

Appeal Comments submitted by Buchanan Energy

We seek to update the relief sought in two areas: 1) The Director has issued two conflicting rulings. We seek to correct that flaw in the record by having his oral ruling applied to a revised written ruling. 2) As property owner, we join in the appeal of Diversified in this matter, thus preventing any perceived lack of standing that may be raised against Diversified. Also, we maintain that Diversified has standing independent of our own participation.

Appeal No. 57, Password L87ZF

From Tom Pruitt <TLPruitt@tlpruittlaw.com>

Date Fri 5/8/2026 4:22 PM

To Gilmer, Sarah (Energy) <sarah.gilmer@energy.virginia.gov>

Cc Jim Bunn II <jbunn2@gmail.com>; Jason Davidson <JasonDavidson@centralcoal.com>

Sarah,

I'm unable to get into the appeal link. Please note this as my appeal on behalf of Buchanan Energy Company LLC on the basis of my letter to Director Skorupa and on the basis of the corresponding appeal by Diversified, which was also filed today. Thank you for your assistance in this matter.

Tom Pruitt

THOMAS L. PRUITT

Attorney at Law

Practicing as a Professional Corporation

1080 WALNUT STREET
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(276) 935-4525 WORK
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tlpruitt@tlpruittlaw.com

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THOMAS L. PRUITT

Attorney at Law

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1080 WALNUT STREET
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February 24, 2026

Virginia Department of Energy
Gas and Oil Program
3405 Mountain Empire Road
Big Stone Gap, VA 24219
Attention: James P. Skorupa,
Director of the Gas and Oil Division
Sarah Gilmer, Board and Permitting Specialist

Certified Mail: 9589 0710 5270 1012 5852 23

***RE: CBM F37A W/PL
Objection to Application for Well Permit
Application Number 64170***

Dear Mr. Skorupa:

I enclose for filing on behalf of Buchanan Energy Company, LLC, their objection to the above referenced application for well permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Thomas L. Pruitt,
Attorney at Law

TLP/dd

cc by email w/enclosures:

Mark A. Swartz, Esq.
Shaun Lundy Esq.
Benjamin A. Street
Charity Barger

J. Scott Sexton
Scott A. Stephenson
Kathleen L. Wright

VIRGINIA: BEFORE THE GAS AND OIL INSPECTOR

POCAHONTAS GAS LLC	)	
	)	
v.	)	CBM F37A W/PL
	)	
BUCHANAN ENERGY COMPANY, LLC	)	

OBJECTION TO APPLICATION FOR WELL PERMIT

Pursuant to Va Code Ann. § 45.2-1637 and Virginia Administrative Code 4VAC25-150-140, the surface owner hereby files in writing this objection to the application for well permit set forth below, and in support of its objection states as follows:

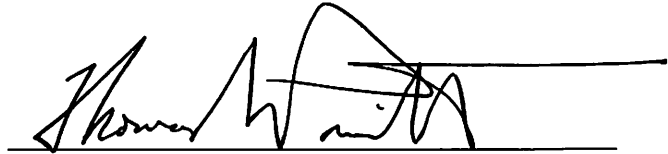
1. **Name of the objecting party:** 4VAC25-150-140 C. 1. The name of the objecting party is Buchanan Energy Company, LLC (hereinafter referred to as "Buchanan Energy").
2. **Objection is timely:** 4VAC25-150-140 B. and C. 2. Actual notice of the well permit was received on February 9, 2026. See the attached USPS tracking information attached. This objection is filed within fifteen (15) days of receipt of notice of the application and thus is timely.
3. **Identification of the proposed activity being objected to:** Buchanan Energy objects to the proposed drilling of the coalbed well /pipeline described in Application Number 64170, Operations Name CBM F37A W/PL, filed by Pocahontas Gas LLC on or about January 29, 2026.
4. **Standing to object:** Va Code Ann. § 1632 D. Buchanan Energy has standing to object to the issuance of the proposed permit because it is entitled notice under Va Code Ann. § 1632 A. 1. and A. 3.
5. **Basis for the objection:** Va Code Ann. § 45.2-1637. "Location of the coalbed methane well and/or coalbed methane well pipeline will unreasonably infringe on the surface owner's use of the surface..."
 - a. Buchanan Energy is the surface owner at the well location, and the permittee does not have surface rights sufficient to drill the proposed well on Buchanan Energy's surface. Survey data to

locate the proposed well in relation to Buchanan Energy's surface property will be provided for review at the informal hearing.

- b.** As Buchanan Energy is a non-consenting owner within the drilling unit, the operator does not have the automatic right to use Buchanan Energy's surface.
 - c.** The operator has not reached a voluntary agreement with Buchanan Energy to construct a well pad, to drill the well, or to construct roads and pipelines across Buchanan Energy's surface.
 - d.** The operator lacks a valid mineral interest sufficient to allow it to use Buchanan Energy's surface to drill the proposed well.
- 6. Available alternative sites:** Va Code Ann. § 45.2-1637. Reasonable alternative sites exist off Buchanan Energy's property onto surface tracts over which the operator has sufficient surface rights.
- 7. Request for a stay:** 4VAC25-150-140 C. 5. Buchanan Energy requests a stay to the granting of the permit application. As justification for the stay:
 - a.** Buchanan Energy and the operator will avoid future litigation for trespass provided the location of the well can be agreed upon with respect to Buchanan Energy's boundary line; and,
 - b.** Buchanan Energy's property rights regarding this unit and the grant of operator status to Pocahontas are both issues on appeal to the Circuit Court of Buchanan County, Virginia and a stay should be granted pending decision by the Circuit Court.
- 8. Other information to provide:** 4VAC25-150-140 C. 6. This objection should be read in conjunction with the corresponding objection filed electronically this day by Buchanan Energy with the Gas and Oil Director in the Client Services Section of the Gas and Oil Data Information System at the following address:
<https://www.energy.virginia.gov/dgollnquiry> because that electronic form did not provide for the additional information contained in this document.

WHEREFORE, Buchanan Energy requests that the Director fix a time and place for an informal fact-finding hearing concerning this objection that is not less than 20 nor more than 30 days after this objection is filed.

BUCHANAN ENERGY COMPANY, LLC

A handwritten signature in black ink, appearing to read 'Thomas L. Pruitt', is written over a horizontal line.

By Counsel

Thomas L. Pruitt, Esq. (VSB No. 21768)
Thomas L. Pruitt, Attorney at Law P.C.
P.O. Box 1080
1080 Walnut Street
Grundy, VA 24614
(276) 935-4525 - Telephone
(276) 935-7905 - Facsimile
tlpruitt@tlpruittlaw.com

Counsel for Buchanan Energy Company, LLC

CERTIFICATE OF SERVICE

I certify that on February 24, 2026, the foregoing Objection was filed electronically with the Gas and Oil Director in the Client Services Section of the Gas and Oil Data Information System at the following address: <https://www.energy.virginia.gov/dgollnquiry>, and a true copy of this detailed objection was mailed by certified mail, postage prepaid, return receipt requested to: Virginia Department of Energy, Gas and Oil Program, 3405 Mountain Empire Road, Big Stone Gap, VA 24219, (276) 415-9700, Attention: James P. Skorupa, Director of the Gas and Oil Division and Sarah Gilmer, Board and Permitting Specialist. I also certify delivery on the same date by email of a copy of this Objection to the following individuals:

Mark A. Swartz, Esq.
Hilliard & Swartz LLP
124 Capitol Street, Ste.201
Charleston, WV 25301

304.729.9000 office
304.932.8887 cell
mswartz@outlook.com

Shaun Lundy Esq.
Penn Stuart
804 Anderson Street Bristol, TN 3 7620
slundy@pennstuart.com
Counsel for Coronado Coal LLC

Benjamin A. Street (V SB No. 411 [8])
Charity Barger (VSB No. 93380)
Street Law Firm, LLP
P.O. Box 2100
142 Riverview Street Grundy, VA 24614
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Fax: (276) 935-4162
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Scott A. Stephenson (VSB No. 88020)
Kathleen L. Wright (VSB No. 48942)
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wright@gentrylocke.com

James P. Skorupa, Director of the Gas and Oil Division
Sarah Gilmer, Board and Permitting Specialist
Division of Gas and Oil
Virginia Department of Energy
Office: 276-523-8137
Cell: 276-393-5507
sarah.gilmer@energy.virginia.gov

A handwritten signature in black ink, appearing to read "Thomas L. Pruitt", with a long horizontal line extending from the end of the signature.

Thomas L. Pruitt (VSB 21768)

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THOMAS L. PRUITT

Attorney at Law

Practicing as a Professional Corporation

1080 WALNUT STREET
P.O. BOX 1080
GRUNDY, VIRGINIA 24614

February 25, 2026

James P. Skorupa, Director
Virginia Department of Energy
Gas and Oil Program
3405 Mountain Empire Road
Big Stone Gap, VA 24219

via email

***RE: CBM F37A W/PL
Objection to Application for Well Permit
Application Number 64170***

Dear Mr. Skorupa:

I have received today's correspondence from Mr. Swartz. His assertions are factually incorrect.

The question we place before you with our objection is where the proposed well is positioned in relation to accurate boundary lines. The Buchanan Energy objection challenges the accuracy of the property boundaries shown in the application, and thus the proposed location of the well.

The evidence we will present at the informal hearing contradicts the boundaries shown on the application plat.

Sincerely,

Thomas L. Pruitt
Thomas L. Pruitt, By Permission D.D.
Attorney at Law

cc by email: Mark A. Swartz, Esq.
Benjamin A. Street
Scott A. Stephenson
Sarah Gilmer

HILLIARD & SWARTZ_{LLP}

LAW OFFICES

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

February 25, 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

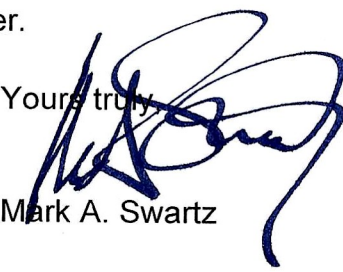
**Re: Response to Buchanan Energy Objection to well work permit
application 64170 CBM F37A W/PL**

Dear Mr. Skorupa,

I received Mr. Pruitt's Objection(s) referenced above. Please summarily reject same as without basis/standing. The permit application clearly shows that the well and anticipated surface disturbance are not located on Buchanan Energy surface.

