

Inaugural Winter Meeting great success

Senators Shelley Capito and Joe Manchin, along with Congressman David McKinley, were among the featured speakers at the inaugural Gas and Oil Association of WV, Inc. (GO-WV) Winter Meeting on January 19-20, 2022, at the Marriott Town Center Hotel in Charleston.

Wednesday morning featured technical presentations by The Thrasher Group and a pipeline update by Mary Friend, Director of the Gas Pipeline Safety Division for the West Virginia Public Service Commission. Encova Insurance and The Thrasher Group sponsored lunch for attendees.

Encova Insurance sponsored the afternoon's damage prevention seminar with topics that included: PHMSA insight to damage prevention

and the importance of utilizing the One Call System, Mary Friend; WV 811 role and responsibility of all ground disturbance activities, Tom Taylor, Executive Director, WV 811; Best Practices/ Initiatives panel discussion with moderator Jerry Poage, USIC, Stephen Thompson, Dominion Energy, Ray T. Dean, TC Energy and Philip Kingrey, Mountaineer Gas; damage prevention methods and techniques with **Winter Meeting**



*Jeff Isner
Co-Vice President
and Program Chair*

Continued on page 15

WV Supreme Court of Appeals to examine Tawney/post-production expense deductibility

The West Virginia Supreme Court has accepted certified questions from the United States District Court for the Northern District of West Virginia concerning whether the seminal decision in *Estate of Tawney v. Columbia Natural Resources, LLC*, 219 W.Va. 266, 633 S.E.2d 22 (2006) ("Tawney") regarding the deductibility of post-production expenses remains the law of West Virginia, and if so, the proper interpretation of *Tawney*.

In *Charles Kellam, et al. v. SWN Production Company, LLC, et al.*, No. 5:20-CV-85, a case filed as a class action but not yet certified, the United States District Court for the Northern District of West Virginia, Judge John Preston Bailey, certified on his own motion whether *Tawney* remains the law of West Virginia, whether the lease in question allowed the deductions, and the proper application of *Tawney*. At the time of the District Court's certification in *Kellam*, pending before the District Court was the defendants' Motion for Judgment on the Pleadings which argued

the Kellam's lease complied with *Tawney* and the District Court was bound by the decision in *Young v. Equinor USA Onshore Properties, Inc.*, 982 F.3d 201 (4th Cir. 2020). The Kellam's lease states the lessee agrees to pay the lessor "as royalty for the oil, gas, and/or coalbed methane gas marketed and used off the premises and produced from each well drilled thereon, the sum of one-eighth (1/8) of the price paid to Lessee per thousand cubic feet of such oil, gas, and/or coalbed methane gas so marketed and used . . . less any charges for transportation, dehydration and compression paid by Lessee to deliver the oil, gas, and/or coalbed methane gas for sale."



*Katrina Bowers
Babst Calland*

WV Supreme Court

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Resilient, reliable natural gas!

Thank heavens for natural gas!

As the Mountain State witnessed record snowfall and freezing temperatures in mid-January, tens of thousands of West Virginians lost power, cable, internet and phone service at the onset of the storm.

While a temporary inconvenience for most of us, this loss of services certainly placed some among us in dire situations.

I'm truly thankful for all of our utility workers, regardless of the industry they work in, for braving the elements and working to quickly restore these essential services. These individuals do yeoman's work and deserve our thanks and praise.

Interesting enough, and a point our industry may not often enough make, is that what people don't typically lose during these weather events is natural gas service.

Thanks to its underground infrastructure, the delivery of natural gas is relatively unaffected during severe weather events and is regularly used to power back-up generators and other equipment.

On the occasions I have lost electric service, I am grateful to hear the hum of my gas generator kick on; providing power to my home. During the recent snowstorms, we were without electric service for three days, but we never lost power due to the reliability of natural gas!

As we all know, the use of natural gas and propane generators as a backup power source is widespread among commercial and industrial applications.

Critical community facilities also rely on natural gas. Emergency electricity back-up generation fueled by natural gas is a key component to maintaining vital operations in critical care and public facilities, including hospitals, nursing homes, police and fire stations, emergency shelters and grocery stores when power outages occur.

In this vein, it would make sense for our state's internet and cable providers to assure service reliability by maintaining onsite backup fueled by natural gas or propane for a specific period of time following an outage. This may be an issue for the West Virginia Public Service Commission and/or the Legislature to consider.

All this is to say that natural gas and the transmission systems that carry it to our homes and businesses are incredibly resilient and reliable.

Our industry – those of us working in it today and those that came before us – have created a robust system to produce, process and transport this critical fuel to home or business without fail and without interruption.



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MPLX/MarkWest supporting communities throughout service area

In January, this publication featured holiday contributions made in their local communities by the **TC Energy** Gas Control Toy Room, **Energy Transfer's** Houston office and **Babst Calland's** Charleston office.

