

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

**IN THE MATTER OF THE APPLICATION
OF DUKE ENERGY FIELD SERVICES, LP FOR
APPROVAL OF AN ACID GAS INJECTION WELL
LEA COUNTY, NEW MEXICO**

CASE NO. 13589

PRE-HEARING STATEMENT

This Pre-Hearing Statement is submitted by Miller Stratvert P.A. (J. Scott Hall) on behalf of Randall Smith, Dean "Beach" Snyder and A.C. Ranch Partnership, as required by the Oil Conservation Commission.

APPEARANCES

ATTORNEYS

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OPPONENT'S ATTORNEY

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APPLICANT

Duke Energy Field Services, LP

OPPONENTS

Randall Smith, Dean "Beach" Snyder and
A.C. Ranch Partnership

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STATEMENT OF THE CASE

OPPONENTS' STATEMENT

Randall Smith is a landowner whose farm and home is located immediately north of the proposed location of Duke Energy's pipeline and injection facility. Beach Snyder and A. C. Ranch Partnership own the ranch unit and surrounding acreage upon which the pipeline and injection facility are proposed to be located. Smith, Snyder and A. C. Ranch Partnership oppose the Application and the relief requested therein. None of the opponents of the pipeline and injection facility were notified of the Application. Applicant's proposal for the transportation, compression and injection of carbon dioxide and hydrogen sulfide acid-gas involves the handling of defined hazardous and ultra-hazardous chemicals and substances. The Application and the State's regulatory review process do not seem adequately designed to assure the protection of public health and the environment per NMSA 1978 §§70-2-12(A)(21) and (22). Finally, Duke Energy Field Services does not have the ownership right, by lease, permit or otherwise, to utilize the lands for the purposes proposed in its Application. For this reason alone, the Application should be dismissed.

PROPOSED EVIDENCE

OPPONENTS'

<u>WITNESSES</u>	<u>ESTIMATED TIME</u>	<u>EXHIBITS</u>
Randall Smith	15 min.	4
Sam Cobb	10 min.	1
Additional Witnesses	1 hour	

PROCEDURAL MATTERS

1. Smith, et al., will file a Motion to Dismiss the Application in advance of the hearing.

MILLER STRATVERT P.A.

By:



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Certificate of Service

I hereby certify that a true and correct copy of the foregoing was faxed to counsel of record on the 2 day of February 2006, as follows:

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