

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

IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
DIVISION FOR THE PURPOSE OF
CONSIDERING:

CASE NO. 11334

APPLICATION OF PHILLIPS PETROLEUM
COMPANY FOR A DETERMINATION IN
ACCORDANCE WITH SECTION 70-2-33 (H)
NMSA (1978) OF THE PROPORTIONATE
SHARE OF RECOVERABLE HYDROCARBONS
AND FOR THE ADOPTION OF A SPECIAL OIL
ALLOWABLE FOR THE SOUTH PETERSON-
FUSSELMAN POOL, ROOSEVELT COUNTY, NEW MEXICO.

PRE-HEARING STATEMENT

This Prehearing Statement is submitted by Campbell, Carr & Berge, P.A., as required
by the Oil Conservation Division.

APPEARANCES OF PARTIES

APPLICANT

Phillips Petroleum Company _____

name, address, phone and
contact person

ATTORNEY

W. Thomas Kellahin, Esq.
Kellahin & Kellahin
Post Office Box 2265
Santa Fe, New Mexico 87504-2265
(505) 982-4285

OPPOSITION OR OTHER PARTY

Enserch Exploration Inc. _____
c/o Frank Pope, Jr. _____
Post Office Box 2649 _____
Dallas, TX 75221 _____
(214) 987-7844 _____

name, address, phone and
contact person

ATTORNEY

William F. Carr, Esq. _____
Campbell, Carr & Berge, P.A.
Post Office Box 2208 _____
Santa Fe, New Mexico 87504 _____
(505) 988-4421 _____

STATEMENT OF CASE

APPLICANT

(Please make a concise statement of what is being sought with this application and the reasons therefore.)

OPPOSITION OR OTHER PARTY

(Please make a concise statement of the basis for opposing this application or otherwise state the position of the party filing this statement.)

Enserch Exploration Inc. opposes this application because:

1. The evidence relied on by Phillips in this application was available to it in prior hearings and their application in this case is an improper collateral attack on Commission Order No. R-5771-C; and

2. Even if the Division hears this case, the evidence will not change the April 1995 decision of the Commission that a 500 BOPD allowable for the South Peterson-Pennsylvanian Fusselman Pool will prevent waste and protect the correlative rights of the interest owners in this pool.

PROPOSED EVIDENCE

APPLICANT

WITNESSES
(Name and expertise)

EST. TIME

EXHIBITS

OPPOSITION

WITNESSES
(Name and expertise)

EST. TIME

EXHIBITS

George Faigle, Geologist

10 Min.

3 Exhibits

Mark Burkett or
Ralph Telford, Petroleum Engineer

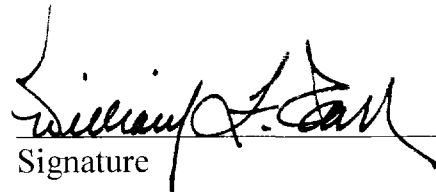
15 Min.

5 Exhibits

PROCEDURAL MATTERS

(Please identify any procedural matters which need to be resolved prior to hearing)

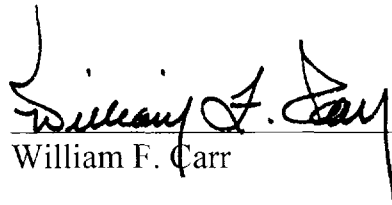
Motion to Dismiss.


Signature

CERTIFICATE OF MAILING

I hereby certify that on this 20th day of July, 1995, I have caused to be mailed a copy of our Pre-Hearing Statement in the above-captioned cases to the following counsel of record:

W. Thomas Kellahin, Esq.
Kellahin & Kellahin
Post Office Box 2265
Santa Fe, New Mexico 87504



William F. Carr