Each month, we hope to feature the good works being done throughout the state by GO-WV members. This month, we're highlighting the donations made by MPLX/Mark West.

The Short Line School in Wetzel County was another recipient of an MPLA/MarkWest donation. The \$5,000 donation to the Engineer Energy Kids will be used to teach energy education. The school said, in a Facebook post, "We are blessed to have great support from many of the oil and gas companies in the area that see what we do in the classroom."



MPLX/MarkWest's Tina Rush (center) presented a \$5,000 donation to the Clarksburg Mission. The donation will help further improvements to the organization's "Resurrection Program" classrooms.

We'd love to feature the work being done in your community, so please share the highlights and photos with Charlie Burd at cburd@gowv.com.

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From the Burd's Nest: Join the revolution, embrace the evolution

1968 was a time in history of great unrest--a period of revolution. We watched the Tet Offensive, the entire Vietnam War and global protests as they played out on television every night; we dealt with the utterly tragic assassinations of Dr. Martin Luther King Jr. and Robert Kennedy; there were student demonstrations in Paris; and there was great unrest between Czechoslovakia and the Soviet Union.

As 1968 began, the **Summer of Love** of 1967 had transformed into a winter of discontent. Revolution was very much in the air, all around the world.

In the midst of all this came a man, a band and a song: *Revolution*—by John Lennon and the Beatles. It was Lennon's way of dealing with the turmoil as nonpolitically as possible given public opinion at that time. "Revolution" would go on to become one of the Beatles signature tracks.

Lennon's opening lyrics state:

You say you want a revolution

Well, you know

We all want to change the world

You tell me that it's evolution

Well, you know

We all want to change the world

If you Google the most important revolutions in history, you will find these top six mentioned most often due to their *long-lasting impact on the world*: The English, the American, the French, the Haitian, the Chinese and Russian Revolutions.

See: <https://www.worldatlas.com/articles/the-10-most-important-revolutions-of-all-time.html>

But there is another revolution that deserves mention for this same reason.

The "Shale Revolution"

Research shows us that the "Shale Revolution" refers to the combination of hydraulic fracturing and horizontal drilling. This combination has allowed the United States to dramatically increase its production of oil and natural gas.

In the dozens of presentations I have given to countless audiences, I was quick to point out that

the first hydraulically fractured well was in 1947 in Oklahoma--and in July 1953 in West Virginia. This technology was further pioneered and developed by Mitchell Energy in the Barrett Shale formation in north Texas. It became commercially developed beginning in 1991.

In 2006, the shale boom spread from the Barnett into the Haynesville shale in East Texas and Louisiana to the Eagle Ford shale. It was in late 2007 that this technique of hydraulic fracturing into the Marcellus Shale formation found its way to West Virginia, Pennsylvania and then Ohio. Since that time, one can certainly say its success will have a *long-lasting impact* on the Appalachian Basin and the world.

What started out as a shale revolution has, in the last 15 years, evolved into the creation of the third largest shale gas production center in the world--only the total United States and Russian production tops that of this tri-state region. In fact, Ohio, Pennsylvania and West Virginia account for about 40% of the total U.S. oil and natural gas production.

In the second verse of *Revolution*, John poses the question:

You say you got a real solution

Well, you know

We'd all love to see the plan

You ask me for a contribution

Well, you know

We're all doing what we can

This EVOLUTION in shale oil and natural gas production is a real solution and dozens of companies and thousands of employees are making a huge contribution every day. Let's be honest, shale production has dramatically reduced the United States' dependence on foreign oil imports; caused a rise in employment (some 19,000 direct and another 63,000 in indirect and induced to account for an estimated 82,000 total in West Virginia); and has helped off-set and improve the U.S. trade balance. In fact, in my opinion, under

Burd's Nest

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2022 GO-WV Scholarship deadline is March 18, 2022

In 1997, the Independent Oil and Gas Association of West Virginia, Inc. (now the Gas and Oil Association of WV, Inc. - GO-WV) established its Scholarship Program in an effort to become more involved in higher education in West Virginia. The Scholarship Program was specifically created to reward the outstanding scholastic achievements of high school seniors whose parents work in the oil and natural gas industry for association membership companies. The Association also awards deserving high school “student employees” who have completed a required number of working hours at an association member company.

Beginning in 2020, two annual one-time, \$1,000 scholarships were sponsored by Con-Serv Incorporated. They are for students who

are choosing a career path that benefits the oil and gas industry in a vocational/technical field such as, but not limited to, welder, truck driver, well tender, electrician, mechanic, etc.

Since the GO-WV Scholarship Program’s inception, \$191,500 has been awarded to these very deserving students. Complete eligibility rules and documents for both scholarship types can be found at <https://gowv.com/education/scholarship/>.