Thank you for your attention to this matter.

Yours truly,


Mark A. Swartz

cc: Thomas Pruitt, Esq., via email
Sarah Gilmer, via email
Beverly Webb, via email
Kelli Berry, via email
Kristian Jamieson, Esq., via 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."

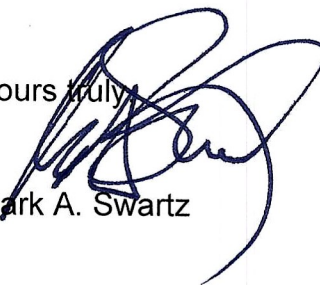
Pocahontas filed a permit modification and mailed/re-noticed every one of its change in well location off Buchanan surface. This triggered another opportunity to object, *i.e.*, 15 days from receipt of the modification.

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.

James P. Skorupa, Director
May 7, 2026
Page 2

Yours truly,

Mark A. Swartz

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

THOMAS L. PRUITT

Attorney at Law

Practicing as a Professional Corporation

1080 WALNUT STREET
P.O. BOX 1080
GRUNDY, VIRGINIA 24614

May 6, 2026

via email

Mr. James Skorupa
Division of Gas and Oil Director
Virginia Department of Energy
3405 Mountain Empire Road
Big Stone Gap, VA 24219

RE: Informal hearing of application 64170, CBM F37A W/PL

Dear Director Skorupa:

With reference to the referenced informal conference, your announced decision on the record was that you were dismissing the original CNX/Pocahontas well application and providing Buchanan Energy 15 days from actual service of the newly filed modification to respond. However we find that upon receipt, your written ruling mistakenly states that you have instead dismissed the property owner's objection. This has created an ambiguity in the record, and we believe that the written decision is a mistake. We ask that you issue a corrected written decision.

First, how can the director rule against Buchanan Energy's unopposed, valid evidence and dismiss our objection? There is no unanswered question of fact. The original application clearly placed the well on Buchanan Energy's surface, without permission.

Second, the new evidence of permit modification was not before you at the hearing. Notice was required before the permit modification could be considered at the informal hearing. Buchanan Energy could not respond to the modification because no one in the organization had even seen it. I was handed portions of the written modification at the conference after the taking of evidence was closed.

Your oral ruling on the record was the proper ruling because it preserved due process and the landowner's right to a fair hearing.

We ask you to consider that Mr. Swartz and his clients had several opportunities to advise all parties of their permit modification in advance of the hearing date. Instead, they chose to do so after Buchanan Energy had expended the time and expense of preparing a certified land survey, preparing their witnesses, travel to and attending the informal conference, and actually putting on their evidence. We believe that the CNX/Pocahontas Gas actions were unfair by design. You will note that they offered no explanation or excuse for the late notice.

THOMAS L. PRUITT
Attorney at Law

Letter to Director Skorupa
Informal hearing of April 27, 2026
May 6, 2026
Page -2-

If you dismiss Buchanan Energy's objection, CNX/Pocahontas will be rewarded for their actions because they have suffered no adverse consequences. To my client, this all tends to make the informal hearing process suspect.

Sincerely,



Thomas L. Pruitt
Attorney at Law, P.C.

TLP/

cc: Jim Bunn II
Mark Swartz
Ben Street
Scott Stephenson
Gus W. Jannsen, Chairman VGOB
Jessica Cooper

**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 1041

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 James O. Bunn II, Manager, to be affected by the above-named operation(s). The objection by the Surface 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 Surface Owner against the permit applications for Pocahontas Gas LLC for operation CBM F37A W/PL in accordance with:

§45.2-1637. Objections to permits

B. The only objections to permits or permit modifications that may be raised by Surface Owners are:

4. The location of the coalbed methane well or coalbed methane well pipeline would unreasonably infringe on the surface owner's use of the surface. Note: This is only considered grounds to object, if a reasonable alternative site is available within the unit, and granting the objection will not materially impair any right contained in an agreement, valid at the time of the objection, between the surface owner and the operator or their predecessors or successors in interest.

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 01:00 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.

A handwritten signature in blue ink that reads "James P. Skorupa". The signature is fluid and cursive, with the first name "James" and last name "Skorupa" being clearly legible, and "P." as a small initial in the middle.

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 1041

James O. Bunn II, Manager - Buchanan Energy Company 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 **James O. Bunn II, Manager - Buchanan Energy Company 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

- B. The only objections to permits or permit modifications that may be raised by Surface Owners are:
4. The location of the coalbed methane well or coalbed methane well pipeline would unreasonably infringe on the surface owner's use of the surface. Note: This is only considered grounds to object, if a reasonable alternative site is available within the unit, and granting the objection will not materially impair any right contained in an agreement, valid at the time of the objection, between the surface owner and the operator or their predecessors or successors in interest.

Hearing Date and Place

IFFH 1041 was convened on Monday, April 27, 2026 at 1:00 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

Tom Pruitt – Counsel for Buchanan Energy Company, LLC

Jason Davidson – Property Manager – Buchanan Energy Company, LLC

Richard Bailey – Land Surveyor – Bailey Engineering and Land

Mark Swartz – Counsel for Pocahontas Gas, LLC

Buchanan Energy Company, LLC, filed an objection as the Surface Owner to Pocahontas Gas, LLC's Permit Application #64170. Between the time the original application was submitted and the time of the IFFH of the objection, Pocahontas Gas, LLC, filed revisions to the original permit application moving the proposed well location, which directly affects the subject of the objection. Due to the change in Permit Application #64170, Buchanan Energy Company, LLC's objection to the original application is dismissed and denied on this basis.

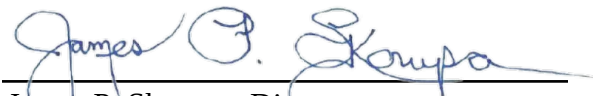
NOTE: The revision to Permit Application #64170 requires re-notification to the parties as provided by the law and regulations for Gas and Oil. Buchanan Energy Company, LLC, has 15 days from the date of receipt of the re-notification to review the revisions and file an objection to the revised Permit 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

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Buchanan Energy Company, LLC

c/o Thomas L. Pruitt

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P. O. Box 1080

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IFFH 1041 (F37A)

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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

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May 8, 2026

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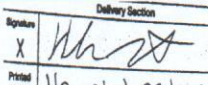
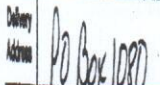
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Buchanan Energy Company, LLC
c/o Thomas L. Pruitt
1080 Walnut Street
P. O. Box 1080

Grundy, VA 24614 Mailing NOH for IFFH 1041
(F37A)



PS Form 3800, April 2015 PSN 7530-02-000-9000 For Instructions

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
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Recipient Signature

Signature of Recipient:



PO BOX 1080

Address of Recipient:

GRUNDY, VA 24614-1080

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Sincerely,
United States Postal Service®
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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
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Recipient Signature

Signature of Recipient:



Address of Recipient:

124 CAPITOL ST, CHARLESTON,
WV 25301

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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

**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."

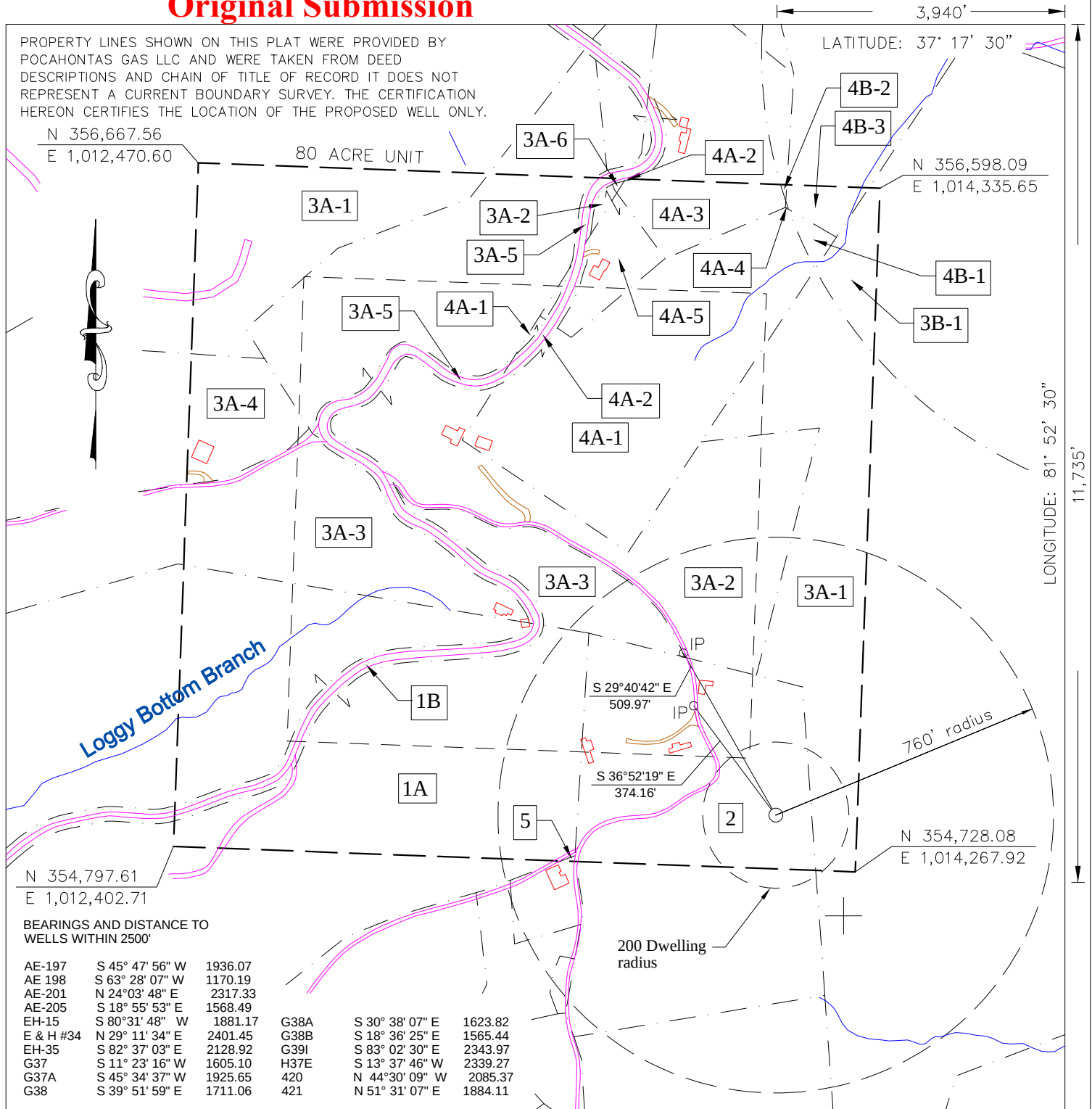
**Pocahontas Gas LLC
UNIT F37
Tract Identifications**

- 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."



