

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

**APPLICATION OF DUKE ENERGY FIELD  
SERVICES, LP FOR AN ACID GAS INJECTION  
WELL, LEA COUNTY, NEW MEXICO.**

**CASE NO. 13589**

**DCP'S OBJECTION TO LATE-FILED PRE-HEARING STATEMENT**

DCP Midstream, LP ("DCP") objects to the Smiths' Pre-Hearing Statement because it was filed after the deadline mandated by Commission rules. NMAC19.15.4.13 requires pre-hearing statements to be filed "at least four business days in advance of a scheduled hearing before the division or the commission, but in no event later than 5:00 p.m. mountain time, on the Thursday preceding the scheduled hearing date." The Smiths did not file their pre-hearing statement until Friday, July 8, 2011 at 4:35 p.m. Due to the late-filing, DCP and its counsel did not get to review the pre-hearing statement until Monday, July 11th.

**Respectfully submitted,**

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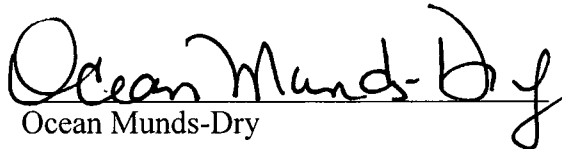
## CERTIFICATE OF SERVICE

I certify that on July 12, 2011 I served a copy of DCP's Motion to the following by:

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