

**From:** [Michael Feldewert](#)  
**To:** [Lance D. Hough](#); [Hearings, OCD, EMNRD](#)  
**Cc:** [Adam Rankin](#); [Salvidrez, Marlene, EMNRD](#); [Earl E. DeBrine](#)  
**Subject:** [EXT] Colgate's request for additional delay of Cases 21337, 21338 (COG's Tenderloin)  
**Date:** Wednesday, July 15, 2020 10:58:01 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[RE Nos. 21337 21338 - Colgate Operating LLC - Entry of Appearance.msg](#)

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COG objects to Colgate's unsubstantiated, additional request for delay of the hearing in these matters.

First, these matters were on the docket for hearing on July 9th. Colgate filed a late request for a continuance of the July 9th hearing that COG and the Division accommodated under Colgate's representation that no additional continuances would occur and that "a continuance to the next docket on 7/23 would give them sufficient time to evaluate and prepare to the extent necessary." See Attached email.

Second, Colgate has not provided any basis for this additional delay of the hearing. Colgate does not have a competing development plan. COG will demonstrate on July 23rd that proper notice of the hearing was provided to ALL pooled parties and that COG's discussed its development plans with Colgate (and all the pooled parties) prior to filing the application, as it must at every hearing. There is no basis for a "contested" hearing and nothing to address at a contested hearing.

Colgate's notice below is contrary to its prior representations to the Division and this unsubstantiated obstructionist tactic should not be condoned.

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### Michael H. Feldewert

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**From:** Lance D. Hough <ldh@modrall.com>

**Sent:** Wednesday, July 15, 2020 10:22 AM

**To:** Hearings, OCD, EMNRD <OCD.Hearings@state.nm.us>

**Cc:** Michael Feldewert <MFeldewert@hollandhart.com>; Adam Rankin

<AGRankin@hollandhart.com>; Salvidrez, Marlene, EMNRD <Marlene.Salvidrez@state.nm.us>; Earl E. DeBrine <edebrine@modrall.com>

**Subject:** Cases 21337, 21338 (COG's Tenderloin); Status Conference for Contested Cases



External Email

**EXTERNAL EMAIL:** Please do not click any links or open any attachments unless you trust the sender and are expecting this message and know the content is safe.

Good morning,

These cases are currently set for hearing on 7/23. I am writing to notify the Division that Colgate is opposed to the presentation of Cases 21337 and 21338 by affidavit on 7/23. As a result, our understanding is that these cases will be set for a brief status conference on 7/23 and continued for purposes of presenting evidence.

Please let me know if you have any questions or concerns. Thank you for your attention to this matter.

Sincerely,



Lance D. Hough

*Associate*

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