

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION**

**APPLICATION OF DCP MIDSTREAM, LP TO RE-OPEN CASE NO. 13589 TO
AMEND ORDER NO. R-12546 FOR THE LIMITED PURPOSE OF AUTHORIZING A
SECOND ACID GAS INJECTION WELL, LEA COUNTY, NEW MEXICO.**

CASE NO. 13589

DCP MIDSTREAM, LP'S MOTION TO FILE LATE EXHIBIT

DCP MIDSTREAM, LP ("DCP") through its undersigned attorneys, hereby moves the Commission to accept a late-filed exhibit, attached hereto as Exhibit A, for presentation at the Commission hearing on this matter on December 20, 2012. Pursuant to Rule 19.15.4.13.B(2), DCP states that it has good cause for failure to previously disclose the exhibit and that the Commission should accept the late-filed exhibit. DCP states the following in support of thereof:

1. DCP was contacted on Wednesday, December 12, 2012, by the Oil Conservation Division's Mr. William V. Jones who requested updated groundwater samples within the area of review defined by DCP's C-108 Application for Authority to Inject.
2. In its C-108 Application, DCP had referenced water samples taken several years ago. Mr. Jones indicated that he wanted an updated groundwater analysis within in the area of review of the proposed AGI No. 2 injection well to assist him with his review of DCP's Application.
3. Mr. Jones' request came the day before DCP's pre-hearing statement and the pre-filing of its exhibits were due on December 13. Accordingly, DCP was unable to have the requested groundwater samples prepared and analyzed in time to include as a pre-filed exhibit on December 13.

4. The proposed late-filed exhibit would not prejudice any Party to this proceeding. The proposed exhibit is simply an updated groundwater sample within the area of review of the proposed AGI No. 2 injection well that was prepared and filed with the Division upon the Division's own request.

5. The proposed exhibit will assist the Division and the Commission in the evaluation of DCP's Application to ensure that the Application will prevent waste and protect correlative rights, and that granting the Application will not harm human health or the environment.

6. Copies of the late-filed exhibit have been provided to all counsel of record. Counsel for DCP has contacted counsel for the Smiths to determine if they oppose this late-filed exhibit, but have not received a response. Counsel for the Division does not oppose the late filing of this exhibit.

WHEREFORE, DCP requests that the Commission grant this motion and approve the proposed late-filed exhibit, attached hereto as Exhibit A, as a late-filed exhibit for presentation to the Commission at the December 20th hearing on this matter.

Respectfully submitted,

HOLLAND & HART LLP

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ATTORNEYS FOR DCP MIDSTREAM, LP

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of December 2012, I served a copy of the foregoing **DCP Midstream LP's Motion to File Late Exhibit** upon the following counsel of record by electronic mail to:

Gabrielle Gerholt
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**ATTORNEYS FOR
RANDY SMITH, NAOMI SMITH, AND THE SMITH FARM AND RANCH**

A handwritten signature in black ink, appearing to be 'A.G. Rankin', written over a horizontal line.

Adam G. Rankin, Esq.