

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

**CASE NO. 12033
*DE NOVO***

**APPLICATION OF PUBLIC SERVICE COMPANY OF
NEW MEXICO FOR REVIEW OF OIL CONSERVATION
DIVISION DIRECTIVE DATED MARCH 13, 1998, DIRECTING
APPLICANT TO PERFORM ADDITIONAL REMEDIATION
FOR HYDROCARBON CONTAMINATION,
SAN JUAN COUNTY, NEW MEXICO.**

SCHEDULING ORDER

The parties to this *de novo* case pending before the Oil Conservation Commission ("Commission") are: Public Service Company of New Mexico ("PNM"); Burlington Resources Oil & Gas Company ("Burlington"); and the Oil Conservation Division ("OCD"). PNM is represented by Richard L. Alvidrez; Burlington is represented by William F. Carr; and OCD is represented by Rand Carroll.

The parties' attorneys met with the Commission attorney, Marilyn S. Hebert, on April 13, 1999, to discuss the following: a schedule for discovery; witness and exhibit lists; the use of prefiled prepared written testimony; and the length and schedule for the *de novo* hearing.

The following is the schedule for discovery and filing dates in advance of the *de novo* hearing:

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Discovery

The parties agree there are no unresolved discovery issues, and they will exchange requested documents.

Prepared Written Testimony and Exhibit List

The parties agree to file prepared written testimony for all of their witnesses by **June 11, 1999**. Any rebuttal testimony must be filed by **July 2, 1999**. The parties believe that all exhibits will be made exhibits to the filed testimony; however, in the event there are exhibits, which are not exhibits to the testimony, they will be identified on a list filed with the OCD by **July 9, 1999**.

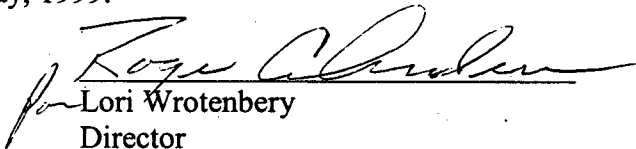
Stipulation of Facts

The prehearing conference did not address a stipulation as to facts. To the extent the parties can stipulate to material facts at issues, such stipulation shall be filed by **July 9, 1999**.

Hearing Dates

The parties have indicated that the *de novo* hearing will require two days. The dates for the *de novo* hearing are: **August 26 and 27, 1999**.

Done this 4th day of May, 1999.


for Lori Wrotenbery
Director

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

**CASE NO. 12033
*DE NOVO***

**APPLICATION OF PUBLIC SERVICE COMPANY OF
NEW MEXICO FOR REVIEW OF OIL CONSERVATION
DIVISION DIRECTIVE DATED MARCH 31, 1998, DIRECTING
APPLICANT TO PERFORM ADDITIONAL REMEDIATION
FOR HYDROCARBON CONTAMINATION,
SAN JUAN COUNTY, NEW MEXICO.**

AMENDED SCHEDULING ORDER

The parties to this *de novo* case pending before the Oil Conservation Commission ("Commission") are: Public Service Company of New Mexico ("PNM"); Burlington Resources Oil & Gas Company ("Burlington"); and the Oil Conservation Division ("OCD"). PNM is represented by Richard L. Alvidrez; Burlington is represented by William F. Carr; and OCD is represented by Rand Carroll.

The parties' attorneys met with the Commission attorney, Marilyn S. Hebert, on April 13, 1999, to discuss the following: a schedule for discovery including the subpoena issues raised by the parties; witness and exhibit lists; the use of prefiled prepared written testimony; and the length and schedule for the *de novo* hearing.

On May 4, 1999, the Acting Division Director issued the Scheduling Order. OCD's attorney has pointed out that some of the dates in the Scheduling Order had been selected with an earlier hearing date under consideration. As the hearing dates are now set for August 26 and 27, 1999, no party will be prejudiced by extending the deadlines for filing testimony, exhibit lists and stipulations.

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Therefore, the following is the amended schedule for discovery and filing dates in advance of the *de novo* hearing:

Discovery

The parties agree there are no unresolved discovery issues, and they will exchange requested documents.

Prepared Written Testimony and Exhibit List

The parties must file prepared written testimony for all witnesses by **July 9, 1999**. The witness must be present at the *de novo* hearing to adopt, under oath, his prepared written testimony, subject to cross-examination and motions to strike. The pages of the prepared written testimony must be numbered and must contain line numbers on the left-hand side of the page. Any rebuttal testimony must be filed by **July 30, 1999**.

The parties believe that all exhibits will be made exhibits to the filed testimony; however, in the event there are exhibits, which are not exhibits to the testimony, they will be identified on a list filed with the OCD by **August 6, 1999**.

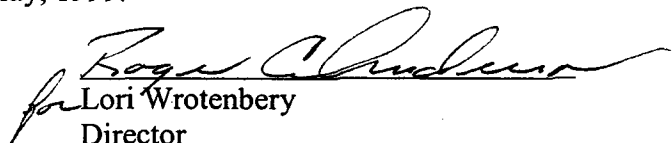
Stipulation of Facts

The prehearing conference did not address a stipulation as to facts. To the extent the parties can stipulate to material facts at issue, such stipulations shall be filed by **August 6, 1999**.

Hearing Dates

The parties have indicated that the *de novo* hearing will require two days. The dates for the *de novo* hearing are **August 26 and 27, 1999**.

Done this 25th day of May, 1999.


for Lori Wrotenbery
Director

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