The completed application, including all required forms and information, must be signed by the high school counselor and postmarked no later than March 18, 2022. From all the applications received, a GO-WV Scholarship Review Committee will award a limited number of one-time only scholarships.

Here is a quick glance at those rules:

1. Applicant must be a West Virginia high school senior.
2. Applicant must be a dependent of an employee/retiree of a GO-WV Company in good standing OR be employed by a GO-WV Company in good standing (Student employee must have worked a minimum of 400 hours in the past calendar year. Validation of hours worked and a letter of recommendation from the employer must be provided).
3. Applicant must enroll in a four-year West Virginia college or university or a community college/vocational-technical school.
4. Applicant must compose an essay answering the question asked on the application form.
5. Application must be signed by the high school counselor.
6. The completed application and all documentation requested must be postmarked no later than Friday, March 18, 2022.

GO-WV will accept completed applications postmarked by March 18, 2022. Should you have any questions, or need additional information, please contact Katie McCracken at 304-344-9867 or kmccracken@gowv.com.

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WeatherBELL's end of winter 2022 outlook



After a cold January and early February, we anticipate the coldest air, relative to normal, to shift to Western Canada and the Upper Midwest for the end of the winter and to start spring. The East Coast will see periodic cold shots, but the South should be on the warm side.

With the best chance for milder weather along across the Deep South, this should lead to an early start to the severe weather season and one of the more active ones in recent memory as we head deeper into spring.

Snowfall should still be plentiful in the Midwest, centered on the Great Lakes.

For more information about WeatherBELL's services and to get the hot-off-the-press forecast updates, please visit our website www.weatherbell.com or contact us at sales@weatherbell.com.



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People are your company's greatest asset

Lynnnda and I returned from our “southern office” outside of Orlando just in time for the GO-WV Winter Meeting. With the latest COVID surge more meetings are virtual. The pandemic taught us how to work remotely. We can now work anywhere there is a good internet connection and phone service. We had timeshare weeks to use and moved our “office” to a warm climate.

It was a productive two weeks. We did a couple of virtual presentations to groups and a number of other virtual meetings. We had our first in-person visit at the technical center of a successful company Shale Crescent USA is working with near Orlando. We were introduced by a long-time friend of mine in October on a conference call. They are interested in expanding to the Shale Crescent USA. SCUSA has the feedstock they require and abundant economical energy.

One product this company makes is fire resistant roof tiles. In places like California and Colorado a lot of homes are lost to wild fires. Most of the time hot embers catch the roof on fire destroying the structure. Their roof tiles will prevent this. In addition, they also make fire resistant facades that can be used for homes or commercial buildings. The roof tiles are designed to hold their color and last longer than current tiles in use. These great products can be manufactured more economically in the Shale Crescent USA than overseas or in Florida and can compete with products made in Asia on cost, performance and proximity to the end user. Shale Crescent USA is helping them to make their expansion a reality.

We met with the CEO and COO, their staff and many of their technical people. All had great attitudes. Everyone smiled and seemed to really enjoy what they were doing. The technicians were excited to explain the products they were working on and understood how their success would benefit people. We could tell by the introductions; the executives knew their people. They were more than just employees. We didn't hear complaints from the executives about the difficulty of finding

and retaining people. The executives are leaders who care about people. That may be their secret to retention and employee engagement.

Companies are looking for people to hire at a time when people are choosing to leave the workforce in large numbers. At a recent manufacturing conference, every company I talked to was looking for qualified people. These are career type jobs with good wages. They were still having trouble finding people. Companies need people and there are people who supposedly don't want to work. **OR**, maybe they do want to work but are looking for the right company.

One of the biggest employee complaints is a lack of appreciation. It doesn't cost anything to be appreciative. A simple “Thank You.” Or “Great job.” goes a long way. I worked in a country club kitchen in college as one of the cooks during the summer. The hours were long. We didn't have air conditioning. Chef was demanding. After a big dinner I still remember Chef and all of us cooks sitting down together having a beer and Chef says, “Boys, we fed 400 people tonight. Great job.” It made me feel good and part of the team. I came back the next summer.

Years later I choose to retire from my company of 34 years. After a couple of mergers and several restructurings the fun was gone. Our division had an incredible year financially. For me it was stressful with long hours. I led the division in sales. Never any appreciation from my manager or concern for me or our team until I chose to leave. Numbers were more important than people. I found another company that was people oriented and started having fun again. I won and my new employer made a lot of money.