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 Quarter 4 of 4 Section 1 of 36 Township PATTERSON Date

Elevation 2433.80' Well Elevation Determined By Three 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

ALLEN MITCHELL
Lic. No. 2289
12/09/25
LANDSURVEYOR

+ 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.

**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."

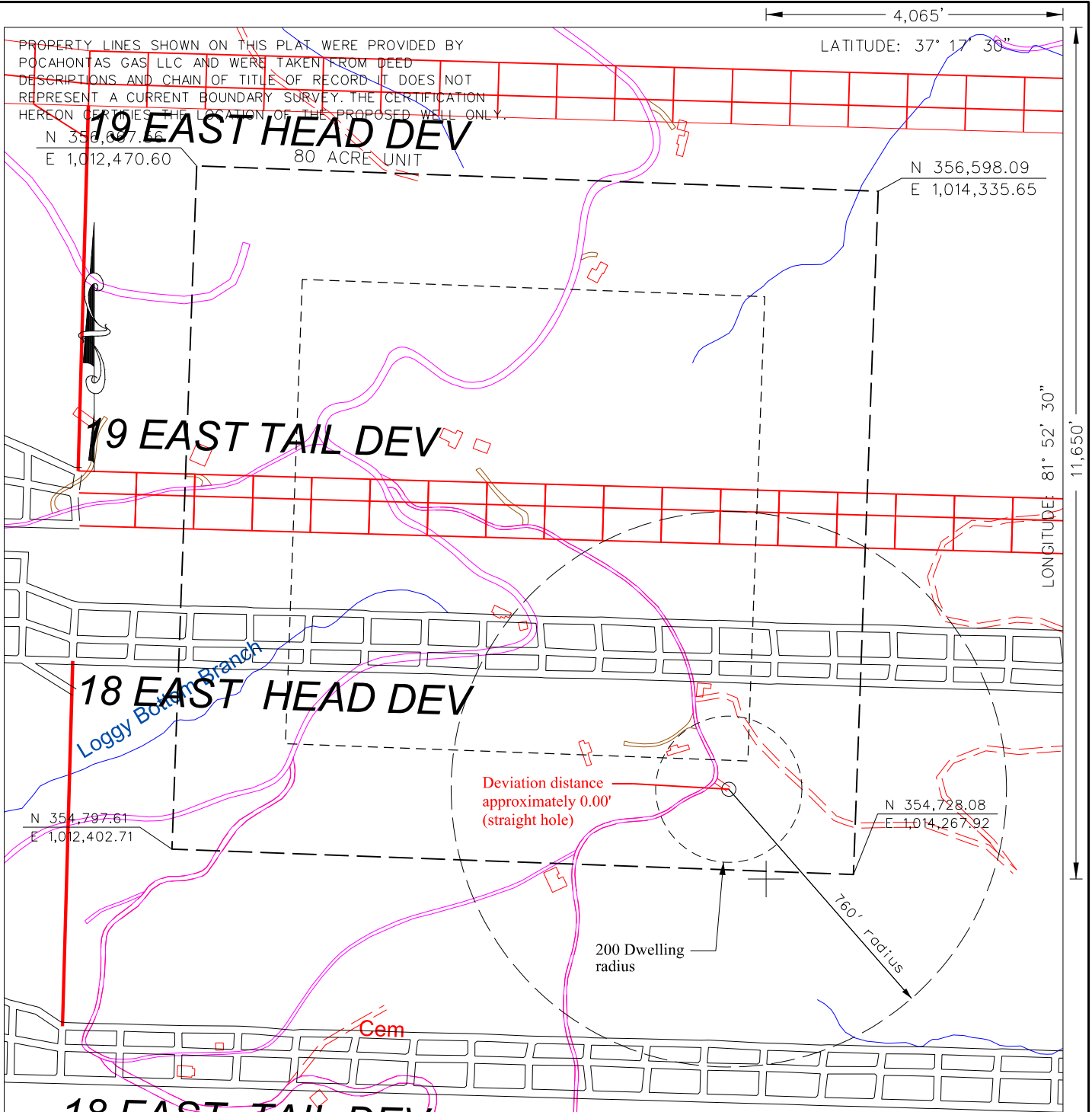
**Pocahontas Gas LLC
UNIT F37
Tract Identifications**

- 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.

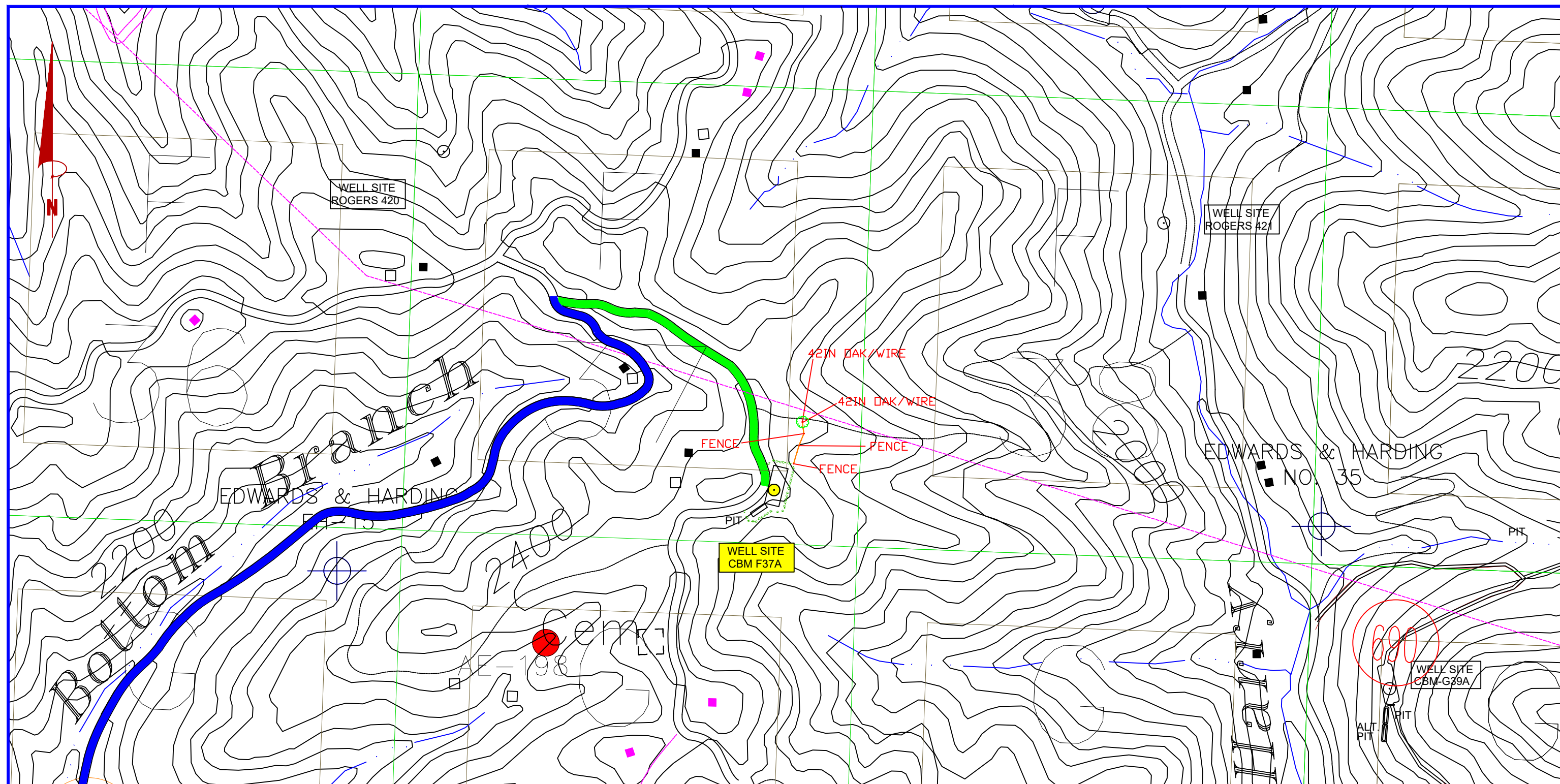
WELL LOCATION PLAT

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 DG0-G0-7
Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor (Affix Seal)



LEGEND

- STATE ROAD
- COUNTY ROAD
- EXISTING ROAD
- NEW ROAD
- CULVERT
- CULVERT NUMBER
- WELL BORE
- 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

