

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

**APPLICATION OF LG&E NATURAL PIPELINE, L.L.C.
FOR SPECIAL POOL RULES FOR THE
GRAMA RIDGE MORROW GAS STORAGE UNIT,
LEA COUNTY, NEW MEXICO.**

CASE NO. 12441

01 OCT 2004 PM 1:05
03 JUL 21 PM 1:05

JOINT MOTION FOR CONTINUANCE

BTA OIL PRODUCERS, Inc., CONCHO RESOURCES, Inc., C.W. TRAINER, NEARBURG EXPLORATION COMPANY, L.L.C., and YATES PETROLEUM CORPORATION (“movants”) jointly move the Examiner for an order granting a four week continuance of the hearing on the application of LG&E Natural Pipeline, L.L.C. (“LG&E”). LG&E seeks an order establishing “special project rules” for wells drilled or re-completed in the Morrow formation within its Grama Ridge Morrow Gas Storage Unit and certain acreage immediately adjacent to that Unit in Lea County, New Mexico. In support of this motion movants state:

I. Concho Resources Has Not Received Proper Notice Of LG&E’s Application.

1. On June 5, 2000, LG&E filed its initial Application seeking to establish “special project rules” for (a) all newly drilled or re-completed wells in the Morrow formation within the area LG&E considers to be its Grama Ridge Morrow Gas Storage Unit, and (b) certain acreage immediately adjacent to that Unit.

2. Concho Resources is the leaseholder of record for the 160 acres comprising the E/2E/2 of Section 5, T-22-S, R-34-E.

3. LG&E’s Application seeks to establish “special project rules” applicable to the

acreage in Section 5 for which Concho Resources is the leaseholder of record. Concho Resources is therefore a mineral interest owner directly affected by LG&E's Application.

4. Concho Resources has not received notice of LG&E Application as required by the Oil Conservation Division Rules and Regulations and only recently learned about LG&E's Application.

5. LG&E's failure to provide Concho Resources proper notice of its Application requires that the hearing in this matter be continued until such time as proper notice is provided to Concho Resources.

II. LG&E Has Unreasonably Delayed Responding To Nearburg's Document Subpoena And Has Yet To Provide The Documents Requested Weeks Ago.

6. Nearburg has requested that LG&E provide certain information in anticipation of the hearing in this matter.

7. On June 26, 2000, Nearburg was forced to serve a subpoena on LG&E which requested production of documents at the Division's offices on June 29, 2000. *See* Attachment A.

8. On June 27th, LG&E responded with a letter indicating that "we plan on responding and producing materials at the time and place you have identified." *See* Attachment B.

9. LG&E did not produce the materials on June 29th as promised and instead on July 5th reversed its position, informing Nearburg's attorneys that LG&E desired "further discussion on the scope of the materials sought by Nearburg." *Id.*

10. Thereafter, counsel for both parties attempted to reach each other by telephone without success. On Monday, July 17th, because of the unsuccessful efforts to discuss the matter by

telephone, counsel for Nearburg suggested in writing that LG&E “either draft a response to the subpoena or a letter setting forth the issues we need to address.” *Id.* Counsel for LG&E refused to provide a written response and instead indicated he would have the documents the following day.

11. On Tuesday, July 18th, counsel for LG&E indicated by telephone that he would provide the documents to Nearburg on Wednesday along with a written response to the subpoena.

12. On Wednesday evening, LG&E’s attorney indicated that the documents would be sent for copying the following morning and be made available by Thursday afternoon.

13. On Thursday, July 20th, LG&E finally provided a written response to the subpoena which raised objections to some of the requests and stated that production of the exhibits LG&E intended to use at the hearing would not be produced until “the time of the hearing.” *See* Attachment C, ¶11. No documents were produced on Thursday.

14. LG&E, for whatever reason, has unreasonably delayed document production in this matter and prevented the movants a reasonable time to review the documents requested in preparation for hearing.

III. Additional Time Is Necessary To Schedule A Meeting Between Movants And LG&E To Discuss The Issues Raised By LG&E’s Application.