People are the most important asset companies have. Nothing happens until someone sells something. Someone has to operate equipment. Someone needs to repair equipment. People are responsible for the success or failure of organizations. The Florida company executives understand

Use greatest asset

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Upcoming events planned for 2022

February 8-11, 2022

NAPE Summit 2022

George R. Brown Center, Houston, TX

Info: napeexpo.com/summit

March 2-4, 2022

OOGA Spring Meeting

Easton Hilton, Columbus, OH

Info: ooga.org

March 10, 2022

GO-WV Day at the Legislature

Full Upper Rotunda

Info: www.gowv.com

March 23-34, 2022

WV Construction and Design Show

Charleston CCC, Charleston, WV

Info: wvexpo.com/

April 5, 2022

Pipeline Safety Seminar

TC Energy, Charleston, WV

Info: www.gowv.com

April 6, 2022

Damage Prevention Seminar

Stonewall Resort, Roanoke, WV

Info: www.gowv.com

April 6, 2022

PIOGA Spring Meeting

The Rivers Casino, Pittsburgh, PA

Info: www.pioga.org

April 7, 2022

Pipeline Safety Seminar

BHG GT&S White Oaks Office Building

Bridgeport, WV

Info: www.gowv.com

April 21, 2022

SOOGA Spring Membership Meeting

Marietta Shrine Club, Marietta, OH

Info: www.sooga.org

May 1-2, 2022

2022 Manufacturing and Energy Growth Summit

Oglebay Resort, Wheeling, WV

Info: www.wvma.com

May 9, 2022

GO-WV Spring Swing Golf Outing

Berry Hills Country Club, Charleston, WV

Info: www.gowv.com

May 15-17, 2022

IOGCC Annual Business Conference

The Skirvin Hilton, Oklahoma City, OK

Info: www.iogcc.ok.gov

May 16, 2022

PIOGA Oilpatch Golf Classic

Wanango Country Club, Reno, PA

Info: www.pioga.org

June 13-15, 2022

DUG East

David L. Lawrence Convention Center

Pittsburgh, PA

Info: www.pioga.org

July 20-22, 2022

IPAA Annual Meeting

The Broadmoor, Colorado Springs, CO

Info: www.ipaa.org/events/annual-meeting-2022/

August 7-9, 2022

GO-WV 2022 Summer Meeting

The Greenbrier, White Sulphur Springs, WV

Info: www.gowv.com

August 18, 2022

Divot Diggers Golf Outing

Tam O'Shanter Golf Club, Hermitage, PA

Info: www.pioga.org





GO-WV Board welcomes 11 new members in January

Please join the GO-WV Board of Directors in welcoming these members approved in January:

Big Dog Midstream, LLC

GTH

Matthew Anderson
104 Bradford Rd.
Wexford, PA 15090
Phone: (724) 934-7710
Cell: (724) 856-1896
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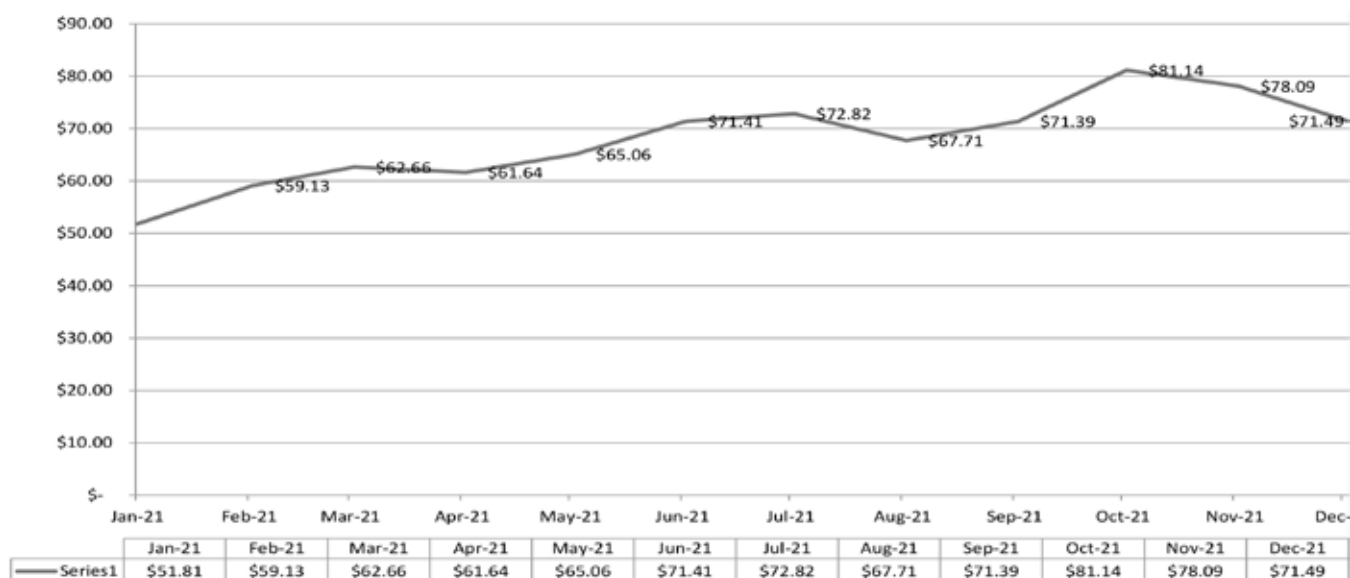
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2020 and 2021 Oil & Gas Reclamation Awards presented during Winter Meeting

