal seam" generally "means any stratum of coal 20 inches or more in thickness." Va. Code § 45.2-1600.

- A "coal owner" is "any person who owns, leases, mines and produces, or has the right to mine and produce a coal seam." Va. Code § 45.2-1600.

- "Mineral" is different from both coal and gas, and is defined as "***ore, rock, and any other solid homogeneous crystalline chemical element or compound*** that results from the inorganic processes of nature ***other than coal***. Va. Code §§ 45.2-1600, 45.2-1200 (emphasis added). Common examples of crystalline chemical elements include gold, aluminum, silver, copper, and lead.

- A "mineral owner" is any person who owns minerals, leases minerals, ***mines and produces minerals***, or has the right to mine and produce minerals and to appropriate such minerals that he produces from it, either for himself or for himself and others." Va. Code §§ 45.2-1600 (emphasis added). Likewise, a "mineral operator" is one "who operates or has the right to operate a ***mineral mine***." Va. Code § 45.2-1600 (emphasis added).[1]

---

[1] The Act defines a "mine" as "an underground or surface excavation or development with or without shafts, slopes, drifts, or tunnels for the extraction of coal, ***minerals***, or nonmetallic materials, commonly designated as mineral resources, and the hoisting or haulage equipment or appliances, if any, for the extraction of the mineral resources." Va. Code § 45.2-1600 (emphasis added).

Not only are "gas" and "gas owner" defined separately from "mineral" and "mineral owner," but gas is also plainly not a "solid" compound. Given their "solid" composition, the Act references that minerals—like coal and unlike gas—are mined.

Moreover, the statute on which Pocahontas relies, Virginia § 45.2-1637(E), states that:

> The only objections to permits or permit modifications that may be raised by a mineral owner are those that could be raised by a coal owner under § 45.2-1611, so long as the mineral owner makes the objection and affirmatively proves that it does in fact apply with equal force ***to the mineral in question***.

(emphasis added). In other words, the statute authorizes a "mineral owner" to lodge any objection that a coal owner would lodge under § 45.2-1611, so long as the mineral owner explains how the objection concerns the "mineral in question" instead of coal.

Virginia § 45.2-1611(B)provides, in relevant part, that "[i]n deciding on objections by a coal owner to . . . the issuance of a permit for a new well, or the stimulation of a coalbed methane gas well, the following safety aspects shall first be considered":

1. Whether the drilling unit or drilling location is above or in close proximity to any mine opening or shaft, entry, travel way, airway, haulageway, drainageway, or passageway, or to any proposed extension thereof, in any operated or abandoned or operating coal mine or in any coal mine already surveyed and platted but not yet being operated;

2. Whether the proposed drilling can reasonably be done through an existing or planned pillar of coal, or in close proximity to an existing well or such pillar of coal, taking into consideration the surface topography;

3. Whether the proposed well can be drilled safely or the proposed coalbed methane gas well can be stimulated safely, taking into consideration the dangers from creeps, squeezes, or other disturbances due to the extraction of coal; and

4. The extent to which the proposed drilling unit or drilling location or stimulation of the coalbed methane gas well unreasonably interferes with the safe recovery of coal, gas, or oil.

Thus, the objections of a mineral owner (*e.g.,* the owner of the "ore, rock, and any other solid homogeneous crystalline chemical element or compound" within a particular unit) to a well permit application is required to explain how the drilling of a gas well would unreasonably/unsafely interfere with mining of the "mineral in question"—e.g., ***how the "drilling location is above or in close proximity to any operating [mineral] mine or in any [mineral] mine already surveyed and platted but not yet being operated.***" In this context, the "mineral in question" obviously means "ore, rock, and any other solid homogeneous crystalline chemical element or compound"—does not—and cannot—mean the coalbed methane gas. It is

unbelievable for Pocahontas to suggest that owning interests in ***gas*** means owning "ore, rock, and any other solid homogeneous crystalline chemical element or compound" like lead or aluminum. *See* Va. Code §§ 45.2-1600, 45.2-1200.

