

**RAILROAD COMMISSION OF TEXAS
OFFICE OF GENERAL COUNSEL
HEARINGS SECTION**

OIL & GAS DOCKET NO. 09-0264211

**APPLICATION OF XTO ENERGY, INC., PURSUANT TO THE MINERAL INTEREST
POOLING ACT FOR THE PROPOSED TWU A POOLED UNIT, WELL NO. 1H,
NEWARK, EAST (BARNETT SHALE) FIELD, TARRANT COUNTY, TEXAS**

ORDER OF DISMISSAL WITH PREJUDICE

The Commission finds that, after statutory notice in the above-numbered docket, a hearing was held on June 4, 2010, and the examiners have made and filed a report and proposal for decision containing findings of fact and conclusions of law recommending that the application be denied, which was served on all parties of record. The Commission finds further that on December 8, 2010, XTO Energy, Inc., filed a letter with the Commission stating that it was withdrawing the application. The Commission finds further that XTO Energy, Inc., has advised the Commission that it has no objection to dismissal of the application in this docket with prejudice.

Therefore, it is **ORDERED** by the Railroad Commission of Texas that the application of XTO Energy, Inc., for formation of the TWU A pooled unit, Newark, East (Barnett Shale) Field, Tarrant County, Texas, pursuant to the Mineral Interest Pooling Act is hereby **DISMISSED WITH PREJUDICE**.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 20 days after a party is notified of the Commission's order. A party is presumed to have been notified of the Commission's order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party of interest, this order shall not become final and effective until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to TEX. GOV'T CODE §2001.146(e), the time allotted for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law, is hereby extended until 90 days from the date the parties are notified of the order.

Done this 14th day of December 2010, in Austin, Texas.

RAILROAD COMMISSION OF TEXAS



CHAIRMAN VICTOR G. CARRILLO



COMMISSIONER ELIZABETH A. JONES

COMMISSIONER MICHAEL L. WILLIAMS

ATTEST:



SECRETARY

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