patrick j. rogers, llc

September 30, 2015

David Catanach, Chairman
Oil Conservation Commission
1220 South St. Francis Drive
Santa Fe, NM 87505

Via Email

Re: OCC Case Nos. 15357 and 15365

Dear Mr. Chairman:

On behalf of Lightning Dock Geothermal HI-01, LLC (Lightning Dock), we respectfully ask the Commission to advance the deadline for filing the Proposed Findings of Fact and Conclusions of Law with the Commission to Monday, October 5, 2015 (currently due October 7, the date of the resumption of the hearings). In addition, we are requesting an order to confirm that closing arguments take place at the end of the evidence and that the arguments be limited to thirty (30) minutes combined total for each side in favor or opposed. Lightening Dock requests that the Commission deny any attempt to allow closing arguments to be submitted at some date after the conclusion of the hearing.

Pre-filing of Proposed Findings of Fact and Conclusions of Law is common in court proceedings. Doing so allows decision makers to have time to read the pleadings in advance. It also provides context, a "roadmap" to help allow decision makers to know where each party is going as it presents evidence. Finally, pre-filed Proposed Findings of Fact and Conclusions of Law help clarify the relevance of evidence and lines of argument. Submitting the proposed findings and conclusions on October 5th would allow the Commissioners to review the "roadmap" before the hearing resumes on October 7th.

The hearing resumes on October 7, 2015, and filing the Proposed Findings of Fact and Conclusions of Law two days earlier to allow the Commissioners the opportunity to review the proposals will not prejudice the parties. We see great benefit to the Commission in doing so.

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In addition, to promote finality and efficiency, we request that the Commission not allow written closings filed at some future date. The more usual (oral) closings at the end of the evidence should be confirmed in advance. We believe a combined total of thirty minutes for a closing arguments in favor of the application and a combined total of thirty minutes for closing arguments opposed to the application should be plenty. Lightening Dock has expressed its concern with a series of requests and actions that have delayed a decision. Lightening Dock has expressed its concerns that the protest/objections were interposed by a competitor for improper reasons, including delay. A prompt closing argument at the end of the evidence would promote due and fair process. A decision while the evidence is fresh would allow the Commission to complete its work on this application filed June 1, 2015.

Counsel for each party has been contacted, but only Counsel for OCD has responded in support. Counsel for Americulture is opposed.

Yours sincerely,

PATRICK J. ROGERS, LLC

Pat Rogers (cc.

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