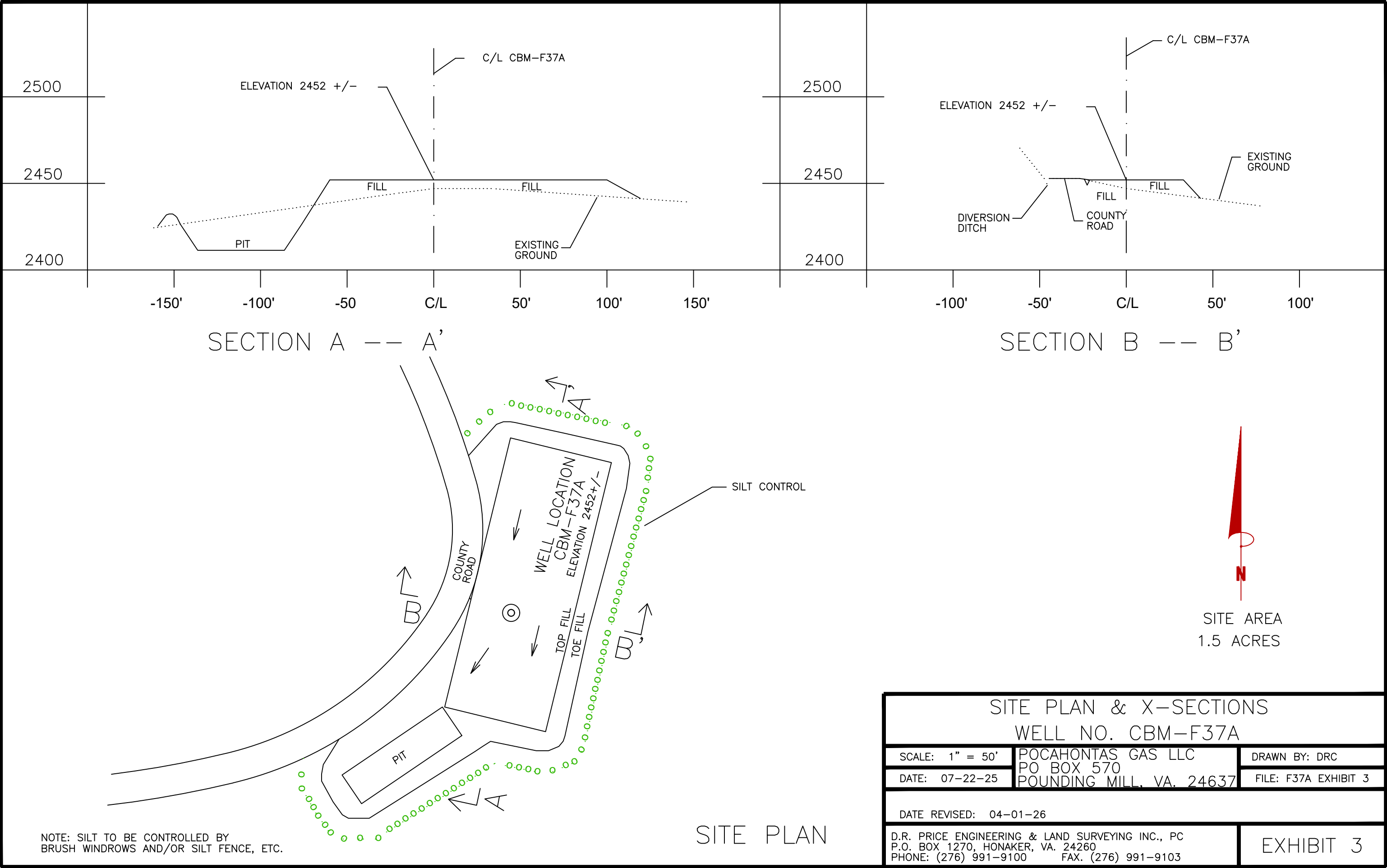
LAT: 37° 15' 35.21243"
LONG: 81° 53' 19.71485"

LOCATION MAP WELL NO. CBM F37A

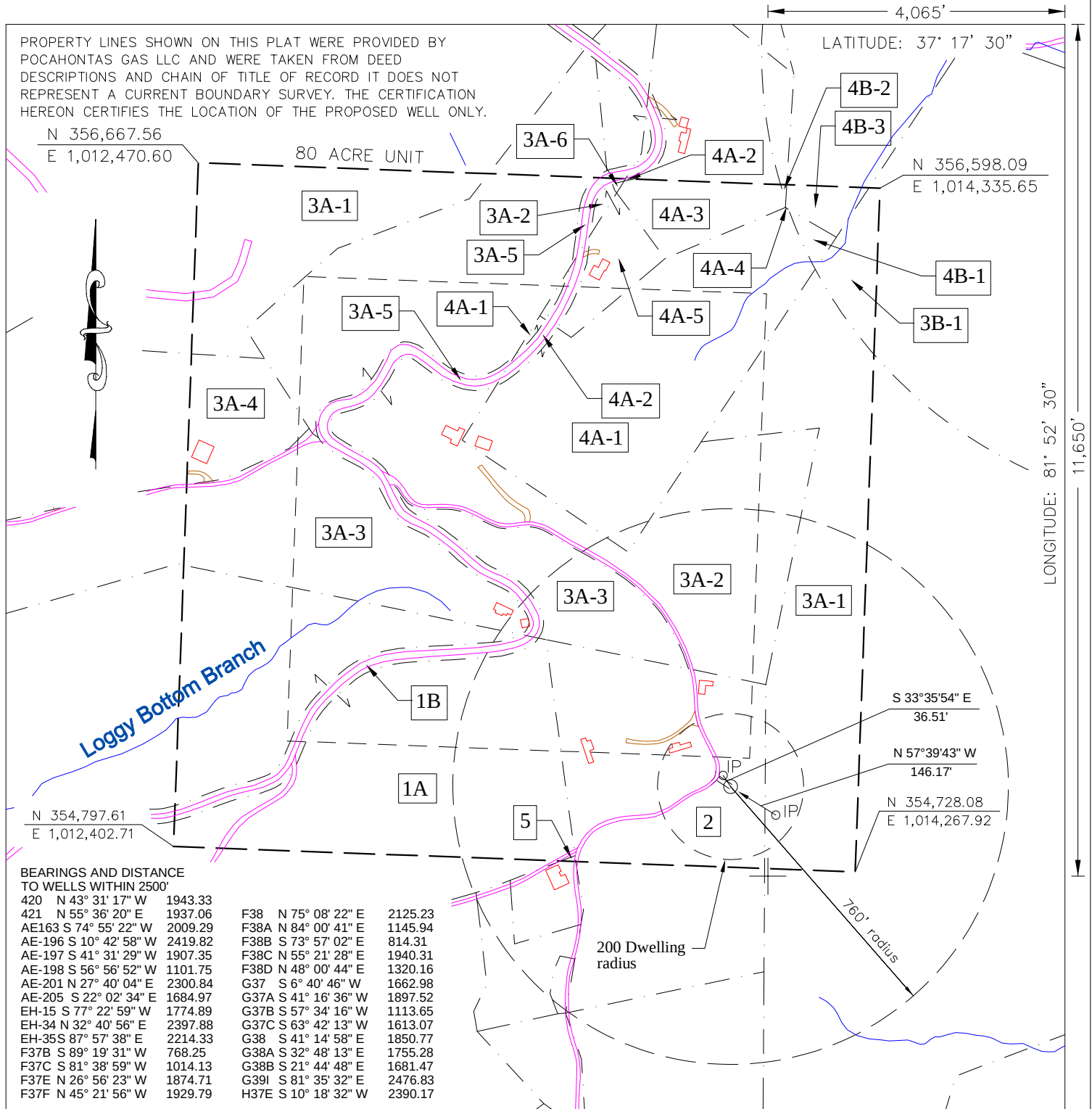
SCALE: 1" = 400'	POCAHONTAS GAS LLC PO BOX 570 POUNDRING MILL, VA. 24637	DRAWN BY: DRC FILE: F37A EXHIBIT 1
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DATE REVISED: 04-01-2026
D. R. PRICE ENGINEERING & SURVEYING
P. O. BOX 1270, HONAKER, VA 24260
PHONE: (276) 991-9100 FAX: (276) 991-9103

EXHIBIT 1



PROPERTY LINES SHOWN ON THIS PLAT WERE PROVIDED BY
POCAHONTAS GAS LLC AND WERE TAKEN FROM DEED
DESCRIPTIONS AND CHAIN OF TITLE OF RECORD IT DOES NOT
REPRESENT A CURRENT BOUNDARY SURVEY. THE CERTIFICATION
HEREON CERTIFIES THE LOCATION OF THE PROPOSED WELL ONLY.



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

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



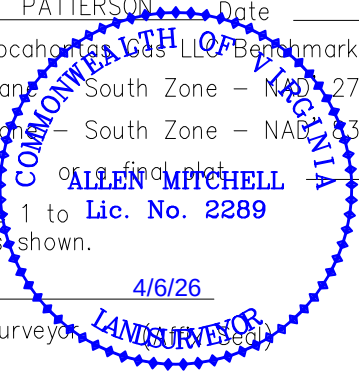
Denotes the location of a well on United States Topographic Maps, scale 1 to 24,000, latitude and longitude lines being represented by border lines as shown.

Form DGO-GO-7

Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor

Page Number: 34



4/6/26

IFFH 1041 Video Link:

<https://www.youtube.com/watch?v=h7RT1pimEko>



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

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Michigan #8598 | Nevada #089F | New Mexico #566

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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

1 Meeting, held at the offices of:

2

3 Virginia Energy Training Center

4 2677 Steelsburg Highway

5 Suite 2

6 Cedar Bluff, VA 24609

7

8

9

10 Pursuant to agreement, before

11 Maya Sampson, Notary Public in and for the

12 Commonwealth of Virginia.

13

14

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21

22

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

1 A P P E A R A N C E S (Continued)
2 Richard Bailey, Witness
3 Mark Swartz, Esquire, Pocahontas Gas,
4 LLC (Remote)
5 Ben Street, Esquire, Diversified
6 Production
7 Beverly Webb (Remote)
8 Kelli Berry (Remote)
9 Charles Akers (Remote)
10 Travis Cooke (Remote)
11 Stephanie Blevins (Remote)
12 Kathleen Wright (Remote)
13 Jonathan Hess
14 James D. Bunn II
15 Eric Conley
16 Rocky Stilwell
17 Kristian Jamieson (Remote)

1	C O N T E N T S		
2	No. 1041_Permit Application No. 64170 (F37A)		6
3	EXAMINATION OF JASON DAVIDSON	PAGE	
4	By Mr. Pruitt		11
5	EXAMINATION OF RICHARD BAILEY	PAGE	
6	By Mr. Pruitt		14
7	No. 1040_Permit Application No. 64170 (F37A)		35
8	No. 1042_Permit Application No. 64222 (G37B)		50
9	EXAMINATION OF BEVERLY WEBB	PAGE	
10	By Mr. Street		56
11	No. 1043_Permit Application No. 64223 (G37C)		92
12	E X H I B I T S		
13	(Retained by counsel.)		
14	MEETING EXHIBIT		
15	Exhibit 1 Buchanan Energy Collective		
16	Exhibit	15, 47	
17	Exhibit 3 Energy's Oakwood Orders		55
18	Exhibit 5 Energy's Oakwoods Orders		55
19	Exhibit 7 Energy's Oakwoods Orders		55
20	Exhibit 8 Energy's Oakwoods Orders		55
21	Exhibit 9 Energy's Oakwoods Orders		55
22	Exhibit 11 Energy's Oakwoods Orders		55

1 PROCEEDINGS

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

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

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

16 Objections under the statute have been
17 filed against the permit for Pocahontas Gas, LLC
18 for coalbed methane Well F37A, Application No.
19 64170. Objections were filed by a Mr. James Bunn
20 II on behalf of Buchanan Energy as the surface
21 owner. The objections were filed in a timely
22 manner as required by Section 45.2-1637.

