



# 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

**Jami Bailey**  
Division Director  
**Oil Conservation Division**



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,

Jami Bailey  
Chair



Page 2

Letter to William F. Carr

cc: Gabrielle Gerholt  
Oil Conservation Division  
1220 S. St. Francis Drive  
Santa Fe, New Mexico 87505  
[gabrielle.gerholt@state.nm.us](mailto:gabrielle.gerholt@state.nm.us)

Mark Smith  
Oil Conservation Commission  
1220 S. St. Francis Drive  
Santa Fe, New Mexico 87505  
[marka.smith@state.nm.us](mailto:marka.smith@state.nm.us)

Karin V. Foster  
5805 Mariola Place, NE  
Albuquerque, New Mexico 87111  
[fosterassociates2005@yahoo.com](mailto:fosterassociates2005@yahoo.com)

Earl H. DeBrine, Jr.  
Modrall, Sperling, Roehl, Harris & Sisk, P.A.  
Post Office Box 2168  
Albuquerque, New Mexico 87103-2168  
[edebrine@modrall.com](mailto:edebrine@modrall.com)

Eric D. Jantz  
R. Bruce Fredrick  
New Mexico Environmental Law Center  
1405 Luisa Street, Suite 5  
Santa Fe, New Mexico 87505  
[ejantz@nmelc.org](mailto:ejantz@nmelc.org)  
[bfredrick@nmelc.org](mailto:bfredrick@nmelc.org)

Judith B. Calman  
142 Truman, NE, Suite 1371  
Albuquerque, New Mexico 87108-1371  
[judycalman@yahoo.com](mailto:judycalman@yahoo.com)

Dr. Donald Neeper  
2708 B. Walnut St.  
Los Alamos, New Mexico 87544-2050  
[dneeper@earthlink.net](mailto:dneeper@earthlink.net)