IV. Conclusion.

Pocahontas made verified statements in its Applications, as it has before, that Diversified is one of the "Gas, Oil, and Royalty Owners" with standing to object. It may not now denounce its own verified allegations. And even if the Director were to tolerate such approbate and reprobate, Pocahontas' Response to Diversified's objections and characterization of Diversified as a "mineral owner" is without merit. Diversified has standing and legal basis to object to the Applications as a gas owner and royalty owner under Virginia Code §§ 45.2-1632 and 45.2-1637. Accordingly, Diversified requests that informal fact-finding conferences be scheduled on the Applications and the associated objections.

With best regards, I remain

Yours truly,

/s/ *Benjamin A. Street*

Cc Mark Swartz, Esq. (by email)
Eric Conley, Esq. (by email)
Scott A. Stephenson, Esq. (by email)
Kathleen L. Wright, Esq. (by email)
Tom Pruitt, Esq. (by email)

HILLIARD & SWARTZ LLP

LAW OFFICES

124 Capitol Street · Suite 201, Charleston, West Virginia 25301· Phone 304.729.9000 · Fax 304.729.0099

May 7, 2026

James P. Skorupa, Director
Virginia Department of Energy
Gas & Oil Program
Virginia Department of Energy
3405 Mountain Empire Road
Big Stone Gap, VA 24210

Re: Pruitt letter of May 6 and Street letter of May 7 about CBM F37A

Dear Mr. Skorupa,

I offer the following unsolicited advice regarding the referenced letters: Simply ignore them.

Nothing happened at the recent IFFH because when Pocahontas Gas reviewed the Buchanan Energy objection it discovered that the proposed well would be located upon Buchanan's surface, given a recent Coronado survey that indicated the line in question had "moved."

Pocahontas filed a permit modification and mailed/re-noticed every one of its change in well location off Buchanan surface. This triggered another opportunity to object, *i.e.*, 15 days from receipt of the modification.

No permit has been granted nor will one be granted on the original permit application. If and when a permit is issued or denied, it will address the modification.

Diversified and Buchanan need to make their objections to the modified application, or not.

I remain amused by Diversified's assertion that its 4-page missive is not intended "to create unnecessary administrative burdens;" Diversified has given you 24 hours to dodge another appeal. I guess that giving you 72 hours would be a burden.

Yours truly,

Mark A. Swartz

cc: Sarah Gilmer, via email
Beverly Webb, via email
Kelli Barry, via email

HILLIARD & SWARTZ LLP

LAW OFFICES

124 Capitol Street · Suite 201, Charleston, West Virginia 25301· Phone 304.729.9000 · Fax 304.729.0099

March 3, 2026

Via email Phil.Skorupa@energy.virginia.com

James P. Skorupa, Director
Virginia Department of Energy
Gas & Oil Program
Virginia Department of Energy
3405 Mountain Empire Road
Big Stone Gap, VA 24210

Re: Response to Diversified Production's Objections to well work permit applications F37A, G37B and G37C

Dear Mr. Skorupa,

The Virginia Oil and Gas Act narrowly limits standing to object to well work permit applications and the grounds for objection. In general, royalty owners, surface owners, coal owners, and coal operators have standing to object.

Diversified Production is not a royalty owner. Diversified Production is not a surface owner. Diversified Production is not a coal owner or coal operator.

Diversified Production is a gas lessee. There is no provision in the Act that allows oil and gas lessees to object, as such, to well permit applications. Under the definitions in the Virginia Gas and Oil Act, Diversified Production as a gas lessee is classified as a mineral owner.

"The only objections to permits or permit modifications that may be made by a mineral owner are those that could be raised by a coal owner under § 45.2-1611, so long as the mineral owner makes the objection and affirmatively proves that it does in fact apply with equal force to the mineral in question." Va. Code § 45.2-1637.

The coal operator has no objection to the wells. Indeed, the wells are located with and after consultation with the coal operator.