The West Virginia Department of Environmental Protection Office of Oil and Gas, along with the Gas and Oil Association of WV, Inc. (GO-WV), are pleased to announce the winners for the reclamation of oil and gas wells that were drilled between December 1, 2019 and November 30, 2020 and December 1, 2020 and November 30, 2021. **2020 Winners**

- *Category One* (30 permits or greater with a mandatory score of 87-99)
1st Place.....Tug Hill Operating, LLC
2nd Place.....SWN Production Company, LLC
3rd Place.....Antero Resources Corporation
- *Category Two* (15 to 29 permits with a mandatory score of 90-99)
1st Place.....Northeast Natural Energy LLC
2nd Place.....Jay-Bee Oil & Gas, Inc.
- *Category Three* (six to 14 permits with a mandatory score of 92-99)

- 1st Place.....Chevron Appalachia, LLC
- 2nd Place.....Chesapeake Appalachia, L.L.C.
- 3rd Place.....HG Energy II Appalachia, LLC
- Honorable Mention.....XTO Energy Inc.

- *Category Four* (one to five permits with a mandatory score of 95-99)
1st Place.....CNX Gas Company LLC
1st Place.....HG Energy, LLC
1st Place.....Triad Hunter, LLC

2021 Winners

- *Category Three* (six to 14 permits with a mandatory score of 92-99)
1st Place.....Tug Hill Operating, LLC
- *Category Four* (one to five permits with a mandatory score of 95-99)
1st Place.....Arsenal Resources LLC
1st Place.....SWN Production Company, LLC
1st Place.....XTO Energy Inc.



Above are representatives of companies receiving 2020 Reclamation Awards. Front row, from left, Jay-Bee Oil & Gas, Inc., Northeast Natural Energy, LLC, HG Energy, LLC, and HG Energy II Appalachia, LLC and CNX Gas Company, LLC. Back row, from left, Tug Hill Operating, LLC, Antero Resources Corporation, XTO Energy, Inc. and CNX Gas Company, LLC.

Below, from left, are representatives of Tug Hill Operating, LLC, XTO Energy, Inc. and Arsenal Resources LLC. SWN Production Company, LLC, is not pictured.



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Winter Meeting first day highlights

Thrasher Engineering employees Clayton White and Benjamin Bush demonstrated the company's drone and LiDAR capabilities.



Above, Mary Friend of the WV Public Service Commission discussed both pipeline safety and PHMSA insight to the importance of utilizing the One Call System.



Left, Carrie Clendening and Thomas Taylor shared important safety information about the WV811 organization and the One Call Regulatory system.

At right, TC Energy's Tony Dean participated in the Best Practices / Initiatives panel discussion with Stephen Thompson, Dominion Energy and Philip Kingrey, Mountaineer Gas.



Wednesday evening, members of GO-WV had the opportunity to visit with each other and members of the West Virginia Legislature in a casual setting.

statewide statistics, Jerry Poage, USIC; and WV DPB compliance requirements, expectations and investigation findings, Carrie Clendening, Executive Director, WV Damage Prevention Board.

Antero Resources sponsored the GO-WV membership and legislative reception that evening.

The Thursday morning breakfast was sponsored by Ergon, Inc. Southwestern Energy sponsored the morning speakers, with Northeast Natural Energy sponsoring the afternoon speakers.

Senator Shelley Moore Capito, appearing by recorded message, said, "Congress pulled together and made a significant investment in our nation's infrastructure with the bipartisan infrastructure investment and jobs act. These investments recognize the important role natural gas plays now and in the future of our energy sector and economy."

Senator Joe Manchin, appearing by Zoom, said, "We have \$4.7 billion going out to plug and mediate orphan wells, that's going to be a game changer for West Virginia."

In a recorded statement, Congressman David McKinley said, "The reality is West Virginia is a leading energy producer -- top five in the country. We will lead the way to restoring our energy dominance and energy independence in America."

Other morning speakers included Greylock CEO Kyle Mork, eFrac Well Services CEO Randy Stilley, Antero Resources Senior Vice President - Operations Diana Hoff, RBN Energy CEO David Braziel and David M. Flannery of Steptoe & Johnson PLLC. Steptoe & Johnson sponsored the morning coffee break.

The membership luncheon, sponsored by Apex Pipeline Services, Inc., included a presentation to the West Virginia Oil & Natural Gas Museum,

the inaugural Rusty Hutson, Sr. Heritage Award, sponsored by Diversified Energy and Apex Pipeline and the Oil and Gas Reclamation Awards, also sponsored by Diversified Energy, and highlighted on pages 18 and 11, respectively.