15. LG&E and the movants have each expressed a desire to meet before a hearing on LG&E’s Application to determine whether the issues can be resolved or substantially reduced.

16. However, because of the number of parties involved and the delay by LG&E in producing documents, there is not sufficient time before the July 27th hearing to schedule a meeting.

17. Movants hope that LG&E will provide responsive documents shortly so that the

parties will be in a position to schedule a meeting in August.

18. Additional time is therefore necessary to complete document production and schedule a meeting between the parties.

IV. LG&E Recently Filed An Amended Application Which Substantially Changes The Affected Acreage And For The First Time Identifies The “Special Project Rules” LG&E Proposes.

19. On July 19th, eight days before the scheduled hearing, counsel for the movants received LG&E’s “Amended Application” in this matter.

20. LG&E’s newly filed Amended Application contains a number of substantial changes to its original application:

A. LG&E’s Amended Application now contends that its gas storage unit includes, in part, the W/2 of Section 33 and the E/2 of Section 34. *See* Amended Application at ¶2. LG&E had previously represented to Yates that the gas storage unit extended to the E/2 of Section 33 and the W/2 of Section 34.

B. LG&E’s Amended Application contains for the first time an “Exhibit A” which sets forth the “special project rules” LG&E seeks to have adopted by the Division.

C. LG&E’s Amended Application dramatically redefines the “area of interest” subject to the “special project rules” LG&E proposes. The Amended Application changes the proposed area of interest as follows:

1. In T-21-S, R-34-E: Adds the E/2 of Section 34 and the W/2 of Section 33, removes Sections 26, 29 and 35, and contracts the affected acreage in Sections 27, 28, and 32.
2. In T-22-S, R-34-E: Adds Sections 3 and 10, removes Sections 2, 11 and 14, and contracts the affected acreage in Sections 5, 8, 9, 15 and 16.

Compare Application at ¶7 with Amended Application at ¶7.


21. Movants have not received proper notice of these changes as required by Division Rules and Regulations.

22. Movants require additional time to review LG&E's Amended Application and determine what affect its revisions have on their individual operations and objections.

WHEREFORE, movants respectfully and jointly request that the Examiner enter an order continuing the hearing on LG&E's Application and Amended Application until such time as all parties have received proper notice of these applications or - at the very least - to the August 24, 2000, Examiner hearing docket.

Respectfully submitted,

CAMPBELL, CARR, BERGE
AND SHERIDAN, P.A.

By: 

William F. Carr
Michael H. Feldewert
Post Office Box 2208
Santa Fe, New Mexico 87501
(505) 988-4421

ATTORNEYS FOR BTA OIL
PRODUCERS, INC., CONCHO
RESOURCES, INC., C.W. TRAINER,
NEARBURG EXPLORATION
COMPANY, L.L.C., AND YATES
PETROLEUM CORPORATION

CERTIFICATE OF SERVICE

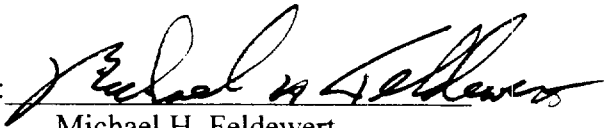
THIS WILL CERTIFY that a true and correct copy of the foregoing Motion for Continuance was hand-delivered this 21 day of July, 2000 to the following:

Marilyn Hebert
Legal Counsel
New Mexico Oil Conservation Division
2040 South Pacheco
Santa Fe, NM 87505

J. Scott Hall, Esq.
Miller, Stratvert & Torgerson, P.A.
150 Washington Avenue, Suite 300
Santa Fe, New Mexico 87501

Respectfully Submitted,

CAMPBELL, CARR, BERGE
AND SHERIDAN, P.A.