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

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

8 MS. GILMER: Yes.

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

12 MS. GILMER: Yes.

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

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

21 MR. SKORUPA: Okay.

22 MR. SWARTZ: Mark Swartz on behalf of

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

5 MR. SKORUPA: Okay.

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

9 MS. GILMER: Yes.

10 (The witnesses were sworn.)

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

19 The objections have been filed by the
20 surface owner against the permit application for
21 Pocahontas Gas in accordance with 45.2-1637 and
22 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

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

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

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

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

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

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

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

7 Q Mr. Davidson, what is your full name?

8 A Jason -- Marshall Jason Davidson.

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

11 A Yes, sir.

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

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

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

19 A Yes, sir.

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

1 A Yes, sir.

2 Q Have you commissioned a boundary line
3 survey for today?

4 A Yes, sir.

5 Q Have you seen the survey?

6 A I have.

7 Q And does the survey agree with your
8 understanding of Buchanan Energy's boundary line?

9 A Yes.

10 Q What is your understanding of the
11 Buchanan Energy boundary line as it relates to the
12 proposed well in Application F37A?

13 A Based upon the state plane coordinate
14 values in the well application, that well would be
15 located on Buchanan Energy property.

16 Q Is that Buchanan Energy's mineral
17 property? Surface property? Coal property? Gas
18 property? Which?

19 A It's the fee property.

20 Q Does Buchanan Energy and its gas lessee,
21 Diversified, have exclusive right to possess the
22 surface in that location?

1 A Yes.

2 Q Are you authorized to grant third
3 parties access or to deny third parties access to
4 Buchanan Energy's land?

5 A Yes.

6 Q Has Buchanan Energy granted to CNX or
7 Pocahontas Gas the right to enter onto the surface
8 property owned by Buchanan Energy and to produce
9 gob gas from the location shown on F37A?

10 A No.

11 Q To your knowledge, does any written
12 lease or license agreement exist to provide the
13 right of access to CNX or Pocahontas Gas to drill a
14 well in the location shown on F37A for the purpose
15 of producing gob gas?

16 A No.

17 Q Are you aware of any verbal permission
18 granted by anyone within Buchanan Energy that has
19 been granted to CNX for Pocahontas Gas for access
20 to the well site shown on F37A?

21 A I am not.

22 Q So to your knowledge, would Buchanan

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

4 A Yes.

5 Q And would that be a trespass?

6 A It would.

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

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

11 MR. PRUITT: Yes. I call
12 Richard Bailey.

13 RICHARD BAILEY,
14 being first duly sworn or affirmed to testify to
15 the truth, the whole truth, and nothing but the
16 truth, was examined and testified as follows:

17 EXAMINATION BY COUNSEL FOR BUCHANAN ENERGY
18 BY MR. PRUITT:

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

21 A Yes, sir.

22 Q Will you state your full name.

1 A Richard Lester Bailey.

2 Q What's your profession, Mr. Bailey?

3 A I'm a registered professional mining
4 engineer and a registered land surveyor.

5 Q Were you asked to perform a survey on
6 behalf of Buchanan Energy in the location of CBM
7 applied for a well for F37A?

8 A Yes, I was.

9 Q And were you also, as part of your
10 employment, asked to provide an affidavit of your
11 findings and then your resume or your, as we like
12 to call it as attorneys, curriculum vitae and a
13 plat of your survey?

14 A Yes.

15 MR. PRUITT: All right. Mr. Director,
16 for identification purposes only, I have a -- an
17 exhibit, Exhibit A, which I would like for you to
18 examine.

19 (Buchanan Energy Collective Exhibit 1 was
20 identified.)

21 It is a duplicate of the materials that
22 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

1 line of Buchanan Energy --

2 A Yes.

3 Q -- Company?

4 A Yes.

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

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

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

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

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

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

22 MR. SKORUPA: Yes.

1 BY MR. PRUITT:

2 Q Mr. Bailey, does your affidavit reflect
3 your testimony today?

4 A Yes.

5 Q Is your resume accurate?

6 A Yes.

7 Q And does your plat reflect the results
8 of your survey?

9 A Yes.

10 Q Are there any changes between the time
11 these documents were submitted and now that you
12 would call to the director's attention?

13 A As far as the well location, yes, sir.
14 The well that we located on or that I certified to
15 as the location on March the 13th has now been
16 moved approximately 70 feet in the northwest
17 direction.

18 Q Now you observed -- did you observe
19 stakes of the moving and -- and the different
20 location on the ground?

21 A Yes.

22 Q Now there's been no application change

1 to your knowledge, has there?

2 A Not to my knowledge, no.

3 Q So the official well site that we're
4 here on today is the well site described in the
5 application for F37A. Do you understand that?

6 A Yes.

7 Q And if that well goes in in the location
8 that is described on the application, the original
9 location, is it your opinion that that well is --
10 is it on or is it off of Buchanan Energy surface
11 tract?

12 A It is on Buchanan Energy's tract by
13 about approximately 7 feet.

14 Q Okay. And is your opinion rendered
15 today your professional opinion?

16 A Yes.

17 Q And is it to a reasonable degree of
18 certainty in your field?

19 A Yes.

20 Q Do you have anything you would add at
21 this point in time to your testimony?

22 A No. I think we've -- we've covered

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

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

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

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

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

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

19 MR. SKORUPA: No. No, sir.

20 Go ahead, Mr. Swartz.

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

1 see.

2 THE WITNESS: You want me to answer it?

3 MR. PRUITT: That was his testimony.

4 Yes.

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

9 THE WITNESS: It is not.

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

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

14 MR. SKORUPA: Yes.

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

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

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

4 MR. PRUITT: Sure.

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

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

8 MR. SKORUPA: Okay.

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

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

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

22 MR. BOYD: Right.

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

7 (Crosstalk)

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

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

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

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

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

22 MR. PRUITT: We have not.

1 MR. SKORUPA: I understand that.

2 MR. PRUITT: Yeah.

3 MR. SKORUPA: You know the question is
4 whether you've actually received notice.

5 MALE SPEAKER: Let's take a recess. We
6 haven't seen it.

7 MR. PRUITT: Yeah. Let's take a recess
8 --

9 MR. SKORUPA: Okay.

10 MR. PRUITT: -- just to give it to them.

11 (A recess was taken.)

12 MR. SKORUPA: Okay. I think we're back
13 from recess at this point.

14 Mr. Swartz, you had the floor last when
15 we -- when we stopped. Well, do you wish to
16 continue? Call any other witnesses at this point?

17 MR. SWARTZ: Well, I guess -- I guess my
18 question was of the surveyor, who doesn't appear to
19 be at the stand anymore, whether or not he could
20 confirm that the new location is, in fact, off of
21 Buchanan Energy property.

22 MR. SKORUPA: Well, I do have the -- the

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

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

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

15 MR. PRUITT: That's right.

16 MR. SKORUPA: You have not received
17 notice officially.

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

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

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

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

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

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

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

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

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

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

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

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

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

9 MR. PRUITT: I would.

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

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

21 And so our evidence is sufficient to
22 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

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

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

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

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

18 MR. PRUITT: All right.

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

21 MR. PRUITT: We -- we assert to you that
22 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

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

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

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

12 MR. PRUITT: All right. Thank you.

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

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

17 MR. SKORUPA: Mr. Pruitt?

18 MR. PRUITT: No, sir.

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

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

3 MR. PRUITT: Yes, sir.

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

6 MR. SWARTZ: Understood.

7 MR. PRUITT: Understood.

8 MR. SKORUPA: Officially adjourned.

9 MR. PRUITT: Thank you.

10 (End of hearing.)

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

17 This hearing again is being convened
18 under the Virginia Gas and Oil Act, Section 45.2-
19 1637, which allows to objections to permit
20 application being filed by those with standing as
21 specified under Section 45.2-1632. Objections
22 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.

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

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

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

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

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

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

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

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

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

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

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

Transcript of Meeting
Conducted on April 27, 2026

40

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

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

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

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

So don't let Mr. Swartz

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

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

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

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

18 And so I -- so I think both parties
19 agree that the merits should not be heard today.
20 It's now up to you whether you want to acknowledge
21 or grant the amendment. I'm not aware of some
22 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

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

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

14 MR. SWARTZ: Well, you know, we've
15 already mailed the modification to everybody.
16 Everybody's going to have 15 days from receipt of
17 that modification to file an objection. So what
18 I'm suggesting is we don't have this hearing today.
19 We wait for the time to expire for people to object
20 upon receipt, and then we come back if people
21 continue -- I mean, I'm expecting perhaps that
22 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

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

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

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

10 MR. SKORUPA: Okay.

11 Mr. Swartz?

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

15 MR. SKORUPA: Yes.

16 MR. SWARTZ: -- of the modification?

17 MR. SKORUPA: Yes.

18 MR. SWARTZ: Is that -- okay.

19 MR. SKORUPA: That is correct.

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

22 MR. SKORUPA: Start over.

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

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

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

9 MR. PRUITT: Okay.

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

16 MR. PRUITT: Thank you.

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

22 (End of hearing.)

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

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

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

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

22 Again, to you, Sarah. Was notification

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

3 MS. GILMER: Yes.

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

6 MS. GILMER: Yes.

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

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

15 MR. SKORUPA: Any -- any other parties?

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

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

21 (Scott Stephenson, Esquire was sworn.)

