

NOTICE OF INFORMAL FACT FINDING HEARING

**In regard to CNX Gas Company LLC.
Proposed Permits for New Gas Operations
Application 11854 (CBM K74 with Pipeline)
Application 15162 (CBM N77A with Pipeline)**

Located in the Rocklick District of Buchanan County, Virginia

Docket Number IFFH 22809

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

ACTION:

On August 6 and 7, 2009, Counsel and Engineering representatives from both parties requested a continuance of IFFH 22809 scheduled for August 11, 2009. After due consideration of circumstances, the continuance was granted and IFFH 22809 **will be heard on September 16, 2009, Division of Gas and Oil Office, 139 Highland Drive, Lebanon VA. The hearing will begin at 2:30 pm or immediately following IFFH 22709 scheduled for 1:00 pm.** Contact the Division at (276) 415-9700 with any questions. Specific directions and other important information can be accessed from the Department of Mines, minerals, and Energy – Division of Gas and Oil website: <http://www.dmme.virginia.gov/divisiongasoil.shtml>

All parties with standing were apprised of the August 7, 2009 hearing by certified mail, return receipt requested, sent to every person with standing to object as prescribed by § 45.1-361.30. Parties scheduled or present at the August 11, 2009 hearing, have notice in regard to the continuance of IFFH 22709 to September 16, 2009.

David E. Asbury Jr., Director
Virginia Division of Gas and Oil
Department of Mines, Minerals and Energy
135 Highland Drive; P.O. Box 159
Lebanon, VA 24266

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The objections have been filed by the Coal Owner against the permit applications for **CNX Gas Company LLC. Gas Operations CBM K74 well with pipeline and CBM N77A well with pipeline** in accordance with:

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

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

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

Date and location of Conference: The conference is scheduled for **Tuesday, August 11, 2009** ~~beginning at 10:30 AM~~ or immediately following IFFH 22709 scheduled to begins at 9:00AM. The hearing will be held in the conference room of the Division of Gas and Oil, 135 Highland Drive, Lebanon, Virginia, a part of the Russell County Government Center Complex. Contact the Division at (276) 415-9700 with any questions. Specific directions and other important information can be accessed from the Department of Mines, Minerals, and Energy – Division of Gas and Oil website: <http://www.dmme.virginia.gov/divisiongasoil.shtml>

IFFH **22809** is to be conducted according to provisions of the Administrative Processes Act of the Code of Virginia (§ 2.2-4019). In reaching a decision, the Director may rely upon any public data, documents or information.

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

**David E. Asbury Jr., Director
Virginia Division of Gas and Oil
Department of Mines, Minerals and Energy
135 Highland Drive; P.O. Box 159
Lebanon, VA 24266**