



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON
Governor
Joanna Prukop
Cabinet Secretary

Mark E. Fesmire, P.E.
Director
Oil Conservation Division

October 15, 2007

Mr. William F. Carr
Holland & Hart LLP
P.O. Box 2208
Santa Fe, NM 87505
FAX No. 505-983-6043

Re: Case No. 14015; Application of NMOCD for Repeal of Existing Rule 50, etc.

Dear Bill:

Reference is made to your letter of October 10 requesting certain information from the Division.

Rule 1214 concerning pre-hearing procedure and discovery is limited to adjudicatory cases, and does not apply in rulemaking proceedings such as this one. In addition the requested information does not, at this time, exist in producible documentary form, and, to the extent it does exist, is non-discoverable under Rule 1-026.B(4) (applicable by analogy) and the attorney-client privilege.

The Division will produce all exhibits (including exhibits it will use for demonstrative purposes) on October 29, 2007, as required by the Chairman's order.

Should you have questions, please feel free to call the undersigned at (505)-476-3450.

Very truly yours,

David K. Brooks,
Assistant General Counsel

ec: Hon. Mark E. Fesmire
Carol Leach
Cheryl Bada
Wayne Price