

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

**APPLICATION OF PUBLIC SERVICE  
COMPANY OF NEW MEXICO FOR REVIEW  
OF OIL CONSERVATION DIVISION  
DIRECTIVE DATED MARCH 1, 1998  
DIRECTING APPLICANT TO PERFORM  
ADDITIONAL REMEDIATION FOR  
HYDROCARBON CONTAMINATION,  
SAN JUAN COUNTY, NEW MEXICO.**

**CASE NO. 12033**

98 NOV 17 PM 3:54

OIL CONSERVATION DIV.

**SUBPOENA DUCES TECUM**

**TO: Craig A. Bock  
c/o William F. Carr, Esq.  
Campbell, Carr, Berge & Sheridan, P.A.  
Jefferson Place  
Suite 1-110 North Guadalupe  
P.O. Box 2208  
Santa Fe, New Mexico 87504-2208**

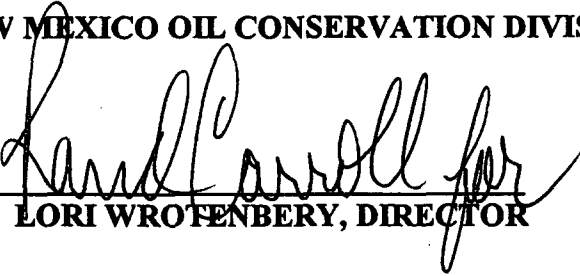
Pursuant to NMSA (1978), Section 70-2-8, and Rule 1211 of the New Mexico Oil Conservation Division's Rules of Procedure, you are hereby ORDERED to appear at 1:00 p.m., November 19, 1998 at the offices of the Oil Conservation Division, 2040 Pacheco, Santa Fe, New Mexico 87505 to testify at the hearing of the above-referenced case and to bring with you all documents related to the investigation and/or remediation of contaminated soil and/or groundwater at the Hampton 4M Well Site in New Mexico.

This subpoena is issued on application of Public Service Company of New Mexico, through their attorneys, Keleher & McLeod, P.O. Drawer AA, Albuquerque, NM 87103.

Dated this 24 day of November, 1998.

**NEW MEXICO OIL CONSERVATION DIVISION**

BY:

A handwritten signature in cursive script, appearing to read "Lori Wrotenbery", written over a horizontal line.

**LORI WROTENBERY, DIRECTOR**

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

IN THE MATTER OF THE APPLICATION OF  
PUBLIC SERVICE COMPANY  
OF NEW MEXICO FOR REVIEW OF  
OIL CONSERVATION DIVISION DIRECTIVE  
DATED MARCH 1, 1998 DIRECTING  
APPLICANT TO PERFORM ADDITIONAL  
REMEDIATION FOR HYDROCARBON  
CONTAMINATION,  
SAN JUAN COUNTY, NEW MEXICO

CASE NO. 12033

OIL CONSERVATION DIV.  
98 NOV 18 PM 4:27

**BURLINGTON RESOURCES OIL & GAS COMPANY'S  
MOTION TO QUASH SUBPOENA DUCES TECUM**

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Burlington Resources Oil & Gas Company ("Burlington"), moves the New Mexico Oil Conservation Division to quash the subpoena duces tecum issued on behalf of Public Service Company of New Mexico ("PNM") on November 17, 1998. The Division does not have the power to compel the attendance of Craig A. Bock, the witness subpoenaed, because he is an out-of-state witness. In support of this Motion, Burlington states:

1. On November 17, 1998, PNM secured from the New Mexico Oil Conservation Division a subpoena duces tecum by which PNM seeks to compel the attendance of Mr. Craig A. Bock at the hearing scheduled in this case for November 19, 1998.

2. The subpoena was directed to "Craig A. Bock c/o William F. Carr, Esq." Mr. Carr is the attorney for Burlington in this case.

3. In a November 17, 1998 telephone conversation between counsel for Burlington and counsel for PNM, counsel for PNM stated that he understood that Mr. Bock resided in Houston, Texas.

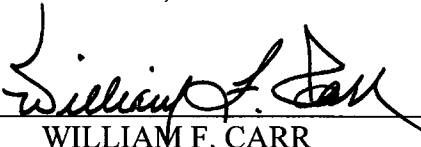
4. In fact, Mr. Bock does reside in Houston, Texas, and is not present in the State of New Mexico. See affidavit of L. Edward Hasely, November 18, 1998 (attached hereto as Exhibit "A").

5. "New Mexico has no legal authority to compel a person living in Texas to appear in its courts by issuance of a New Mexico subpoena. See Rules of Crim. Proc. 48(a) and Rule Civ. Proc. 45(e)." *State v. Waits*, 92 N.M. 275, 277, 587 P.2d 53, 55 (Ct. App. 1978).

Therefore, because this Division has no power to compel the attendance of Mr. Bock, a resident of Texas, Burlington respectfully requests that the Division quash the subpoena duces tecum which was issued on November 17, 1998.

Respectfully submitted,

CAMPBELL, CARR, BERGE  
& SHERIDAN, P.A.

By: 

WILLIAM F. CARR  
PAUL R. OWEN  
Post Office Box 2208  
Santa Fe, New Mexico 87504-2208

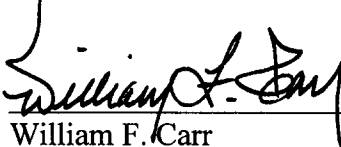
ATTORNEYS FOR BURLINGTON  
RESOURCES OIL & GAS COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion was served, via facsimile and first class U.S. Mail, on this 18th day of November, 1998 to the following counsel of record:

Rand Carroll, Esq.  
Oil Conservation Division  
2040 South Pacheco  
Post Office Box 6429  
Santa Fe, New Mexico 87505  
facsimile (505) 827-8177

Richard L. Alvidrez, Esq.  
Keleher & McLeod P.A.  
P.O. Drawer AA  
Albuquerque, New Mexico 87103  
facsimile (505) 346-1370

  
\_\_\_\_\_  
William F. Carr

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

IN THE MATTER OF THE APPLICATION OF  
PUBLIC SERVICE COMPANY  
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CASE NO. 12033

**AFFIDAVIT OF L. EDWARD HASELY**

STATE OF NEW MEXICO        )  
  ) ss.  
COUNTY OF SANTA FE        )

L. Edward Hasely, senior staff environmental representative of Burlington Resources Oil & Gas Company, being first duly sworn, upon oath, states as follows:

1.       Craig A. Bock, was an environmental representative of Burlington Resources Oil & Gas Company in Farmington, New Mexico but was transferred by Burlington to Houston, Texas in 1997.

2.       I replaced Craig A. Bock, as the Burlington Resources Oil & Gas Company's representative on a number of environmental projects in the San Juan Basin, including the contamination at the Hampton 4M Well site.

3. Craig A. Bock resides in Houston, Texas and is not present in the State of New Mexico.

L. Edward Hasely  
L. Edward Hasely

SUBSCRIBED AND SWORN to before me this 18th day of November, 1998 by L. Edward Hasely.

Maxwell  
Notary Public

My Commission Expires:

August 19, 1999