

Apodaca, Ted

From: Apodaca, Ted
Sent: Friday, May 06, 2005 11:07 AM
To: Fesmire, Mark; MacQuesten, Gail; Jones, William V; Martin, Ed
Cc: Leach, Carol
Subject: Gandy Marley - Artesia Aeration Hearing

For your information, the following actions were taken at this morning's pre-hearing conference regarding the above matters.

- Early part of next week, CRI will file a motion to dismiss the application of Artesia Aeration from consideration because it is not administratively complete for hearing. Artesia Aeration will have 5 calendar days from receipt of the motion to respond. (All parties will be exchanging motions and notice via facsimile.)
- May 13 - All pre-hearing filings are due, including any procedural or dispositive motions that any party may wish to file.
- May 13 - The hearing examiner may conduct another pre-hearing conference in an effort to streamline what promises to be a lengthy hearing.
- May 18 - Responses to any motions filed on May 13 are due.
- May 20 - Hearing on the Gandy Marley and Artesia Aeration applications will be heard as a carry-over item from the previous day's docket. Because the parties claim they will need more than one day, the hearing may be continued over to Saturday, May 21, and, if necessary, Sunday, May 22.

All parties objected to consolidation, thus, Gandy Marley' application will be heard first, followed by Artesia Aeration. The applicants shall carry the burden of proof with opportunity for opponents and proponents to put on testimony thereafter. The parties were advised OCD will not put on a case in chief, but advised the hearing examiner that OCD reserved the right to introduce rebuttal testimony, if necessary.

Thank you,

Ted

Ted Apodaca
Assistant General Counsel
EMNRD - Office of the Secretary
1220 S. St. Francis Drive
Santa Fe, NM 87505
Telephone: (505) 476-3212
Fax: (505) 476-3220
E-mail: Ted.Apodaca@state.nm.us

Tracking:	Recipient	Read
	Fesmire, Mark	
	MacQuesten, Gail	
	Jones, William V	Read: 5/6/2005 11:11 AM
	Martin, Ed	
	Leach, Carol	