22 MR. STEPHENSON: Yes.

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

3 MR. STEPHENSON: That's okay.

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

6 MR. STEPHENSON: Yeah.

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

9 MR. STREET: That's all right.

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

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

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

16 MR. STEPHENSON: He does.

17 MR. SKORUPA: Okay. Let me continue on,
18 and then we'll get on into the hearing. Section
19 45.2-1637 of the Virginia Gas and Oil Act allows
20 objections to the permit by royalty owners who are
21 entitled to notification of the proposed operation.
22 According to the permit, Diversified Production,

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

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

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

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

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

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

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

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

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

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

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

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

13 MR. STREET: Yes.

14 MR. SWARTZ: Okay. So --

15 MR. STREET: Yeah.

16 MR. SWARTZ: Okay. So Exhibit 3,
17 Exhibit 6, Exhibit 7, Exhibit 8, Exhibit 9, Exhibit
18 11?

19 MR. STREET: Yes, sir.

20 MR. SWARTZ: Okay.

21 MR. STREET: Yeah.

22 And then I will call Beverly Webb since

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

2 BEVERLY WEBB,

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

6 EXAMINATION BY COUNSEL FOR DIVERSIFIED PRODUCTION

7 By MR. STREET:

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

10 A Okay.

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

14 A I'm the actual supervisor.

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

17 A Yes.

18 Q Who was that, ma'am?

19 A That would be Stephanie Blevins.

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

1 role?

2 A Yes.

3 Q And I -- I -- I have looked at this. I
4 cannot find where anyone signed the application.
5 Can you -- can you tell me on what page someone
6 signed this application on behalf of Pocahontas
7 Gas.

8 A It doesn't look like it showed up on the
9 print, but it is signed online on the eForms.

10 Q So the copy that I would have downloaded
11 -- there'd be no way I could see the -- see where
12 there's a signature?

13 A I don't think there's a signature on any
14 of them.

15 Q Okay.

16 A That's not the way eForms works.

17 Q Well, there could have been a signature
18 stand in, though, right?

19 A That's not the way eForms works. So if
20 you look above, like on -- its page 1 of 2. There
21 is my name representing Pocahontas Gas, at the
22 bottom of the page.

1 Q Okay.

2 A That is how that looks on eForms.

3 Q There is, on the very first page -- I'm
4 sorry, Ms. Webb. I think I may have interrupted
5 you, ma'am.

6 A It's from 1 -- page 1 of 2 at the very
7 bottom of the page, application certification, and
8 it says, Beverly Webb, representing Pocahontas Gas,
9 LLC.

10 Q Okay.

11 A And that's how it works in eForms.
12 There is not an actual physical signature. That's
13 the way eForms is set up.

14 Q eForms is just like the -- the --

15 A It's the same website.

16 Q -- the program that is used through the
17 Virginia Gas and Oil Board for filing that Charity
18 does all the work on at my office? You don't know
19 Charity.

20 A That is correct.

21 Q Yeah. Okay. Do you know what a
22 verified signature is?

1 A I do.

2 Q Okay. And is a verified signature a
3 signature that's under oath?

4 A Yes.

5 Q And is this application signed under
6 oath?

7 A Yes. To the best of my information and
8 my knowledge.

9 Q Who would have put -- okay. So who
10 signed it under oath? Was that -- Ms. Webb --
11 Ms. Webb, was that you? Or who -- who would have
12 signed it?

13 A I signed it. I signed it, and then
14 Josh Ball signs on behalf of Virginia Operation
15 (indiscernible 01:04:45) and completion.

16 Q Is Josh Ball's name on here somewhere?

17 A It is not physically on this
18 application, but it's on eForms.

19 Q How -- how does one go about submitting
20 an eForm under oath? What's the procedure that you
21 use for that?

22 A I will have to defer to Phil or Brad.

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

5 A Okay. So if you look on the --

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

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

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

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

9 MR. BOYD: No.

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

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

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

3 MR. BOYD: Yeah.

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

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

12 MR. STREET: Okay.

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

17 BY MR. STREET:

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

20 A Diversified has. Yes.

21 Q You mean on -- you mean on --

22 A (Crosstalk) --

1 Q -- on other occasions?

2 A Yes. Yes. On other occasions. Yes.

3 I'm sorry.

4 Q Well, the reason I'm --

5 A (Crosstalk). For an example --

6 Q I didn't hear you.

7 A -- for an example, page 38. We received
8 a permit application, and it's signed exactly like
9 we do ours. Yeah.

10 Q Okay. The reason I ask is because
11 Virginia Code Section 45.2-1631(A), it -- as I read
12 this, it says, Every permit application filed with
13 the director shall be verified by the permit
14 applicant.

15 And I was just wondering -- I was just
16 wondering if you did that. Did you -- did you file
17 a verified application? And if the answer is no,
18 that's -- you tell me, but that's what -- it sounds
19 like you did not do that. Is that fair? Are you
20 -- did you -- I'm sorry.

21 A I -- I -- I signed it as I was required
22 by eForms --

1 Q Okay.

2 A -- is how I --

3 Q Did -- did anyone place you under oath
4 right before you signed it?

5 A No.

6 Q Okay.

7 MR. STREET: Okay. Mr. Skorupa, we
8 filed a -- we filed a letter on or about February
9 22nd listing our objections. We fleshed them out.
10 I don't think you want to hear me reread them to
11 you. So if you don't mind, I'll just incorporate
12 those in, and then I'll proceed to the motion to
13 stay, which we filed as well.

14 MR. SKORUPA: I'd prefer you to briefly
15 read them in.

16 MR. STREET: Read them in?

17 MR. SKORUPA: Yes. Or at least cover it
18 in general. Summarize it.

19 MR. STREET: Okay. All right. Well,
20 this is from a February 25th, 2026, letter. We
21 submitted objections, pursuant to Virginia law,
22 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.

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

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

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

22 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

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

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

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

1 4VAC25-150-140 (C) (5), which is authority to stay,
2 pending the final decision, the statutory final
3 decision on the de novo appeal to circuit court.

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

8 MR. SKORUPA: All right.

9 Mr. Swartz?

10 MR. STEPHENSON: I think he's muted.

11 MR. SKORUPA: You're muted.

12 MR. SWARTZ: I have that problem. I
13 have that problem. Thank you for reminding me. My
14 first and -- and I think overall response to what
15 we're hearing from Diversified is the reason we
16 have a -- well, the reason why we have the Virginia
17 Gas and Oil Act of 1990, and obviously amended from
18 time to time thereafter, was to prevent people,
19 such as Diversified or Buchanan Energy, from
20 preventing coalbed methane development by making
21 objections along the lines of that we're hearing
22 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

1 protected their leasehold interests.

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

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

19 So I would -- I would argue to the -- to
20 -- to -- to -- to you, sir, that the -- the
21 objections that we have somehow impacted their
22 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

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

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

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

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

12 MR. STREET: Okay.

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

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

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

1 MR. STREET: That's --

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

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

6 MR. SKORUPA: Mm-hmm. And where?

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

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

12 MR. STREET: A stipulation on the
13 record.

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

17 MR. STREET: That's right.

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

20 MR. STREET: Yeah.

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

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

3 MR. STREET: Yeah.

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

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

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

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

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

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

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

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

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

15 MR. STREET: We did. Yes, sir.

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

18 MR. STREET: Yeah.

19 MR. SKORUPA: Okay.

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

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

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

3 MR. SKORUPA: Yeah. I understand.

4 MR. STREET: Yeah.

5 MR. SKORUPA: But you did make an
6 election.

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

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

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

15 MR. SKORUPA: Yeah.

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

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

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

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

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

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

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

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

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

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

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

3 MR. SKORUPA: Yes.

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

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

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

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

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

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

16 MR. SKORUPA: No further comments?

17 MR. STREET: -- me either.

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

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

1 consideration and will issue a written decision
2 within the timeframe.

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

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

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

12 MR. SWARTZ: Okay.

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

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

19 MR. SKORUPA: Yes.

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

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

1 officially adjourned.

2 (End of hearing.)

3 MR. SKORUPA: Good afternoon. Today is
4 Monday, April 27th of 2026, and it's approximately
5 3:15 p.m. And, again, we have another informal
6 fact-finding hearing -- IFFH1043. And this hearing
7 is being convened under the Virginia Gas and Oil
8 Act, Section 45.2-1637, which allows objections to
9 permit applications to be filed for those who have
10 standing under Section 45.2-1632.

11 Objections under the statute have been
12 filed against the permit for Pocahontas Gas, LLC
13 for the coalbed methane well G37C, Application No.
14 64223. Objections were filed by Eric Conley on
15 behalf of Diversified Production as a royalty
16 owner, and the objections were filed in a timely
17 manner as required by Section 45.2-1637.

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

22 Again, Sarah, was notification sent to

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

3 MS. GILMER: Yes.

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

7 MS. GILMER: Yes.

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

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

17 MR. SKORUPA: Okay.

18 Mr. Swartz?

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

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

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

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

17 MR. SWARTZ: Sure.

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

19 MR. SWARTZ: Sure.

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

22 MR. SWARTZ: Right. Right.

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

3 MR. STREET: Okay.

4 MR. SKORUPA: And we can --

5 MR. SWARTZ: So I will --

6 MR. SKORUPA: (Crosstalk).

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

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

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

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

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

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

1 MR. SWARTZ: Yeah.

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

4 MR. SWARTZ: Good. Good.

5 MR. STREET: Okay.

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

16 MR. STREET: I'll make that motion.

17 MR. SWARTZ: So moved.

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

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

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

10 MR. STREET: Yes, sir.

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

15 MR. STREET: Okay. Thank you.

16 MR. SKORUPA: Thank you everyone.

17 MR. SWARTZ: Thank you sir.

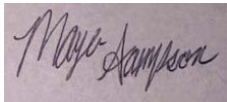
18 (Off the record at 3:22 p.m.)
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I, Maya Sampson, the officer before whom
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JENNIFER CANDELA-ALVAREZ

APRIL 30, 2026

Transcript of Meeting
Conducted on April 27, 2026

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

Transcript of Meeting
Conducted on April 27, 2026

101

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
--	---	---	---

Transcript of Meeting
Conducted on April 27, 2026

102

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,
--	---	--

Transcript of Meeting
Conducted on April 27, 2026

103

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
---	---	--	---

Transcript of Meeting
Conducted on April 27, 2026

104

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
--	---	--	--

Transcript of Meeting
Conducted on April 27, 2026

105

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
--	---	--	--

Transcript of Meeting
Conducted on April 27, 2026

106

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,
--	--	--	---

Transcript of Meeting
Conducted on April 27, 2026

107

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
---	--	---	--

Transcript of Meeting
Conducted on April 27, 2026

108

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,
--	---	---	---

Transcript of Meeting
Conducted on April 27, 2026

109

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
---	---	--	---

Transcript of Meeting
Conducted on April 27, 2026

110

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
--	--	--	--

111

Page Number: 147

Transcript of Meeting
Conducted on April 27, 2026

112

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	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,
---	---	--	--

