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July 23, 2008

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Reply to Santa Fe Office

HAND-DELIVERED

Mr. Mark Fesmire, Chairman
New Mexico Oil Conservation Commission
1220 South St. Francis Drive
Santa Fe, NM 87505

Re: ***NMOCC Case No. 14134; Application of the Board of County Commissioners, Rio Arriba County, New Mexico; and***

NMOCC Case No. 14141; Application of Approach Operating, LLC, Rio Arriba County, New Mexico

Dear Mr. Fesmire:

On behalf of Approach Operating, LLC, we request a pre-hearing conference pursuant to Rule 1214.B in order to obtain guidance on the following matters:

1. The conduct of the expected hearing before the Commission in Case Nos. 14134 and 14141. It is my reading of Order No. R-12976 that this will not be a *de novo* proceeding. Consequently, it would be helpful to know whether the Commission intends to utilize the existing record from the June 20-23, 2008 examiner hearing or if the creation of a new record is preferred. *It will be a de-novo hearing.*
2. Whether the Commission intends to hold the hearing in Case Nos. 14134 and 14141 before or after the anticipated formal rulemaking proceeding pursuant to the Governor's July 21, 2008 directive to the Division to propose new rules to protect water resources, human health and the environment for the eastern half of Rio Arriba County.

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3. Whether we correctly assume the approved APD's that are the subject of Case No. 14134 continue to be suspended and the processing of the APD's that are the subject of Case No. 14141 are also stayed for the pendency of the rulemaking.

With respect to this last issue, we respectfully request the agency's guidance by Monday, July 28, 2008.

Thank you for your attention to this matter. I am available to attend a pre-hearing conference any day this week.

Very truly yours,

A handwritten signature in black ink that reads "J. Scott Hall". The signature is written in a cursive style with a prominent initial "J" and a long, sweeping underline.

J. Scott Hall

JSH/mb

cc: Ted Trujillo, Esq. and Adan Trujillo, Esq. (via fax)
Cheryl Bada, Esq. (via hand-delivery)