



NEW MEXICO ENERGY, MINERALS
& NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION
2040 South Pacheco Street
Santa Fe, New Mexico 87505
(505) 827-7131

September 29, 1998

Richard L. Alvidrez, Esq.
Kelleher & McLeod, P.A.
P.O. Drawer AA
Albuquerque, NM 87103

Attorneys for PNM

RE: Case No. 12033--Application of PNM for review of the cleanup actions required by OCD
letter dated March 13, 1998
-Letter request dated September 25, 1998

Dear Mr. Alvidrez:

Per your request by letter dated September 25, 1998, the OCD agrees that PNM, by taking certain actions pursuant to the directive contained in the OCD letter dated September 1, 1998, will not be waiving any rights under its pending appeal (referenced above) or its right to challenge the OCD determination that PNM is a responsible party for the down gradient contaminatin.

If you have any other questions, please feel free to call me at 827-8156.

Sincerely,

A handwritten signature in black ink, appearing to read "Rand Carroll". The signature is written over the word "Sincerely," and the name "Rand Carroll" printed below it.

Rand Carroll
Division Attorney

c: Bill Olson, OCD Environmental Bureau
David Catanach, OCD Hearing Examiner