Christopher Guith of the Global Energy Institute/US Chamber, gave this advice, "Watch your six and make sure you have good lawyers" for the regulatory tsunami he said is approaching. He presented the federal regulatory and legislative outlook.

"The number one use of natural gas in this country is electric generation," said Curtis Wilkerson, Principal, Orion Strategies, adding, "Natural gas can work with renewables fairly easily." He discussed competitive electric generation and the Marcellus and Utica powering the PJM.

Charlotte Lane, Chair of the WV Public Service Commission, provided an update of federal and state natural gas issues. She highlighted the impact of SB-390 from 2015 which expedited rate recovery in certain circumstances resulting in \$550 million in new investment and was interested in reviewing the natural gas power generation siting requirements.

Our economy runs on energy, according to Jerry James, President of Artex Oil Company. Among other points of great interest, he shared that every recession in the last 50 years has been preceded by a spike in energy prices.

Shawn Bennett, Managing Director of FTI, said we are the best industry for ES&G, which will guide the energy message moving forward.

The final afternoon break was sponsored by EQT Corporation.

The first day of the 2022 Winter Meeting included a special gathering of producer members to discuss issues of relevance to them.

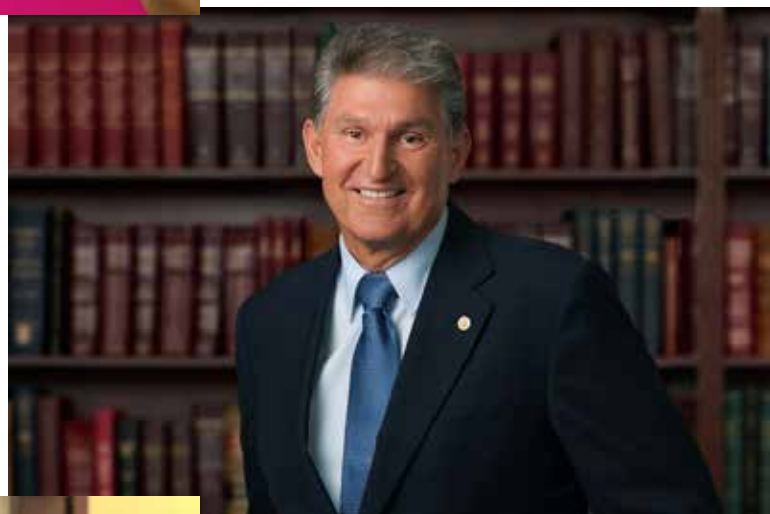


Winter Meeting second day highlights

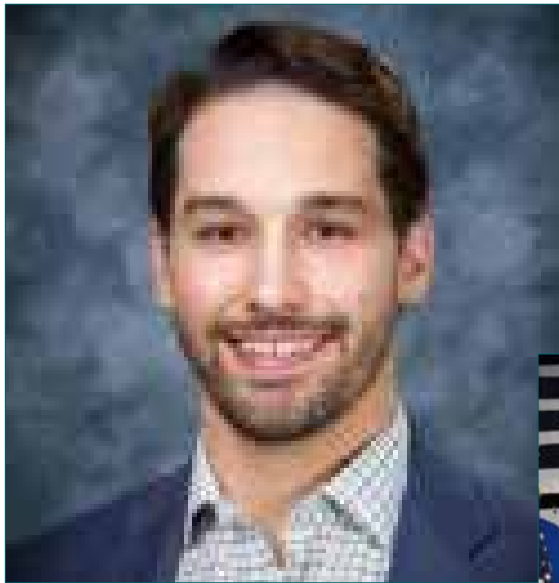


In addition to remarks quoted on page 15, Senator Capito said, “As our natural gas production and use has gone up, our country’s overall greenhouse emissions have also gone down significantly.”

U.S. Senator Joe Manchin participated via Zoom and told the members, “You can’t eliminate your way to a cleaner environment. You can innovate your way into a cleaner environment.” Referring to ongoing research at the National Energy Technology Laboratory and WVU, he said, “West Virginia can be a leader in that technology and the manufacturing of that technology.”



U.S. Representative David McKinley, in video comments said, “The Appalachian basin alone was the third-largest global producer of natural gas for most of last year. We will lead the way to restoring our energy dominance and energy independence in America.”



Above, David Braziel, CEO of RBN Energy, spoke on Thursday morning.



Other Thursday speakers included, below from left, WV Public Service Commission Chair Charlotte Lane, Orion Strategies Principal Curtis Wilkerson, GO-WV Co-Vice President and Program Chair Jeff Eisner, Christopher Guith with the Global Energy Institute/US Chamber, Artex Oil Company President Jerry James and FTI Consulting Managing Director Shawn Bennett.



