



New Mexico Energy, Minerals and Natural Resources Department

Susana Martinez
Governor

John H. Bemis
Cabinet Secretary-Designate

Brett F. Woods, Ph.D.
Deputy Cabinet Secretary

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January 19, 2012



William F. Carr
Holland & Hart LLP
110 North Guadalupe, Suite 1
Santa Fe, New Mexico 87501

via facsimile
(505) 983-6043

Re: Pit Rule Amendment Hearing

Dear Mr. Carr:

I have received your January 18, 2012 letter wherein you request a pre-hearing conference to determine a hearing date that is agreeable to the parties and to determine the issues that the Commission will consider at the hearing. With regard to the date, the hearing has been reset for April 16-20, 2012.

While I appreciate your suggestion concerning the issues, the fact that this is a rulemaking hearing, as opposed to an adjudication, inclines me to deny your request. Issues to be considered at the hearing may be a function of input from members of the public and participants who have not yet been identified. I believe that an endeavor, in this context, to predetermine matters to be considered by the Commission would be inappropriate.

Thank you for your interest in facilitating the process involved in considering the proposed rule changes, but I do not believe that a pre-hearing conference of the sort that you suggest is necessary.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jami Bailey".

Jami Bailey
Chair

