



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

**BILL RICHARDSON**

Governor

**Joanna Prukop**

Cabinet Secretary

**Lori Wrotenbery**

Director

**Oil Conservation Division**

## **Denial of Application for Hearing De Novo**

COMES NOW the Director of the Oil Conservation Division and Chair of the Oil Conservation Commission, and in response to the Application for Hearing De Novo filed by Yates Petroleum Corporation on September 17, 2003, states as follows:

(1) The DECISION OF THE EXAMINER REGARDING PRIDE ENERGY COMPANY'S (Pride) REQUEST FOR AN EMERGENCY HEARING AND YATES PETROLEUM CORPORATION'S (Yates) REQUEST TO DISMISS CASE NO. 13153 was filed September 12, 2003.

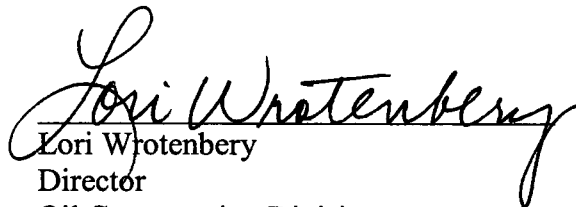
(2) Pride has requested reconsideration of the portion of the decision deferring a decision on Pride's request for an emergency order.

(3) The Decision did not dispose of any issues existing in the case.

(4) The Decision gave few reasons for denying the request of Yates to dismiss Pride's application for compulsory pooling in Case No. 13153.

## **IT IS THEREFORE ORDERED THAT:**

Case No. 13153 is remanded to the Division Hearing Examiner for full consideration of the legal issues that may be raised by Yates' Motion to Dismiss, with a decision to be issued on that matter prior to any hearing of the factual issues related to Pride's compulsory pooling application.

  
Lori Wrotenbery  
Director

Oil Conservation Division

SEP 17 2003

Oil Conservation Division

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

**APPLICATION OF PURE ENERGY COMPANY FOR CANCELLATION  
OF DRILLING PERMIT AND RE-INSTATEMENT OF A DRILLING  
PERMIT, AN EMERGENCY ORDER HAULTING OPERATIONS, AND  
COMPULSORY POOLING, LEA COUNTY, NEW MEXICO.**

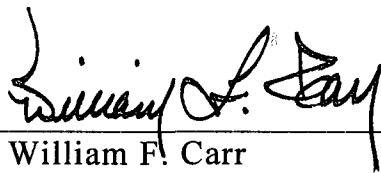
**CASE NO. 13153**

**APPLICATION FOR HEARING DE NOVO**

COMES NOW YATES PETROLEUM CORPORATION, a party adversely affected by the Decision of the Examiner Regarding Pride Energy Company's Request for an Emergency Order and Yates Petroleum Corporation's Request to Dismiss Case No. 13153, and hereby applies for a hearing *De Novo* before the full Commission, pursuant to NMSA 1978, Section 70-2-13.

Respectfully submitted,

HOLLAND & HART, LLP

By:   
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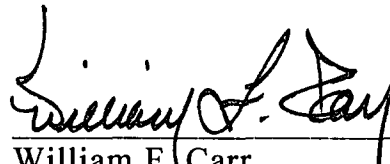
ATTORNEYS FOR YATES  
PETROLEUM CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Application for Hearing *De Novo* was hand-delivered, delivered by facsimile and/or mailed this 17th day of September 2003 to the following:

Gail MacQuesten, Esq.  
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New Mexico Department of Energy,  
Minerals and Natural Resources  
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William F. Carr