Left, David Flannery of Steptoe & Johnson PLLC gave a West Virginia perspective on carbon capture and sequestration.



Remaining Thursday speakers, shown with Isner, were eFrac Well Services CEO Randy Stilley and Antero Resources Senior Vice President - Operations Diana Hoff.



The inaugural GO-WV Winter Meeting drew many past presidents from both former organizations. Above, from left, (front row): Jim Crews, Maribeth Anderson, Tom Westfall; (second row) Jon Hildreth, Marc Halbritter, Ben Sullivan, Ralph Ranson; (back row) David Haney, Jim Crews, Stan Masoner, Bob Orndorff, Ben Hardesty, Mike McCown, Scott Freshwater.

The inaugural Rusty Hutson, Sr., Heritage award, sponsored by Diversified Energy and Apex Pipeline, was presented at the Winter Meeting to Rusty Hutson, Sr., (left) by GO-WV Co-Vice President and Program Chair Jeff Isner.



In addition to a number of friends and colleagues, Hutson was joined, above from left, by daughter-in-law Kimberly Hutson, son Rusty Hutson, Jr., wife Shirley Hutson and granddaughter Hannah Hutson.

SCOTUS to hear Clean Air and WOTUS cases

Clean Air Act

On February 28th, the EPA will hear oral arguments in *West Virginia vs. EPA*, a case which challenges the extent to which Congress can delegate regulatory power to the executive agencies.

The roots of this case go back to the now abandoned efforts by the Obama administration to regulate the greenhouse gas carbon dioxide through the Clean Power plan – which assigned each state a goal for reducing carbon emissions. The EPA said it had the authority to do that through the Clean Air Act of 1970, which allows regulators to determine the “best system of emissions reductions” for power plants.

Several plaintiffs, including West Virginia, sued (four cases were consolidated into the one coming before the court). There are essentially two lines of attack. One argument is that the EPA overreached – i.e. it was entitled to regulate emissions from power plants, but instead tried to regulate the entire energy and grid system. The second, more profound, challenge is that it would be unconstitutional for Congress to give the EPA such an open-ended grant of authority under a doctrine known as nondelegation. *Read more in [Bloomberg](#).*

WOTUS

The Supreme Court said it will take up a case on the Clean Water Act’s scope. This news triggered political wrangling over whether EPA should halt its ongoing rulemaking to define what constitutes “waters of the U.S.,” or WOTUS.

When asked about the court case and calls to halt its rule, EPA declined to comment, but an agency spokesperson emphasized the administration is dedicated to finding a “durable” definition of WOTUS with input from all sides. Whether and when the agency completes the rule — and how its definition jibes with the country’s highest court — will shape how the Clean Water Act is implemented. Read more in [E&E](#).

Upcoming events

Continued from page 8

September 29, 2022

SOOGA Annual Trade Show

ESB Building, Marietta, OH

Info: www.sooga.org

October 19, 2022

PIOGA Marcellus to Manufacturing Seminar

Seven Springs, Champion, PA

Info: www.pioga.org

October 20, 2022

PIOGA Fall Conference

Seven Springs, Champion, PA

Info: www.pioga.org

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the former White House administration, the U.S. can arguably say it reached the status of “energy dominance.”

Nationwide, such an abundance of low-cost natural gas has resulted in gas-fired generation overtaking coal-fired generation in the power sector. We just learned from our 2022 Winter Meeting that the top uses of natural gas are: 38% electric power generation, 33% industrial, 15% residential, 10% commercial and 5% transportation.

West Virginia has 14.9MW of natural gas generation compared to PA’s 48.9MW and OH’s 27MW. While these numbers are less than exciting (as this same 14.9 MW represents less than 5% of WV’s share of total power production capacity), we believe the West Virginia Public

Service Commission may look deeper into the siting process for natural gas power generation. And why would they do so...because the evolution of increased shale production has lowered energy prices, has increasingly improved air quality, reduced carbon dioxide emissions and improved the country’s energy security.

In my way of thinking, we became part of the energy revolution; we set out and absolutely changed the world; we took revolution by force into an energy evolution that has benefited the entire world; we provided the real solution through our constant contributions to making it better and, as Lennon concludes his lyrics...*Don’t you know it’s gonna be (all right)!!!* And —yes, it is and will be all right!

WV Supreme Court *Continued from page 1*

The Kellam lease is very similar to the lease considered in *Young*, where the 4th Circuit Court of Appeals reversed Judge Bailey and held the lease clearly and unambiguously allowed the deduction of post-production expenses. In expressly rejecting Judge Bailey’s reasoning that the lease in *Young* did not contain sufficiently explicit lan-

guage about the method of calculating deductions and therefore did not comply with *Tawney*, the 4th Circuit Court of Appeals noted that “*Tawney* doesn’t demand that an oil and gas lease set out an Einsteinian proof for calculating post-production costs. By its plain language, the case merely requires that an oil and gas lease that expressly allocates some post-production costs to the lessor identify *which costs* and *how much* of those costs will be deducted from the lessor’s royalties.” *Young*, 982 F.3d at 208.