Diversified Production made the same mistake when it objected to permit applications regarding G38, G38A and G38B. See attached April 8, 2025 letter. Shortly after Mr. Timothy Scott, then Diversified's lawyer, received the April letter the objections were withdrawn.[1]

The referenced Diversified objections state no coal owner objections under § 45.2-1637 and should be summarily rejected.

Yours truly,

Mark A. Swartz

cc: Ben Street, Esq., via email
Sarah Gilmer, via email
Beverly Webb, via email
Kelli Berry, via email
Kristian Jamieson, Esq., via email

[1] Those who cannot remember the past are condemned to repeat it. George Santayana, *The Life of Reason* (1905).

HILLIARD & SWARTZ LLP

LAW OFFICES

124 Capitol Street · Suite 201, Charleston, West Virginia 25301· Phone 304.729.9000 · Fax 304.729.0099

April 8, 2025

James P. Skorupa, Director
Virginia Department of Energy
Gas & Oil Program
Virginia Department of Energy
3405 Mountain Empire Road
Big Stone Gap, VA 24210

Re: Diversified Production Objections to Permits Applications G38,G38A and G38B.

Dear Mr. Skorupa,

I wanted to share concerns that I have with Diversified's objections to the referenced permits in advance of the informal fact finding hearings.

Diversified has objected as a royalty owner. Our title has Diversified as a CBM lessee. Diversified does not have standing to object as a royalty owner.

There is no provision in the Code allowing oil and gas lessees to object, as such, to well permit applications.

Under the definitions in the Virginia Gas and Oil Act, Diversified as a lessee is a mineral owner.

"The only objections to permits or permit modifications that may be made by a mineral owner are those that could be raised by a coal owner under § 45.2-1611, so long as the mineral owner makes the objection and affirmatively proves that it does in fact apply with equal force to the mineral in question." VA. Code § 45.2-1637.

There is no active mining. Buchanan Minerals LLC and Island Creek Coal Company have tendered letters of no objection. The well permit applications further disclose that stimulation is not proposed.

We await the informal hearings to learn what coal owner objections, if any, might pertain here.

Yours truly,

Mark A. Swartz

cc: Beverly Webb, via email
Kelli Barry, via email

HILLIARD & SWARTZ LLP

LAW OFFICES

124 Capitol Street · Suite 201, Charleston, West Virginia 25301· Phone 304.729.9000 · Fax 304.729.0099

March 8, 2026

James P. Skorupa, Director
Virginia Department of Energy
Gas & Oil Program
Virginia Department of Energy
3405 Mountain Empire Road
Big Stone Gap, VA 24210

Re: Street letter of March 5, 2026

Dear Mr. Skorupa,

Peering through the haze of a Diversified response, my three relevant takeaways from Mr. Street's most recent missive are:

1. Diversified does not claim to be a surface owner.
2. Diversified denies it is a mineral owner.
3. Diversified claims to be a royalty owner.

If I am correct, Diversified's allegation that it has standing to object to the permits in question is predicated solely upon an allegation that it is a royalty owner in the units in question.

> "Royalty owner" means any owner of gas or oil in place, or owner of gas or oil rights, <u>who is eligible to receive payment based on the production of gas or oil</u>. Virginia Gas and Oil Act definition, emphasis supplied.

We do not see that Diversified owns gas in place. We do see that that Diversified is a gas lessee and as such is within the definition of "gas or oil owner." However, we do not see that Diversified "is eligible to receive payment on the production of gas or oil"—the *sine qua non* of a royalty owner. Indeed, Diversified and Buchanan Energy have buried us under multiple copies of the Rogers/now Buchanan lease which requires Diversified to pay—not receive—production royalties.

Diversified is not a royalty owner; it lacks standing to object to a permit application.

Yours truly,

Mark A. Swartz

cc: Sarah Gilmer, via email
Benjamin Street, Esq., via email
Beverly Webb, via email
Kelli Barry, via email
Kristian Jamieson, Esq., via email