

**STATE OF NEW MEXICO
DEPARTMENT OF ENERGY, MINERALS AND NATURAL RESOURCES
OIL CONSERVATION DIVISION**

**APPLICATION OF COG OPERATING LLC
FOR COMPULSORY POOLING AND
APPROVAL OF NON-STANDARD
SPACING UNIT, EDDY COUNTY, NEW MEXICO.**

CASE NO. 23959

**COG OPERATING LLC'S UNOPPOSED MOTION TO
VACATE PRE-HEARING ORDER AND SET CASES FOR HEARING BY AFFIDAVIT**

COG Operating LLC ("COG") requests that the Division: (1) vacate the Pre-Hearing Order, issued on December 21, 2023; and (2) set these cases for a hearing by affidavit during the February 1, 2024 docket. In support of this Motion, COG states the following.

1. The Pre-Hearing Order, issued on December 21, 2023, set the above-referenced matters for a contested hearing on February 1, 2024 based upon XTO Energy Inc.'s ("XTO") Notice of Objection to Proceeding by Affidavit, filed on December 15, 2023.

2. COG and XTO have reached an agreement and XTO has withdrawn its objection. As a result, COG requests that the Division vacate the Pre-Hearing Order and set these cases for presentation by affidavit during the February 1, 2024 Division docket.

3. Counsel for XTO was contacted regarding this Motion and does not oppose COG's request.

Respectfully submitted,

HINKLE SHANOR, LLP

/s/ Dana S. Hardy

Dana S. Hardy

Jaclyn M. McLean

P.O. Box 2068

Santa Fe, NM 87504-2068

Phone: (505) 982-4554

Facsimile: (505) 982-8623

dhardy@hinklelawfirm.com

jmclean@hinklelawfirm.com

Counsel for COG Operating LLC

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2024, I served a true and correct copy of the foregoing pleading on the following counsel of record by electronic mail:

Michael H. Feldewert

Adam G. Rankin

Paula M. Vance

mfeldewert@hollandhart.com

agrarkin@hollandhart.com

pmvance@hollandhart.com

Attorneys for XTO Energy, Inc.

/s/ Dana S. Hardy

Dana S. Hardy