By: 

Michael H. Feldewert
Post Office Box 2208
Santa Fe, New Mexico 87504
(505) 988-4421

ATTACHMENT A

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

**APPLICATION LG&E NATURAL PIPELINE, L.L.C.
FOR SPECIAL POOL RULES FOR THE
GRAMA RIDGE MORROW GAS STORAGE UNIT,
LEA COUNTY, NEW MEXICO.**

CASE NO. 12441

SUBPOENA DUCES TECUM

**TO: LG&E Natural Pipeline, L.L.C.
c/o J. Scott Hall, Esq.
Miller, Stratvert & Torgerson, P. A.
Post Office Box 1986
Santa Fe, New Mexico 87504**

00 JUN 23 11:12:54
OIL CONSERVATION DIVISION

Pursuant to Section 70-2-8, NMSA (1978) and Rule 1211 of the New Mexico Oil Conservation Division's Rules of Procedure, you are hereby ORDERED to appear at 9:00 a.m., June 29, 2000, at the offices of the Oil Conservation Division, 2040 South Pacheco, Santa Fe, New Mexico 87505 and to produce the documents and items specified in attached Exhibit A and to make available to Nearburg Exploration Company, L.L.C., and their attorney, William F. Carr, for copying, all of said documents.

This subpoena is issued on application of Nearburg Exploration Company, L.L.C., through their attorneys, Campbell, Carr, Berge & Sheridan, P.A. Post Office Box 2208, Santa Fe, New Mexico 87504.

ATTACHMENT A

Dated this 23rd day of June, 2000

NEW MEXICO OIL CONSERVATION DIVISION

BY: 
LORI WROTENBERY, DIRECTOR

EXHIBIT "A"

**TO SUBPOENA DUCES TECUM
TO LG&E NATURAL PIPELINE, L.L.C.
IN NEW MEXICO OIL CONSERVATION DIVISION
CASE 12441**

PURPOSE: The purpose of this subpoena is to provide all of the information necessary for Nearburg Exploration Company, L.L.C. to be able to prepare its opposition to LG&E Natural Pipeline, L.L.C., in New Mexico Oil Conservation Division Case 12441.

PRODUCE THE FOLLOWING DOCUMENTS:

(1) All reservoir pressure information from the date of inception of the Grama Ridge Morrow Gas Storage Unit including all bottomhole pressure tests and build-up test results, current well rates, flowing tubing pressures and choke sizes on each well within the Grama Ridge Unit and the area which is the subject of Oil Conservation Division Case 12441.

(2) All production injection and withdrawal information for each well in the Grama Ridge Morrow Gas Storage Unit.

(3) All well data on each well within the Grama Ridge Morrow Gas Storage Unit and the area surrounding the unit identified in LG&E's application to the Division in this case including complete well histories, work over histories and recompletion information.

(4) All geological and reservoir engineering mapping and interpretations of the Grama Ridge Morrow Storage Unit.

(5) All seismic data, geophysical mapping, and geophysical interpretations of the Grama Ridge Morrow Gas Storage Unit.

(6) All data presented to the Oil Conservation Division or the New Mexico State Land Office concerning the Grama Ridge Morrow Gas Storage Unit.

(7) All agreements related to the formation and operation of the Grama Ridge Morrow Gas Storage Unit including all unit agreements, operating agreements, Division of working interest agreements and all amendments and revisions thereto.

(8) All documents between LG&E Natural Pipeline, L.L.C. and its predecessors in interest concerning the boundaries of the Grama Ridge Morrow Gas Storage Unit.

(9) Copies of any and all geographical and geophysical data/studies and exhibits which LG&E Natural Pipeline, L.L.C. will use in support of its application in the hearing in this case. All data and other information which you have used, or will use in the preparation of these studies.

(10) Copies of any and all petroleum engineering data/studies and exhibits which LG&E Natural Pipeline, L.L.C. will use in support of its application in the hearing in this case. All data and other information which you have used, or will use in the preparation of these studies.

(11) Copies of all exhibits which LG&E will present in the Oil Conservation Division Examiner hearing in this case.

INSTRUCTIONS

This Subpoena Duces Tecum seeks all information available to you or in your possession, custody or control from any source, wherever situated, including but not limited to information from any files, records, computers documents, employees, former employees, consultants, counsel and former counsel. It is directed to each person to whom such information is a matter of personal knowledge.

When used herein, "you" or "your" refers to the person or entity to whom this Subpoena Duces Tecum is addressed to including all of his or its attorneys, officers, agents, consultants, employees, directors, representatives, officials, departments, divisions, subdivisions, subsidiaries, or predecessors in interest.

