

BEFORE THE RECLAMATION COMMISSION

RODNEY & CRISTIE MERCE,

Appellants,

-vs-

DIVISION OF MINERAL RESOURCES
MANAGEMENT,

Appellee,

and

OXFORD MINING COMPANY, LLC,

Intervenor.

Case No. RC-12-009

Review of Chief's Informal Review;
Permit D-2178 (Oxford Mining)

REPORT OF THE HEARING OFFICER

Appearances: Brad Hillyer, Counsel for Appellants Rodney & Cristie Merce; George Horvath, Megan DeLisi, Assistant Attorneys General, Counsel for Appellee Division of Mineral Resources Management; Mark S. Stemm, Michael A. Wehrkamp, Michael B. Gardner, Counsel for Intervenor Oxford Mining Company, LLC.

FINDINGS, CONCLUSIONS

On September 20, 2012, Appellants Rodney & Cristie Merce filed with the Reclamation Commission a notice of appeal from a decision of the Division Chief. This decision related to the Appellants' domestic water supply, which was alleged to have been affected by mining operations conducted pursuant to coal mining and reclamation permit D-2178, and which had been replaced by Oxford Mining Company ["Oxford"]. The Appellants raised certain concerns relative to the replacement water supply provided to them by Oxford. This cause was assigned case number RC-12-009.

On October 17, 2012, Appellants filed a Notice of Dismissal with Prejudice with the Reclamation Commission. Pursuant to Ohio Administrative Code §1513-3-17, case number RC-12-009 is hereby **DISMISSED** without further action required by the Reclamation Commission.

10/18/2012
DATE


LINDA WILHELM OSTERMAN
Hearing Officer

Rodney & Cristie Merce
RC-12-009

DISTRIBUTION:

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OCT 17 2012

RECLAMATION
COMMISSION

BEFORE THE
RECLAMATION COMMISSION
STATE OF OHIO

RODNEY & CRISTIE MERCER

CASE NO. RC 12 009

Appellants

vs.

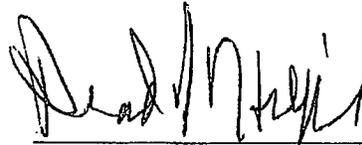
DIVISION OF MINERAL
RESOURCES MANAGEMENT

NOTICE OF DISMISSAL WITH
PREJUDICE

Appellee

Now comes Appellants, Rodney & Cristie Mercer by and through their Attorney, Brad L. Hillyer and hereby dismisses the above captioned appeal with prejudice to the refiling.

Respectfully submitted,



BRAD L. HILLYER
ATTORNEY FOR APPELLANTS
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SUPREME COURT NO. 0008846

PROOF OF SERVICE

I hereby certify that on the ____ day of October, 2012, the foregoing was mailed to Linda Wilhelm Osterman, Hearing Office, Reclamation Commission, Commission Offices,

2045 Morse Road, Building H-3, Columbus, Ohio 43229 and George Horvath and Megan DeLisi, Assistant Attorneys General, Counsel for Appellees, 2045 Morse Road, Building D-2, Columbus, Ohio 43229 and Mark Stemm and Michael Wehrkamp, Counsel for Movant Intervenor Oxford Mining Porter, Wright and Arthur, 41 S. High Street, Columbus, Ohio 43215 and to Michael Gardner, Counsel for Movant Intervenor Oxford Mining, 41 South High Street, Suite 3450, Columbus, Ohio 43215.

A handwritten signature in black ink, appearing to read "Brad L. Hillyer", written over a horizontal line.

BRAD L. HILLYER
ATTORNEY FOR APPELLANT