Transcript of Meeting
Conducted on April 27, 2026

113

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,
---	--	---	---

Transcript of Meeting
Conducted on April 27, 2026

114

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,
---	--	--	---

Transcript of Meeting
Conducted on April 27, 2026

115

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
--	---	--	--

Transcript of Meeting
Conducted on April 27, 2026

116

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,
---	---	---	--

Transcript of Meeting
Conducted on April 27, 2026

117

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
--	---	--	--

Transcript of Meeting
Conducted on April 27, 2026

118

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
---	---	---	--

Transcript of Meeting
Conducted on April 27, 2026

119

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,
--	---	---	---

Transcript of Meeting
Conducted on April 27, 2026

120

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-lapgj 99:11 signature-k91vk 98:17
---	---	--	--

Transcript of Meeting
Conducted on April 27, 2026

121

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,
---	--	---	---

Transcript of Meeting
Conducted on April 27, 2026

122

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,
---	---	---	---

Transcript of Meeting
Conducted on April 27, 2026

123

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
--	---	---	---

Transcript of Meeting
Conducted on April 27, 2026

124

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
---	---	--	---

Transcript of Meeting
Conducted on April 27, 2026

125

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,
--	---	--	---

Transcript of Meeting
Conducted on April 27, 2026

126

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	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	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	44:4, 47:22, 50:13, 71:16, 71:18, 74:1, 92:13 38 63:7
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COMMONWEALTH OF VIRGINIA

COUNTY OF RUSSELL, to-wit:

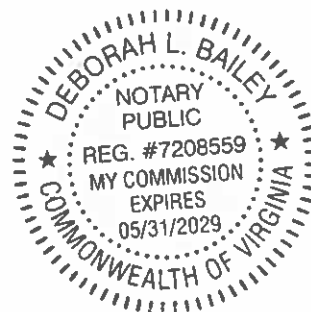
I, Richard L. Bailey, being first duly sworn, depose and state as follows:

1. My name is Richard L. Bailey. I am President and owner of Bailey Engineering & Land Surveying, Inc., P.C., a Virginia corporation. My curriculum vitae/resume showing my education and experience has been filed with this affidavit.
2. I am a resident of the Commonwealth of Virginia, over the age of 21, and competent to testify to the matters herein based on my personal knowledge and professional expertise.
3. I am a Licensed Professional Engineer (P.E.) and a Licensed Land Surveyor (L.S.) in good standing in the Commonwealth of Virginia.
4. I hold BS degree in Mining Engineering from Virginia Polytechnic Institute and State University and have practiced in the fields of engineering and land surveying for several years as reflected on my curriculum vitae/resume. My specialized knowledge includes both mineral and surface surveys, including without limitation, the application of surveying principles to establish land boundaries in accordance with 18VAC10-20-370.
5. I have been retained by Buchanan Energy Company, LLC and Diversified Production LLC to perform a land boundary survey locating the boundary line of Rogers tract 70 belonging to Buchanan Energy Company, LLC as it lies in the vicinity of the well of Pocahontas Gas LLC proposed under drilling application no. 64170 for CBM F37A W/PL, which I have reviewed.
6. In performing this survey, I followed and satisfied the required Standards and Procedures for Land Boundary Surveying set forth in the relevant statutes and regulations of the Commonwealth of Virginia. My compliance with those standards and procedures is evidenced by my signature, seal, and date affixed to the plat of my survey filed with this Affidavit. This is in compliance with 18VAC10-20-370.
7. My methodology included, without limitation: my research and review of the appropriate deeds and records on file in the Circuit Court Clerk's Office in Buchanan County, Virginia and separate records available through historical mine or property maps known to cover the area depicted in my plat; field investigation which I

conducted personal and/or oversaw through the activities of those operating under my supervision; and by locating and verifying existing monumentation, natural markers, and evidence of possession such as fences, some of which were denoted in the records of prior surveys in the area. Additionally, I used modern surveying equipment to perform my survey.

8. Based on the data collected and my professional analysis, I have established the true and correct location of the boundary line for Rogers tract 70 for the portion depicted on my survey plat that includes the surface property of Buchanan Energy Company, LLC nearest to the proposed well shown on Pocahontas Gas LLC's drilling application no. 64170 for CBM F37A W/PL.
9. My plat of the boundary line boundary line is titled "PLAT OF A PARTIAL SURVEY OF THE SURFACE AND MINERAL LINES OF BUCHANAN ENERGY COMPANY LLC'S TRACT 70 LYING ON THE WATERS OF LOGGY BOTTOM BRANCH AND HARRY'S BRANCH IN BUCHANAN 'COUNTY VIRGINIA," dated "3-13-26", and bears my professional seal and signature. My plat is filed with this affidavit.
10. It is my professional expert opinion, to a reasonable degree of professional certainty, that the following conditions exist:
 - 10.1. The boundary line and well locations are as depicted on my plat.
 - 10.2. The well is located approximately seven (7) feet across the established boundary line and onto the surface property of Buchanan Energy Company, LLC.
 - 10.3. These findings are based on facts and data of the type reasonably relied upon by experts in the field of land surveying in Virginia.

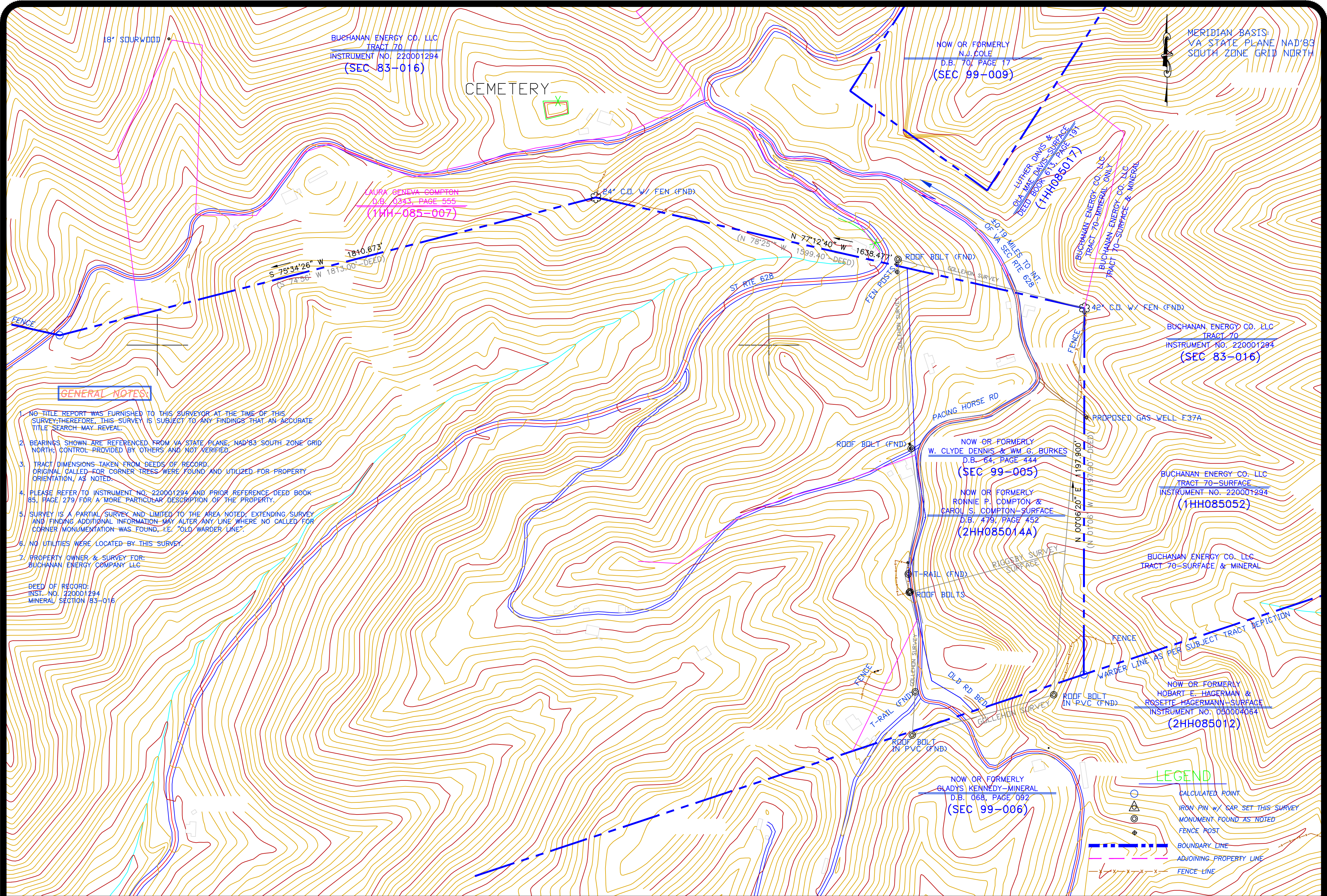

Richard Bailey, P.E., L.S.
License Number: 002214



NOTARY ACKNOWLEDGMENT

Subscribed and sworn to before me this 23rd day of April 2026.