The term "document" as used herein means every writing and record of every type and description in the possession, custody or control of LG&E Natural Pipeline, L.L.C., whether prepared by you or otherwise, which is in your possession or control or known by you to exist, including but not limited to all drafts, papers, books, writings, records, letters, photographs, computer disks, tangible things, correspondence, communications, telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports and recordings of telephone or other conversations or of interviews, conferences, or meetings. It also includes diary entries, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, contracts, agreements, jottings, agenda, bulletins, notices, announcements, plans, specifications, sketches, instructions charts, manuals, brochures, publications, schedules, price lists, client lists, journals, statistical records, desk calendars, appointment books, lists, tabulations sound recordings, computer printouts, books of accounts, checks, accounting records, vouchers, and invoices reflecting business operations, financial statements, and any notice or drafts relating to the foregoing, without regard to

whether marked confidential or proprietary. It also includes duplicate copies if the original is unavailable or if the duplicate is different in any way, including marginal notations, from the original.

ATTACHMENT B

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PLEASE REPLY TO SANTA FE

June 27, 2000

BY FACSIMILE TRANSMISSION: 983-6043

Michael H. Feldewert, Esq.
Campbell, Carr, Berge and Sheridan
Post Office Box 2208
Santa Fe, New Mexico 87504-2208

Re: NMOCD Case No. 12441; Application of LG&E Natural Pipeline, LLC

Dear Mike:

I acknowledge receipt of the subpoena *duces tecum* in the above matter. Although much of the documentation identified in the subpoena is not relevant to the application, we plan on responding and producing materials at the time and place you have identified.

Separately, the hearing on this application should not be "complicated and lengthy" as your letter suggests and the parties have been afforded ample time to prepare. Consequently, there are no grounds for continuing the hearing in this matter.

As always, should you wish to discuss, please do not hesitate to call.

Very truly yours,

MILLER, STRATVERT & TORGERSON, P.A.



J. Scott Hall

cc: Tim Cashion
Terri Watson

JSH/ao

7401/24822/letters/Feldewert ltr.doc

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PLEASE REPLY TO SANTA FE

July 5, 2000

BY FACSIMILE TRANSMISSION: 983-6043

Mr. William F. Carr
Campbell, Carr, Berge & Sheridan
P.O. Box 2208
Santa Fe, New Mexico 87504-2208

Re: NMOCD Case No. 12241; Application of LG&E Natural Pipeline, LLC For Special
Project Rules, Grama Ridge Gas Storage Unit, Lea County, New Mexico

Dear Bill:

I regret that none of the representatives for Nearburg, Yates, BTA, or C.W. Trainer who were in attendance at the NMOCD on June 29th were able to meet with the LG&E representatives following the hearing that day. LG&E again invites your clients to attend a meeting at a mutually convenient date prior to the July 27, 2000 Examiner hearing to discuss the issues involved with the Grama Ridge Gas Storage Unit matter. It is LG&E's hope that the parties will be able to agree on a stipulated form of order to present to the Division. LG&E representatives are available to attend a meeting in Santa Fe on any one of the following dates: July 13th or 14th or any day of the week of July 17th.

Separately, your firm's June 26, 2000 letter invited further discussions on the scope of materials sought by Nearburg Exploration Company in the June 23, 2000 subpoena duces tecum. At your convenience, please contact me to discuss the same.

Very truly yours,



J. Scott Hall

JSH/ao

cc: Terri Watson
Tim Cashon

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ATTACHMENT B
Page 2

CAMPBELL, CARR, BERGE
& SHERIDAN, P.A.
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July 17, 2000

Via Facsimile

J. Scott Hall, Esq.
Miller, Stratvert & Torgerson, P.A.
Post Office Box 1986
Santa Fe, New Mexico 87504

Re: Application LG&E Natural Pipeline, L.L.C. for Special Pool Rules for the Grama Ridge Morrow Gas Storage Unit, Lea County, New Mexico; Oil Conservation Division Case No. 12441

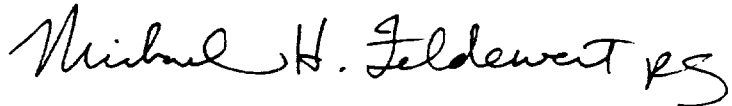
Dear Scott:

I received your Friday telephone message late in the afternoon and attempted to contact your office at 5:30. I had understood you were going to call my office on Thursday to discuss the outstanding subpoena to LG&E.