In certifying the questions to the West Virginia Supreme Court of Appeals, Judge Bailey relied on his similar reasoning in *Young*, which the 4th Circuit Court of Appeals rejected.

On December 27, 2021, SWN Production Company, LLC and Equinor USA Onshore Properties Inc. (“producers”) filed their opening brief in *Kellam*. Additionally, on the same day, the American Petroleum Institute, Gas and Oil Association of WV, Inc., and the West Virginia Chamber of Commerce filed an amici curiae brief in support of the producers in *Kellam*. A response to the producers’ brief is due on or before February 11, 2022. The West Virginia Supreme Court of Appeals will allow full oral argument concerning the certified questions in *Kellam* during the January 2022 term of Court.

Get your GO-WV
license plate now!
See page 23.



their greatest asset is their people. The executives never made that statement. They didn't need to. The actions of their people told us they felt they were valued members of the team. These leaders are taking care of their greatest asset.

How about you? Are you a leader or a manager? We manage things. We lead people. Leadership expert John Maxwell defines a leader as, "Anyone who influences people and develops people." Do you treat people as a valuable asset? How well do you communicate with your people? Do they understand what you expect from them? Do you command or do you influence? How do you develop people? Are you a good coach? Would you, want to work for you? Do you ask people to do things you would never do or haven't done? Do you use the words "Please" and "Thank you" frequently?

Are you developing yourself as a leader? Are you constantly improving your skills? At one time I worked for the VP of Sales & Marketing who admitted he hadn't had any sales and marketing training in decades. That was okay until he tried to manage based on outdated information. My sales team constantly upgraded our sales skills. The first person we need to develop is ourselves.

Jerry James' presentation at the Winter Meeting showed how our economy runs on energy and how every major recession in the past 50 years was preceded by a spike in energy prices. Our region is advantaged because we are the only place in the world where companies can build on top of their feedstock and in the middle of their customers. We can increase demand for natural gas by fueling new and expanded manufacturing creating high wage manufacturing jobs. We can do more for the planet than ALL of the "environmental" groups combined by eliminating millions of miles of ocean transportation. We can prevent a recession and be profitable.

Our organization and industry's success depends on our people at all levels. Can we be the leaders they are looking for? People are looking for purpose and significance and to be part of a successful team. They will follow leaders because of their vision, like our Florida executives. Many workers on the sidelines are looking for the right team to join. Organizations looking for employees and success might first develop effective leaders.



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DMV-54-GO
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West Virginia Department of Transportation

Division of Motor Vehicles**Application for a Gas & Oil Association of WV License Plate**

1-800-642-9066

dmv.wv.gov

PLATE SAMPLE**A) Applicant/Owner(s) Information** Use Name(s) of Owner(s) as shown exactly on current registration card that you wish to register the license plate.

Applicant's Name _____

Name(s) on Registration _____

Street Address _____

CITY _____ STATE _____ ZIP _____

B) Vehicle InformationMake _____ Year Title No. VIN No. Current Plate No. **C) Insurance Information**

Effective Dates of Policy From: ____/____/____ To: ____/____/____ Policy No. _____

Insurance Company _____

NAIC Number Insurance Agent _____**D) Applicant Certification**

I certify that all information on this application is true and correct and if I cease to be in good standing with the above organization, I will immediately return the special license plate to the Division of Motor Vehicles.

(X) _____ / / _____ Phone No. () - _____
SIGNATURE OF APPLICANT DATE**E) Application Information**

1. Anyone is eligible to apply for a Gas & Oil Association of WV license plate.
2. A vehicle must be Class A and have a West Virginia title and license plate in the name of the applicant before a special plate can be issued.
3. The current license plate must be returned to the Division of Motor Vehicles after the special plate is received. After issuance of the special plate, the exchanged plate is canceled and cannot be transferred to another vehicle. There are no refunds.
4. A \$91.50 fee will cover the cost of the license plate for the 1st year or a portion of the 1st year. This is a flat fee for all applicants and is not prorated. This plate will expire on July 1st every year and have a renewal fee of \$66.50.
5. Send the application and the **\$91.50 check or money order payable to Gas & Oil Association of WV** at the address listed below. Please include your personal property tax receipt or an affidavit from the assessor if your registration is expiring within 60 days of your application.

Gas & Oil Association of WV c/o Charlie Burd
300 Summers St. Suite 820 Charleston, WV 25301

***** OFFICE USE ONLY BELOW THIS LINE**

OFFICE STAFF INSTRUCTIONS:
 Insert the plate numbers on the plate diagram to the left and submit this form to the WV DMV for recording and processing. Be sure to retain a copy for your records.





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