 **Notary Public**
My Commission Expires: 05/31/29 ; Registration No: 7208559



GENERAL NOTES:

1. NO TITLE REPORT WAS FURNISHED TO THIS SURVEYOR AT THE TIME OF THIS SURVEY; THEREFORE, THIS SURVEY IS SUBJECT TO ANY FINDINGS THAT AN ACCURATE TITLE SEARCH MAY REVEAL.
 2. BEARINGS SHOWN ARE REFERENCED FROM VA STATE PLANE, NAD'83 SOUTH ZONE GRID NORTH; CONTROL PROVIDED BY OTHERS AND NOT VERIFIED.
 3. TRACT DIMENSIONS TAKEN FROM DEEDS OF RECORD. ORIGINAL CALLED FOR CORNER TREES WERE FOUND AND UTILIZED FOR PROPERTY ORIENTATION, AS NOTED.
 4. PLEASE REFER TO INSTRUMENT NO. 220001294 AND PRIOR REFERENCE DEED BOOK 85, PAGE 279 FOR A MORE PARTICULAR DESCRIPTION OF THE PROPERTY.
 5. SURVEY IS A PARTIAL SURVEY AND LIMITED TO THE AREA NOTED; EXTENDING SURVEY AND FINDING ADDITIONAL INFORMATION MAY ALTER ANY LINE WHERE NO CALLED FOR CORNER MONUMENTATION WAS FOUND, I.E. "OLD WARDER LINE".
 6. NO UTILITIES WERE LOCATED BY THIS SURVEY.
 7. PROPERTY OWNER & SURVEY FOR: BUCHANAN ENERGY COMPANY LLC
- DEED OF RECORD:
INST. NO. 220001294
MINERAL SECTION 83-016



BAILEY ENGINEERING & LAND SURVEYING, INC., P.C.

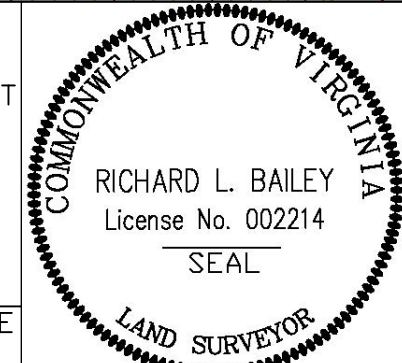
EXCELLENCE IN ENGINEERING & SURVEYING
P.O. BOX 155
ROSEDALE, VIRGINIA 24280
TELEPHONE: (276) 880-9027 FAX: (276) 880-1278

PARCEL LOCATED ON THE WATERS OF LOGGY BOTTOM BRANCH & HARRY'S BRANCH OF DISMAL RIVER IN THE GARDEN MAGISTERIAL DISTRICT OF BUCHANAN COUNTY, VIRGINIA



I HEREBY CERTIFY THAT THE PARTIAL SURVEY REFERENCED HEREON IS BASED ON A CURRENT FIELD SURVEY AND MEETS THE MINIMUM REQUIREMENTS OF THE CURRENT STANDARDS OF A BOUNDARY SURVEY.

SURVEYOR'S SIGNATURE DATE



DRAWN BY: **RLB**
CHECKED BY: **DLB**
DATE: **3-13-26**
SCALE: **1"=200'**
SHEET NUMBER: **1 OF 1**

PROJECT NUMBER: **BELS26033-P23**

PLAT OF A PARTIAL SURVEY OF THE SURFACE & MINERAL LINES OF BUCHANAN ENERGY COMPANY LLC'S TRACT 70 LYING ON THE WATERS OF LOGGY BOTTOM BRANCH AND HARRY'S BRANCH IN BUCHANAN COUNTY VIRGINIA..

Richard L. Bailey, PE, LS

Bailey Engineering & Land Surveying, Inc., P.C.

President

ROLE

Survey

YEARS EXPERIENCE

Total: 39 With Firm: 22

REGISTRATION

PE/Virginia/24840
PE/West Virginia/12220
PE/North Carolina/27623
PE/Kentucky/19357
PE/Tennessee/00107863

LS/Virginia/2214
LS/West Virginia/1512
LS/North Carolina/L-4576
LS/Tennessee/2482
LS/ Kentucky/4430

EDUCATION

BS/1984 /Mining Engineering/
Virginia Tech

Experienced in engineering and surveying including industrial / commercial projects and private property surveys, civil site designs, and certifications. Has performed construction slope staking, erosion and sediment control design and certifications, stormwater design, site plan layout, volume calculations, property identification, and legal descriptions for easements for multi-state cellular telephone tower companies. The GPS surveys tie all cell sites into the applicable state plane coordinate system in a five (5) state area. Additionally, have completed site design/volumetric calculations and E&S regulatory requirements for Cell tower sites on industrial sites and privately owned projects. Several coal companies in Buchanan County, Virginia and McDowell County, West Virginia required mine planning and a permit specialist for hydrologic design and evaluation. Relevant projects include:

Surveying and Engineering Services / Buchanan County, VA: Principal-in-Charge of engineering and surveying services for numerous private party boundary surveys consisting of the standard requirements of the Virginia Board of Land Surveyors. Erosion and Sediment Control plan development and implementation for private and commercial projects.

Surveying Construction Stakeout / Buchanan, Russell, Dickenson & Tazewell Counties, VA: Principal-in-Charge of several VDOT design/build projects, Commercial Buildings & Company site plans .

Construction Inspections / Buchanan County, VA: Principal-in-Charge of overseeing the construction of the Issues and Answers complex on Slate Creek.

Hydrologic Analysis / Buchanan, Russell & Tazewell Counties, VA: Principal-in-Charge of drainage structure sizing and implementation of numerous private party projects. Design of Erosion & Sediment Control Structures and Stormwater Management Facilities

Land Development Planning / Buchanan County, Dickenson, Russell & Tazewell Counties, VA: Principal-in-Charge of lot layout and volume balancing for commercial land development projects in multi county projects.

Mine Planning, Permitting / Buchanan County, VA, Wyoming County WV: Principal-in-Charge of numerous mine projects including preparing mine permits and mine planning. Engineer on-call basis for construction stakeout and engineering inspections of reclamation sites. Perform certified as-built surveys of designs to ensure compliance with regulatory standards. Underground mine surveying and preparation/certification of mine mapping.

On-Call Engineering and Surveying Services, Proposed Cellular Tower Sites in the Five (5) states in which licensed-VA, WV, TN, KY & NC: Principal-in-Charge of engineering and surveying services on an on-call basis for proposed cell tower sites including design of Erosion & Sediment Plans. The E & S Plan must meet the design criteria as well as the applicable state's Stormwater Management regulations. The task consisted of placing the design contours from the survey onto an overview of the watershed. Utilizing this procedure, overflow calculations and ditch sizes were determined, along with any required lining. All calculations and determinations, including erosion and sediment control procedures and practices were delineated on prepared maps and narratives in the E & S Plan packages for submittal to and approval from the responsible County, State, and Federal agencies.

Surveying Services in the five (5) states in which licensed: Principal in Charge for numerous private party boundary surveys consisted of the standard requirements of the applicable State Board of Land Surveyors. Have averaged nearly one hundred (100) property surveys per year.

Engineering Services, Five-State Area: Principal in Charge for numerous cell tower site designs and private party Erosion & Sediment Plans and site designs consisted of the standard requirements of the Boards of Engineers and Land Surveyors.

Experience

Feb. 2003-Present- Bailey Engineering & Land Surveying, Inc., P.C.,
Rosedale, VA

President, Professional Engineer, Land Surveyor

- Completed over 3200 projects which include industrial / commercial



projects and private property designs, surveys, and certifications. Surveys for individual property, commercial ALTA surveys, subdivision of private property.

- Provides engineering & surveying for multi-state cellular telephone tower companies. Performs slope staking, erosion and sediment control certifications, site plan layout, volume calculations, property identification and legal descriptions for easements. GPS surveys to tie all cell sites into the applicable state plane coordinate system in five (5) state area.
- Site Design / Volumetric Calculations & E & S regulatory requirements for Cell tower sites, industrial sites and privately owned projects.
- Subdivision E & S control evaluation and investigation.
- Expert Testimony (court appointed and civil) on E & S litigation and Property Disputes.
- Mine planning & permit specialist for several coal companies in Buchanan County, VA and McDowell County, WV. Hydrologic design and evaluation.

Feb. 2001-Feb. 2003 LBL & Associates Cedar Bluff, VA

Vice President-Chief Engineer & Land Surveyor

- Company averaged approximately fifty (50) projects per year
- Managed drafting personnel and field employees in a fast growing environment.
- Project Manager for major natural gas expansion project. Overseer of site surveys and permit requirements for the project
- Civil Design included structural foundations for homes; mine machinery analysis and certification. Hydrologic design and evaluation.

Oct. 1996–Feb. 2001 D.R. Price Engineering Swords Creek, VA

Project Engineer, Land Surveyor

- Permit Specialist responsible for all permitting processes pertaining to the coal and mineral industries. Duties included all design aspects involved in the permitting process; Site design and hydrologic analysis for erosion and sediment control, earthwork volume calculations and construction stakeout of the design. Coal industry permits included both drift mine and shaft mine applications. Mineral permits included limestone quarry and river rock applications. Also responsible for analysis and certification of mine maps and related mine structures, ranging from sediment basin certifications to quarterly refuse fill certifications.

Apr. 1986–Oct. 1996 Interstate Engineering, Inc. Vansant, VA

Chief Draftsman, Staff Engineer

- In charge of all mine mapping, property and royalty calculations. Performed mine production forecasts and annual depletion reports.
- Staff engineer on major Methane gas well project. Duties included gas well permitting mineral and surface property mapping, royalty calculations and reduction. Responsible for survey crews scheduling, checking and reducing survey notes and tying well plats to NGS NAD 27 control.
- Field Duties included instrument man and Rodman on surface and underground survey crews. Responsible for completing construction stakeout of AML projects and road projects involving spiral curves with superelevation.



Education	1982–1984 Virginia Tech Blacksburg, VA ▪ B.S., Mining Engineering ▪ cum laude 1980–1982 Southwest VA Comm. College Richlands, VA ▪ A.S., Engineering ▪ magna cum laude
Organizations	Member ASCE (American Society of Civil Engineers)
Computer Skills	Experienced in AutoCAD, Eagle Point Civil Design Software, Carlson Civil Software, Microsoft Word and Excel and numerous other surveying and engineering based programs.
Professional Licenses	<u>Professional Engineer:</u> ▪ Virginia #24840 (1994) ▪ West Virginia #12220 (1994) ▪ Kentucky #19357 (1996) ▪ North Carolina #27623 (2002) ▪ Tennessee #00107863 (2002) <u>Land Surveyor:</u> ▪ West Virginia (1995) ▪ Virginia #2214 (1996) ▪ Tennessee #2482 (2004) ▪ North Carolina #L-4576 (2005) ▪ Kentucky #4430 (2021)