Since I will be in depositions on Monday and Tuesday (July 17th and 18th), I suggest you either draft a response to the subpoena or a letter setting forth the issues we need to address. We can then hopefully get together by telephone later in the week and discuss the issues you identify.

Our clients are anxious to get the documents requested as soon as possible so that a meeting can be scheduled with LG&E.

Sincerely,



Michael H. Feldewert

MHF/ras

cc (via fax): Bob Crawford, BTA Oil Producers, Inc.
Michael M. Gray, Concho Resources, Inc.
Randy Patterson, Dave Pearson, Yates Petroleum Corporation
Bob Shelton, Nearburg Exploration Company, LLC
John Savage, Roy Williamson, Williamson Petroleum Consultants, Inc.

ATTACHMENT B
Page 3

ATTACHMENT C

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

IN THE MATTER OF THE APPLICATION
OF LG&E NATURAL PIPELINE LLC FOR
SPECIAL PROJECT RULES FOR THE
GRAMA RIDGE GAS STORAGE UNIT
LEA COUNTY, NEW MEXICO

CASE NO. 12441

**LG&E NATURAL PIPELINE, LLC'S
RESPONSES AND OBJECTIONS
TO
SUBPOENA DUCES TECUM**

Applicant, LG&E Natural Pipeline, LLC, ("LG&E"), through counsel, hereby provides its responses and objections to the June 23, 2000 Subpoena *Duces Tecum* obtained by Nearburg Exploration Company, LLC.

GENERAL RESPONSE

LG&E objects to the instructions and definitions provisions of the subpoena as they are authorized by neither the rules of the Division nor the New Mexico Rules of Civil Procedure. LG&E further objects to the extent the subpoena seeks documents protected by the attorney-client privilege or the attorney-work product doctrine. LG&E also objects to the extent the subpoena seeks the production of confidential and/or proprietary documents or information. To the extent LG&E possesses documents identified in the subpoena, they will be produced unless otherwise objected to.

RESPONSES TO INDIVIDUAL ITEMS

1. The materials requested will be produced at a mutually agreeable time and location.

2. LG&E objects to this subpoena item for the reason that the discovery sought is unreasonably cumulative or duplicative and/or is obtainable from some other source that is more convenient, less burdensome or less expensive. Rule 1-026(B)(2)(a). Without waiving its objections, LG&E states that NMOCD C-131 forms from 1985 to the present will be produced.
3. The materials requested will be produced at a mutually agreeable time and location.
4. The materials requested will be produced at a mutually agreeable time and location.
5. After reasonable inquiry, it has been determined that there are no documents responsive to this subpoena item in LG&E's possession.
6. LG&E objects to this subpoena item for the reason that the discovery sought is unreasonably cumulative or duplicative and/or is obtainable from some other source that is more convenient, less burdensome or less expensive. Rule 1-026(B)(2)(a).
7. LG&E objects to this item for the reasons that it is overbroad and vague. Without waiving objections, LG&E states that documents responsive to this item were previously produced on July 11, 2000.
8. The materials requested will be produced at a mutually agreeable time and location.

9. LG&E has not yet determined which exhibits may be used at the hearing.

Without waiving objections, LG&E states that data and information used, in part, in preparation for hearing will be produced.

10. LG&E has not yet determined which exhibits may be used at the hearing.

Without waiving objections, LG&E states that data and information used, in part, in preparation for hearing will be produced.

11. LG&E has not yet determined which exhibits may be used at the hearing.

Certain exhibits have been previously provided. The remainder of exhibits will be provided at the time of the hearing.

MILLER, STRATVERT & TORGERSON, P.A.

By



J. Scott Hall
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(505) 989-9614

ATTORNEYS FOR LG&E NATURAL PIPELINE, LLC