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Via Hand Delivered and Facsimile

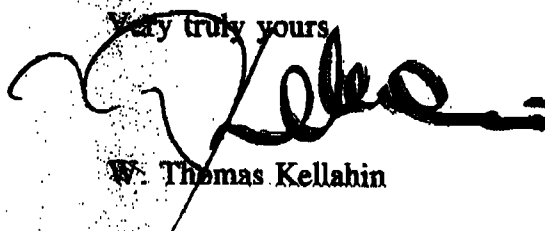
Ms. Lori Wrotenbery, Chairman
Oil Conservation Commission
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505

Re: **Richardson's objection to San Juan Coal Company
post hearing request to supplement the record
NMOCDC Case: 12734 (De Novo)
Application of Richardson Operating Company
to establish a Special "Infill Well" Area within
the Basin-Fruitland Coal Gas Pool as provided in
Rule of the special rule for this pool,
San Juan County, New Mexico**

Dear Ms. Wrotenbery:

On behalf of Richardson Operating Company please find enclosed our objection
to San Juan Coal Company's motion to supplement the record which was filed yesterday.

Very truly yours



W. Thomas Kellahin

cc: Steve Ross
Attorney for the Commission
David Brooks, Esq.
Attorneys for the Division
James Bruce, Esq.,
Attorney for San Juan Coal Company
Richardson Operating Company
Attn: David Richardson

*Application of Richardson Operating
Co.
Record on Appeal, 1997.*

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

**IN THE MATTER OF THE APPLICATION OF
RICHARDSON OPERATING COMPANY TO
ESTABLISH A SPECIAL "INFILL WELL"
AREA WITHIN THE BASIN-FRUITLAND
COAL GAS POOL AS PROVIDED BY RULE 4
OF THE SPECIAL POOL RULES,
SAN JUAN COUNTY, NEW MEXICO**

CASE NO. 12734 (De Novo)

**RICHARDSON OPERATING COMPANY'S
OBJECTION TO
SAN JUAN COAL COMPANY'S
MOTION TO SUPPLEMENT THE RECORD**

Richardson Operating Company ("Richardson"), by its attorneys, Kellahin and Kellahin, hereby requests that the New Mexico Oil Conservation Commission ("Commission") DENY San Juan Coal Company's ("SJCC") motion to supplement the record and states:

- (1) At the hearing before the Commission, SJCC chose not to introduce its desorption data in support Mr. Dan Paul Smith's expert testimony.
- (2) SJCC was provided ample time prior to the hearing to prepare its case and voluntarily chose not to present its desorption data.
- (3) SJCC was represented by three (3) attorneys at the hearing and none of them sought to preserve the opportunity to file the desorption data after the hearing.

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Richardson's Response to the SJCC's motion to supplement the record

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(4) Now, SJCC wants to amend the testimony of Mr. Dan Paul Smith with a post-hearing affidavit and thereby alter his testimony and deny Richardson its right to cross-examine Mr. Smith about his new opinions and conclusions.

(5) SJCC argues that it only wants to do what Richardson was allowed to do.

(6) At the Hearing, Richardson requested and obtained, without any objection from SJCC, the Commission's approval to provide a written response to Dr. Lee's questions.

(7) Unlike Richardson, SJCC failed to obtain at the time of the hearing Commission approval for a post hearing filing to supplement to record.

(8) Unlike, Richardson, SJCC failed to obtain the concurrence of opposing counsel and the time of the hearing.

(9) SJCC has waived its opportunity to submit the desorption data to the Commission.

(10) SJCC's motion denies Richardson its right to cross-examine Mr. Smith about this desorption data and its reliability.

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Richardson's Response the SJCC's motion to supplement the record

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(11) It is not the responsibility of the Commission to cure the defects in SJCC case or to allow a party the opportunity after the hearing to correct its intentional mistakes, or to attempt to rehabilitate its witness.

(12) Pursuant to Section 70-2-13 NMSA (1972), the Commission is required to conduct a De Novo hearing--this is not to be a hearing by affidavit.

WHEREFORE, Richardson's requests that the Commission deny SJCC's motion

Respectfully submitted,



W. Thomas Kellahin
P. O. Box 2265
Santa Fe, New Mexico 87504

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was transmitted by facsimile this 13th day of November, 2002 to James Bruce, attorney for San Juan Coal Company.



W. Thomas Kellahin

*Application of Richardson Operating
Co.
Record on Appeal, 2000.*